

## **Justice or Politics?**

**Rebuttal of the  
official report by the Netherlands Ministry of Foreign Affairs  
concerning the Afghan secret services KhAD and WAD  
dated 29 February 2000**

**Proof of selective use of evidence, biased choice of sources,  
misrepresentation of facts and possible fraud,  
based on the same sources as used by the compilers of the report**

**Joost Brouwer**

**December 2016**

corrected March 2017

## ***Gerechtigheid of Politiek?***

***Weerlegging  
van het ambtsbericht van het Ministerie van Buitenlandse Zaken  
over de Afghaanse geheime diensten KhAD en WAD  
van 29 februari 2000***

***Bewijzen voor het verzwijgen van onwelgevallige informatie, bevooroordeelde  
keuze van bronnen, onjuiste weergave van feiten en mogelijke fraude,  
op basis van dezelfde bronnen  
als die de samenstellers van het ambtsbericht gebruikten.***

***Met een samenvatting in het Nederlands in één paragraaf en in 7 pagina's***



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Immigration service IND, ministers, Cabinet, Parliament and courts fundamentally misled by the writers/compilers of the official report on the functioning of the Afghan secret services KhAD and WAD during Communist times, dated 29 February 2000.

**ABSTRACT:** In this analysis we present proof of multiple counts of selective use of evidence, biased choice of sources, misrepresentation of facts and possible fraud, by the writers/compilers of the official report by the Netherlands Ministry of Foreign Affairs of 29 February 2000, on the Afghan secret services KhAD and WAD (from hereon called 'the OR', short for Official Report). Put in two sentences, the conclusions in the OR -including that *all* KhAD and WAD officers and NCOs were personally involved in crimes against humanity and therefore don't deserve asylum-, are based solely on statements by anonymous sources of dubious background. At the same time these conclusions are all contradicted by books en reports that were used for the introductory parts of the OR itself; by earlier documents of the Ministry of Foreign Affairs itself; and even by the intra-ministerial correspondence during the preparation of the OR. All this is not mentioned in the OR. One problem, but not the only problem, is that in many places in the OR, 'KhAD' (or WAD) should have read 'elements of the KhAD' (or of the WAD). We have to conclude that the conclusions of the OR are untenable and that a proper individual assessment without reference to the OR is required to determine if a particular ex-employee of the KhAD or WAD may be considered likely to have been responsible or co-responsible for crimes against humanity during his or her period of employment by the KhAD and WAD.

The complete analysis runs to xxiv + 71 pages + 21 annexes

A summary in English can be found on pp. iii-ix.

#### ***De essentie:***

*In deze analyse leveren we het bewijs voor het veelvuldig verzwijgen van onwelgevallige informatie, bevooroordeelde keuze van bronnen, onjuiste weergave van feiten en mogelijke fraude door de samenstellers van het ambtsbericht van het Ministerie van Buitenlandse Zaken van 29 februari 2000 over de Afghaanse geheime diensten KhAD en WAD (verder aangeduid als 'het AAB', een afkorting van Algemeen AmbtsBericht). In twee zinnen gezegd zijn de conclusies in het AAB -waaronder dat alle officieren en onderofficieren van de KhAD en WAD persoonlijk betrokken waren bij misdaden tegen de menselijkheid en daardoor geen recht hebben op asiel-, louter gebaseerd op verklaringen van anonieme bronnen van twijfelachtige aard. Tegelijkertijd worden deze conclusies allemaal tegengesproken door boeken en rapporten die gebruikt zijn voor de inleidende delen van het AAB; door eerdere documenten van het Ministerie van Buitenlandse Zaken zelf; en zelfs door de correspondentie binnen het Ministerie voorafgaand aan de publicatie van het AAB. In het AAB wordt dit alles niet vermeld. Eén probleem, maar niet het enige, is dat op veel plaatsen in het AAB 'elementen van de KhAD' (of van het WAD) gelezen moet worden, in plaats van 'KhAD'(of WAD) als totale organisatie. Geconcludeerd moet worden dat de conclusies in het AAB onhoudbaar zijn en dat een goede individuele beoordeling zonder verwijzing naar het AAB nodig is om te bepalen of het waarschijnlijk is dat een bepaalde ex-KhAD of ex-WAD medewerker (mede)verantwoordelijk is voor misdaden tegen de menselijkheid.*

***Een samenvatting in het Nederlands staat op p. xi-xviii.***

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**Biography**

**Dr. Joost Brouwer is a scientist with more than forty years experience on five continents. He is the first author or co-author of more than 85 refereed or invited papers and of 150 more popular publications. As a principal scientist and university lecturer he has taught bachelors', master's and PhD students about text analysis and scientific writing. Since 2006 he has been involved in the analysis of the legal files of refugees in The Netherlands unjustly accused of crimes against humanity.**

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## Summary

On 29 February 2000, the Netherlands Ministry of Foreign Affairs published an official report on the Afghan security services during the Communist period from 1978-1992, which were known under the acronyms AGSA, KAM and KhAD and WAD. From hereon this report is referred to as 'the OR', short for Official Report. The overall conclusion of the OR was that everyone who had been an officer or non-commissioned officer of the KhAD and/or the WAD had been personally involved in crimes against humanity. As a result, all such people were denied refugee status in The Netherlands, or had that status withdrawn following the publication of the OR, unless they could prove that they were an exception and unlikely to have committed such crimes. Many experts confirmed that a number of employees of the KhAD and WAD had committed crimes against humanity, but maintained that many KhAD and WAD officers and NCOs had not done so. The government, however, did not yield and continued to apply the conclusions of the OR to all ex-KhAD and ex-WAD officers and NCOs in the Netherlands, also those who had only worked for support directorates. **We therefore decided to analyse for ourselves**

- the published sources (books and reports) referred to in the OR;
- earlier official reports by the same Netherlands Ministry of Foreign Affairs, related to Afghanistan; and
- the correspondence between the compilers of the OR during their writing of the OR, to the extent that that was released under a freedom of information request.

Until proven otherwise, these sources may all be considered to be trusted and verifiable sources, as demanded by the Netherlands Council of State (Raad van State) when the correctness and completeness of an official report is evaluated. A very limited number of other sources was also consulted (see the Introduction in section 1). A summary of the results of our analysis is in the 21 numbered paragraphs below. The different findings are substantiated in the various sections of this analysis **as indicated with this shading** at the end of each paragraph.

1. The terms KhAD and WAD were used in the OR to signify the entire organisations, leading to the conclusion that all KhAD and WAD officers and NCOs were responsible for crimes against humanity. However, the information on which the OR was based, and other information available at the time of the compiling of the OR, point to only certain operational elements of the KHAD and WAD being involved in crimes against humanity. In the OR only six directorates of the KhAD were mentioned, all operational. An earlier official report by the same Netherlands Ministry of Foreign Affairs dated 4 March 1998, mentioned (in footnote 88 on p.33-34) 20-23 directorates for the KhAD and WAD as a whole, including support directorates. **That this information from an earlier official report about additional, non-operational directorates is not mentioned in the OR, constitutes selective and misleading presentation of facts.**

We note that the different uses of the terms KhAD and WAD, in the narrow sense or in a broader sense, were already alluded to at the top of p.34 of that same official report of 4 March 1998. **The compilers of the OR should have checked explicitly, and reported on, what their anonymous sources meant by 'KhAD' and 'WAD' in different statements: the entire organisations, including support directorates, or only certain operational parts of it.** The way we all say 'the CIA did such and such' when we only mean certain parts of the CIA.

**Many ex-KhAD and ex-WAD employees apparently had positions that did not involve the committing of crimes against humanity. An individual assessment of an ex-KhAD or ex-WAD employee is needed if a serious suspicion of personal (co-)responsibility for crimes against humanity is to be formulated with any justification. (sections 2 and 7.2)**

2. The nuanced original statements from the Netherlands Embassy in Islamabad about the KhAD and WAD, were toughened and changed into the sweeping statements in the OR, without any arguments for this toughening being given. The initial information from the Embassy in Islamabad dated 1 September 1999, on which the accusations in the OR are based, mentions *mistreatment* [of prisoners] by all KhAD/WAD officers, not torture; mentions *proof of loyalty by questioning*, not by torturing; and mentions *general job rotation to avoid the building up of powerbases*, not all-pervasive job rotation to involve every KhAD and WAD officer in crimes. **Related explicit information requests from the Ministry in The Hague to the Embassy in Islamabad of mid-December 1999 and 21 January 2000, for quantification**

of the rotation frequency of KhAD and WAD staff; for confirmation that WAD practices did not change following the announcement of the policy of national reconciliation; for information on the duration of the training of NCOs in KhAD and WAD; and for information on the duration of the alleged Parawachi training period and Azmajchi trial period for KhAD and WAD officers; **were apparently mostly not replied to at all. Only to the request for more information about job rotation a general reply was given, but without checking back with the original sources** of the statement about *generally* occurring job rotation *to avoid the building up of personal powerbases*. **In spite of this, the associated sweeping statements in the OR were maintained.** (sections 3.1 and 12)

3. **The contentious paragraphs of the OR of 29 February 2000 were apparently written solely on the basis on statements by sources whose names, positions and expertise have not been made public. As information released by the Ministry of Foreign Affairs shows (memos of 1 September 1999 and 7 February, 2 March and 14 April 2000), these were apparently all sources living in Pakistan, who had never been arrested by the KhAD/WAD and did not have first-hand knowledge of those organisations. The indications are that the sources most likely knew each other and were members of, or influenced by, the Taliban. It is not explained how the Embassy in Islamabad became aware of these sources, all interviewed on three days, 24-26 August 1999. The fact that there was always complete agreement about all aspects of the KhAD/WAD between the various anonymous sources, as declared by the Embassy in Islamabad (memo of 14 April 200, p.2), points to a story planted by one or more of those sources or by an external party. The compilers of the OR should have reacted to that.**

Furthermore, not only are the sources for the accusations against all KhAD/WAD officers and non-commissioned officers anonymous, **it has not been made clear which source asserted what. That means that, if it is shown that just one of the accusations is incorrect, all the accusations are unreliable until proven to have come from reliable sources.** (sections 3.2 and 12)

4. **During the compilation of the OR there was apparently no consultation with the experts who wrote the publications that were used for the introductory paragraphs of the OR or for earlier official reports by the Netherlands Ministry of Foreign Affairs on Afghanistan, including Amnesty International, Human Rights Watch and the United Nations. Apparently none of those experts wrote anything to support the sweeping allegations in the OR, or the compilers of the OR surely would have mentioned that.**

**In fact the opposite is the case. Multiple passages in three publications that were used only for the introductory sections (Nyrop & Seekins 1986 pp.258, 325-326, 328-329; Rubin 1995 pp.127-128, 131, 133 (2x), 137 (2x); Bradsher 1999 pp.137-138) contradict what is said in the accusatory sections. That these contradictory passages were not mentioned by the writers of the OR constitutes selective presentation of evidence.**

**What is more, a statement in Bradsher (1999, pp.137-138) that contradicts the sweeping accusations in the OR, was apparently anonymised, truncated and rephrased - by the compilers or their sources-, to become a statement in the OR that supported those accusations. See also the end of the first subparagraph of point 9 below.**

**In addition, there was apparently no consultation of experts like Prof. M. Hassan Kakar, a well-known Afghan academic who had been a prisoner of the KhAD for five years and had written about that in a book (Kakar 1995) that was well known at the time. Neither was there consultation of other organisations with expertise about the KhAD and WAD, like the UNHCR and CIA. Nor was there consultation of experts on the way of operating of the KGB, the Soviet secret service that is generally acknowledged to have ruled the KhAD and WAD. There was apparently also no consultation of the NIOD, the Netherlands Institute for War, Holocaust and Genocide Studies.** (section 3.3)

5. **The identicalness of the tasks of the KhAD and WAD from 1980-1992, implied in paragraph 2.2 of the OR, must be incorrect, given e.g. the organisational changes mentioned in the OR itself. At the same time, three quotes from the OR itself demonstrate that the writers/compilers of the OR were not well aware of the structure of KhAD and WAD, and acknowledged as much. Which raises the question: how can you make categorical statements about all officers and NCOs of the KhAD and WAD, when you don't know how these organisations were structured?** (sections 3.4 and 3.5)



6. There is a lack of quantitative information in the OR. No information is given on annual numbers of new KhAD/WAD NCOs and officers; on duration of assumed training and trial periods Parawachi and Azmajchi; on lengths of purported first assignments to interrogation units; on size of the alleged ten-fold salaries of KhAD/WAD staff; on size of interrogation/tracking units vs total size of the KhAD/WAD. **This lack of quantification makes many statements in paragraph 2.4 of the OR look unreliable. Or worse. (section 3.6)**
7. There are contradictory statements in the OR itself about employees of the KhAD or WAD and loyal communist party membership. **Two published sources used only for the introductory paragraphs of the OR, Bradsher (1999, p.138) and Rubin (1995, p.131), as well as an earlier official report by the Ministry of Foreign Affairs dated 16 September 1999 (footnote 9, p.13), contain statements contradicting the OR conclusion that all KhAD and WAD officers were loyal PDPA members (the communist People's Democratic Party of Afghanistan). Often employment by the security service may have led to (enforced) party membership, and not the other way around. The failure to include and discuss these published statements in the OR constitutes three counts of selective presentation of evidence.** A book by a former prisoner of the KhAD (Kakar 1995, p.154; or on-line ch.9, paragraph 4), and a statement by an internationally recognised Afghanistan expert (Giustozzi 2003), both confirm that 'PDPA membership' was not a prerequisite for employment by the KhAD or WAD, let alone 'very loyal membership'. **(section 4)**
8. **Information requested by the Ministry of Foreign Affairs on 21 January 2000, on the duration of the (alleged) Parawachi and Azmajchi periods for KhAD and WAD officers, was apparently not provided by the Netherlands Embassy in Islamabad. Evidence from an earlier official report by the Netherlands Ministry of Foreign Affairs dated 16 September 1999 (p.9 final paragraph to p.10 paragraph 3), gives the impression that, what was first written as a general statement about training and trial periods for all PDPA members (just as in UNHCR 2008, and valid only for the early years of the DVPA?), was adapted six months later in the OR as if it only concerned KhAD and WAD officers.**  
 In addition, unlike what is stated in the OR, in one of the sources used for the introductory paragraphs of the OR it is only stated that *many* KhAD cadres received intelligence training from the KGB and East Germans, not *most*, never mind *all* (Nyrop & Seekins 1986, p.328-329). In another source for the introductory paragraphs of the OR (Bradsher 1999, p.138), it is stated that there was little evidence of ideological commitment of new KhAD (and WAD) employees during the expansion of the KhAD and WAD workforce in the 1980's.  
**Failure to mention these three statements in the OR constitutes a further three counts of selective use of evidence by the writers/compilers of the OR.** Giustozzi (2003) also stated that not all KhAD/WAD personnel followed the usual training pattern. **(section 5)**
9. The assertion in the OR that KhAD and WAD officers earned ten times as much as ordinary officials, could supplement this income through bribery and blackmail, were exempted from serving in the army and had free access to alcohol and prostitutes, was unsubstantiated and not cross-checked by the writers of the OR. It was most likely based on Bradsher (1999, p.137-138), one of the published sources used for the introductory paragraphs of the OR. However, **Bradsher's statement was anonymised, truncated and misleadingly changed to fit the apparent requirements of the anonymous sources and/or writers of the OR. This constitutes misrepresentation of evidence, by accident (incompetence) or on purpose (fraud), by one or more sources and/or by one or more of the compilers of the OR.**  
 Statements in Kakar (1995, p.154; or on-line ch.9, paragraph 5) also lead one to conclude that, **while KhAD and WAD employees were better paid than other government employees, even in the Army, it was nowhere near the ten times as much mentioned in the OR. In addition, information in Kakar (1995, p.154; or on-line ch.9, paragraph 5) points to there having been KhAD (and WAD) officers who only worked in offices. (section 6)**
10. In the statement from the OR discussed in this paragraph, mention is made only of first postings of [KhAD and WAD] NCOs and officers to sections actively engaged in *tracking down* perceived enemies of the state. 'Tracking down' is not a crime, and furthermore it is not even stated that *all* NCOs and officers were involved in such tracking down. What is more, this seems to be another instance in the OR where the terms 'KhAD' and 'WAD' should have been

replaced by something like 'operational elements of the KhAD and WAD'. This inference is supported by information in a footnote of the OR itself and by information from UNHCR (2008). **This all points to only KhAD/WAD officers and NCOs working in the operational directorates being involved in tracking down perceived enemies of the state during their first assignments, and that even those staff members were not necessarily involved in torture and executions. (section 7.1)**

11. Concerning the structure of the KhAD and WAD, in the OR it is stated that the KhAD Directorate-General was subdivided into six [operational] directorates. Both an earlier official Netherlands report of 4 March 1998 (footnote 88 on pp.33-34) and UNHCR (2008) identified around 20 KhAD directorates, including support directorates. This again points to the term KhAD being used in the OR when only certain operational sections of the KhAD are meant.

Many 'non-secret service' duties of the KhAD and WAD are referred to in the OR itself, in two publications used for the introductory paragraphs of the OR (Nyrop & Seekins 1986, p.258 and 328-329; and Rubin 1995, p.137), in another well-known publication at the time written by a former five-year prisoner of the KhAD (Kakar 1995, p.153-154) and in a letter by Rubin from 2007. **That this very pertinent information on non-secret service duties of the KhAD, from the 1998 official report and from Nyrop & Seekins (1986) and Rubin (1995), is not discussed in the OR, constitutes three more counts of selective use of evidence in the OR. (section 7.2)**

12. No estimate is given in the OR of how many NCOs and officers entered the KhAD or WAD each year, had to pass through the training and trial periods, and as a first assignment be posted to an interrogation unit. **Based on Rubin (1995, p.133) and Nyrop & Seekins (1986, p.325-326), two of the sources for the introductory paragraphs of the OR, an estimated 2,923 new officers entered the KhAD in just one year (1981-1982). It is not explained in the OR how these could all so quickly be trained, trialled and assigned to an interrogation unit.** This lack of quantification and explanation casts doubt upon the statement that *all* KhAD and WAD officers and NCOs had to pass through training and trial periods and be assigned to an interrogation unit.

Similarly, no estimate is given of the total number of KhAD and WAD interrogators there would have been if the statements in the OR are correct. **Based on numbers from the same two sources for the OR, (Rubin 1995, p.133; and Nyrop & Seekins 1986, p.325-326), the KhAD/WAD at its peak would have had 5,625-11,250 torturing interrogators simultaneously. The compilers of the OR did not explain where all these supposed interrogators would have been working. (section 7.3)**

13. In the information underlying the OR there is only talk of *general* rotation within the KhAD and WAD, and only to avoid the building up of personal powerbases. On that basis many KhAD and WAD officers would not have qualified for rotation. There also are a number of indications that on this aspect, too, by 'KhAD' and 'WAD' only certain operational elements are meant, not the entire organisations. See e.g. the reference to 'agents', i.e. staff with secret service duties in the classical sense, not support staff.

Interrogating is a specialist job that also requires good knowledge of the file of the person being interrogated. It makes as little sense to rotate interrogation specialists *away from* interrogation duties as it does to rotate mechanics and logistical managers *to* interrogation duties. Calculations based on information in OR sources Rubin (1995, p.133) and Nyrop & Seekins (1986, pp.325-326), show that, **if the various statements in the OR are correct, in the year 1981-1982 2,923 new KhAD officers would have had to be trained in interrogation techniques by the 181-725 interrogation officers already there. And they would then mostly have moved on to other duties. It makes no sense from a management or a logistical point of view. Prof. Kakar, for five years a prisoner of the KhAD and WAD, also talked about *my* interrogator, even giving his name, and not about rotating interrogators.**

**And finally: how can such sweeping statement about job rotation for all KhAD and WAD officers be made in the OR, when the compiler(s) of the OR also admitted that he/she/they did not really know how the KhAD and WAD were structured. And when no rotation regulation or official rotation policy is referred to. What is more, the quantification of the rotation frequency of KhAD and WAD staff, expressly requested by**

the Ministry in The Hague, was only very vaguely provided by the Embassy in Islamabad, without supporting evidence and apparently without checking back with the sources of the original, much more qualified rotation statement. (sections 7.4 and 12)

14. Regarding rotation to non-interrogational duties within the KhAD or WAD, footnote 45 in the OR only mentions the directorate of foreign espionage as an example of a more administrative or more technical directorate. Not the purchasing directorate, finance directorate, etc. **The implication is that there were other sections of the KhAD and WAD whose tasks were not sensitive, where there were NCOs and officers who did not need to be highly loyal to the PDPA, and which NCOs and officers did not need to rotate if they did not threaten to build up a large personal powerbase.** Kakar (1995, p.154; or on-line ch. 9, paragraph 5) also implied that there were officers, and NCOs, who did nothing but work in offices. And Giustozzi (2003) stated that "generally speaking there is no reason to believe that most violations of human rights were carried out by others than specialized 'interrogators', as they exist in all intelligence services". (section 7.5)
15. **All that is said in the OR about training and trials and first assignments and rotation makes no managerial sense in other ways, either.** Going by the OR, the KhAD and WAD would have required every new KhAD and WAD NCO and officer to first go through the Parawachi training period and Azmajchi trial period, and then spend an unspecified time in an interrogation unit, before finally -after one year?- being assigned to the section where he or she was needed. And then, when that person finally got to be really productive after six months in his new position, he would again be transferred to a different section? **How could an organisation survive that way? What is more, as stated, interrogating is a specialist job requiring familiarity with the suspect's file. It makes as little sense to rotate interrogation specialists away from interrogation duties as it does to rotate mechanics and logistical managers to interrogation duties.** (section 7.6)
16. In the memorandum from the Embassy Islamabad underlying the OR, dated 1 September 1999, the **stated prerequisite of proving one's loyalty only concerned promotion to officer within the KhAD/WAD. Promotion from NCO to officer is a big step in any army. Unlike what is stated in the OR, the original statement did not concern promotion as an officer to a higher officer's rank.**  
What is more, in the Afghan army under the Communist regimes, like in other armies around the world including the Netherlands and US armies, appointment to some ranks depended on education, appointment to other ranks depended on seniority. This was part of Afghan Law at the time, as described by UNHCR (2008). **It seems very unlikely that all KhAD and WAD staff would have foregone automatic promotions just to be able to join the KhAD or WAD.** This possibility is not discussed in the OR. On the contrary, in the OR it is stated that the KhAD and WAD management were intent on offering recruits *better* than average working conditions, rather than worse. Former KhAD prisoner Prof. Kakar also stated that extraction of confessions *could lead* to promotions, not that it was essential for promotions (Kakar 1995, p.161). (section 8)
17. **The statement that in the OR that "NCOs could not function within the KhAD or the WAD if they were unwilling to take part in the systematic human rights violations by these organisations."** is almost completely based on what was first concluded about the KhAD and WAD officers. As the allegations against all KhAD and WAD officers have been shown to be untenable, the allegations against all KhAD and WAD NCOs must also be untenable. (section 9)
18. **All key statements in the OR on which was based the overarching conclusion of the OR that all KhAD and WAD NCOs and officers were involved in torture and executions, both before and after the announcement of the policy of national reconciliation, have been refuted in the preceding paragraphs. This overarching conclusion is therefore also refuted. The overarching conclusion is not even supported by what was stated in the information exchange between the Ministry in The Hague and the Embassy in Islamabad leading up to the publication of the OR (see section 12).** And the writers of the OR once again withheld very pertinent information, a statement in the official report of 16 September 1999 (footnote 17 on p.10) implying that WAD policy did soften considerably following the announcement of the policy of national reconciliation.

As mentioned before, part of the problem lies in the use of the terms 'KhAD' and 'WAD' without any qualification when only certain elements of the KhAD and WAD are meant. This has de facto been recognised by the immigration service IND, through the dropping of accusations of (co-)responsibility for crimes against humanity against 40-50 former KhAD and WAD employees. How many exceptions need to be recognised before it is accepted that the absolute rule is not a rule? (section 10)

19. The statements in the OR of 29 February 2000 were much more absolute than the Ministry of Foreign Affairs itself considered justifiable in three general official reports on Afghanistan (of 4 March and 3 November 1998 and 16 September 1999) and two official reports on individual Afghans (of 28 September and 12 November 1999), issued between 24 and 3 months before the OR. These official Netherlands reports stated that *many* [not 'all'] KhAD officials were involved in human rights violations; that it was impossible to determine what middle and lower KhAD/WAD cadres had done; that KhAD/WAD employees *generally* rotated [not 'always']; that *almost* all KhAD/WAD NCOs and officers were involved in *mistreatment* [rather than 'all were involved in torture']; that *only top officials* of the Ministry of State Security were all considered guilty of crimes against humanity [so not all the middle and lower cadres]; and that certain KhAD/WAD departments were much less involved in human rights violations. **However, even some of these much more moderate statements only make sense when the terms KhAD and WAD are taken to refer only to certain operational sections of the KhAD and WAD, not to the entire organisations.**

The last of the general reports just mentioned and the two individual reports were released after the information for the first draft of the OR had arrived in The Hague on 6 September 1999. **No explanation or justification of this toughening of the statements relative to earlier official reports, is given in the OR of 29 February 2000.** One possible explanation for this toughening is that, upon realising that it would be next to impossible to make accusations of crimes against humanity stick against individual ex-KhAD/WAD employees (see the first part of this paragraph), it was decided to level accusations against ex-KhAD/WAD employees as a group, even though the evidence for such a group accusation was lacking and innocent people might be victimised. (section 11)

20. In section 12 an analysis is presented of eight relevant memoranda and messages that passed between the Ministry of Foreign Affairs in The Hague and the Netherlands Embassy in Islamabad, in the six months prior to publication of the OR and the two months immediately following. **At the start of the 16-page section 12 there is a two-and-a-half page summary. The analysis of this intra-ministerial correspondence reveals the likely prejudiced background of the anonymous sources** (paragraphs 2-7 of the section 12 summary).

Just as importantly, **the analysis reveals that staff at the Netherlands Embassy in Islamabad claimed that "In spite of the fact that the information collected by us was very detailed, our findings and conclusions de facto do not differ from what was noted earlier about the practices of the Afghan state security services by the Special Rapporteur for the Human Rights Committee of the United Nations, the US State Department, Amnesty International, Helsinki Watch, Human Rights Watch, as well as leading academics (among others Barnett J.[sic] Rubin and Henry Bradsher)".** Given the demonstrated absence of support from these sources for the key conclusions of the OR, and the contradiction of those conclusions by Barnett Rubin (Rubin 1995) and Henry Bradsher (Bradsher 1999) among others, one can only wonder what caused this evidently false statement to be written, and what effect it had on the acceptance of the conclusions of the OR by e.g. Cabinet and the courts.

This misleading of the readers and users of the OR as to its reliability amounts to very serious incompetence (if by accident) or fraud (if on purpose).

21. There is no doubt that the KhAD and WAD were greatly influenced by the Soviet secret service KGB. They were even modeled on the KGB. This is also mentioned in the OR itself. **It is therefore remarkable that the compilers of the OR did not check what they were told by their anonymous sources about the ways of operating of the KhAD and WAD, against what they could find out about the ways of operating of the KGB itself.**

A number of sources make clear that the KGB, like the CIA and all other secret services, had operational units as well as non-operational units that were *not* involved in interrogation and torture. The compilers of the OR fail to explain why the KhAD and



**WAD would be different from other secret services in this respect.**

Secret services are also known for their use of the 'need to know' principle: what you don't know you cannot pass on to people who mustn't know, therefore you are only told what you need to know to do your job properly. **The statements in the OR about *all* KhAD and WAD NCO's and officers regularly rotating jobs, and *always* starting in a post that requires the interrogation and torture of prisoners, are completely at odds with the 'need to know' principle that guides the operational methods of other secret services. The compilers of the OR fail to explain why the KhAD and WAD management would *not* have followed this 'need to know' principle. (section 13)**

**From the preceding, it can only be concluded that the conclusions of the OR against *all* NCOs and officers of the KhAD and WAD are untenable. The immigration service IND, ministers, Cabinet, Parliament and the courts have been fundamentally misled by the writers/compilers of the OR and/or other people. Individual assessments without reference to the OR of 29 February 2000 are needed to determine if an individual ex-employee of the KhAD and WAD may be considered likely to have been responsible or co-responsible for crimes against humanity during his or her employment by the KhAD and WAD.**

**This means that all past asylum-related government and court decisions against former ex-KhAD and ex-WAD officers and NCOs in the Netherlands, that are to a significant extent or wholly based on the OR of 29 February 2000, must be re-examined. Until that is done, all such ex-KhAD and WAD officers must be assumed to be innocent of crimes against humanity, and their residence status in The Netherlands must be retrospectively adjusted accordingly.**



## Samenvatting [Summary in Dutch]

Op 29 februari 2000 publiceerde het Nederlandse Ministerie van Buitenlandse Zaken een thematisch ambtsbericht over de Afghaanse geheime diensten tijdens de Communistische periode van 1978-1992, bekend onder de afkortingen AGSA, KAM en KhAD en WAD. Dit rapport wordt verder aangeduid als 'het AAB', een afkorting van Algemeen AmbtsBericht. De algemene conclusie van het AAB was dat iedereen die officier of onderofficier was geweest bij de KhAD en/of WAD persoonlijk betrokken was geweest bij misdaden tegen de menselijkheid. Ten gevolge hiervan werd al deze mensen vluchtelingstatus in Nederland ontzegd, of werd die status ingetrokken na publicatie van het AAB, tenzij zij konden bewijzen dat ze een uitzondering waren en dat het onwaarschijnlijk was dat zij zulke misdaden gepleegd hadden. Veel experts bevestigden dat een aantal medewerkers van de KhAD en WAD misdaden tegen de menselijkheid hadden begaan, maar hielden vol dat veel KhAD en WAD officieren en onderofficieren zich niet daaraan schuldig gemaakt hadden. De regering gaf evenwel niet toe en bleef de conclusies van het AAB toepassen op alle ex-KhAD en ex-WAD (onder)officieren in Nederland, ook op hen die alleen bij ondersteunende directoraten gewerkt hadden. **Daarom besloten we om zelf de volgende documenten te analyseren:**

- de publicaties (boeken en rapporten) die in het AAB genoemd worden;
- eerdere ambtsberichten van hetzelfde Nederlandse Ministerie van Buitenlandse Zaken over Afghanistan; en
- de correspondentie tussen de samenstellers van het AAB tijdens hun schrijven van dat AAB, voor zover vrij gegeven na een Wob-verzoek.

Tot het tegendeel is bewezen mag ervan uitgegaan worden dat dit allemaal betrouwbare en verifieerbare bronnen zijn, zoals de Raad van State eist wanneer de juistheid en volledigheid van een ambtsbericht beoordeeld wordt. Een heel klein aantal andere bronnen is ook geraadpleegd (zie de Introduction in hoofdstuk 1). Een samenvatting van de resultaten van onze analyse treft u hieronder aan. **De bevindingen in de 21 genummerde paragrafen worden onderbouwd in de hoofdstukken van deze analyse die aan het eind van elke paragraaf met deze achtergrondskleur worden aangegeven.**

1. In het algemeen ambtsbericht van 29 februari 2000, over de Afghaanse geheime diensten KhAD en WAD tijdens de communistische regimes -in het vervolg 'het AAB', werden de uitdrukkingen KhAD en WAD gebruikt om die organisaties in hun geheel aan te duiden. Dit leidde tot de conclusie dat alle officieren en onderofficieren van de KhAD verantwoordelijk waren voor misdaden tegen de menselijkheid. Echter, de informatie die aan het AAB ten grondslag ligt, en andere informatie die beschikbaar was toen het AAB werd samengesteld, wijzen erop dat alleen bepaalde operationele onderdelen van de KhAD en WAD betrokken waren bij misdaden tegen de menselijkheid. In het AAB worden maar zes directoraten van de KhAD genoemd, alle zes operationele directoraten. In een eerder ambtsbericht van hetzelfde Ministerie van Buitenlandse Zaken, van 4 maart 1998, worden in voetnoot 88 (op p.33-34) 20-23 directoraten voor de hele KhAD en WAD genoemd, inclusief ondersteunende directoraten. **Dat deze informatie uit een eerder ambtsbericht over het bestaan van andere, niet-operationele afdelingen niet wordt genoemd in het AAB mag gezien worden als het selectief en misleidend presenteren van feiten.**

Wij merken hierbij op dat bovenaan p.34 van datzelfde ambtsbericht van 4 maart 1998 al gezinspeeld werd op de verschillende mogelijkheden voor het gebruik van de uitdrukkingen KhAD en WAD, in enge zin of in bredere zin. **De samenstellers van het AAB hadden expliciet moeten nagaan, en rapporteren, wat hun bronnen bedoelden met 'KhAD' en 'WAD' in verschillende beweringen: de totale organisaties, inclusief ondersteunende directoraten, of alleen bepaalde operationele onderdelen daarvan.** (Zoals we allemaal zeggen 'de CIA heeft dat en dat gedaan' terwijl we alleen maar bepaalde onderdelen van de CIA bedoelen).

**Veel ex-KhAD en ex-WAD werknemers hadden kennelijk functies waarin geen sprake was van betrokkenheid bij misdaden tegen de menselijkheid. Een individuele beoordeling van een ex-KhAD of ex-WAD werknemer is nodig om te bepalen of deze met enig recht beschuldigd kan worden van persoonlijke (mede)verantwoordelijkheid voor misdaden tegen de menselijkheid. (hoofdstukken 2 en 7.2)**

2. **De genuanceerde oorspronkelijke uitspraken over de KhAD en WAD van de Nederlandse Ambassade in Islamabad werden harder gemaakt en veranderd in de alomvattende beweringen in het AAB zonder dat daar enige reden voor gegeven werd.** In de oorspronkelijke informatie van de Ambassade in Islamabad met datum 1 september 1999, waarop de beschuldigingen in het AAB gebaseerd zijn, is sprake van *mishandeling* [van gevangenen] door alle KhAD/WAD officieren, niet marteling; *blijk geven van loyaliteit door ondervragen/mishandelen*, niet door martelen; en *in het algemeen dienen te rouleren om het opbouwen van een grote [persoonlijke] machtsbasis te voorkomen*, niet al-om aanwezig rouleren van functie om iedere KhAD en WAD officier te betrekken bij misdaden. **Hieraan gerelateerde expliciete informatieverzoeken van het Ministerie in Den Haag aan de Ambassade in Islamabad van half-december 1999 and 21 januari 2000, om kwantificering van de rouleringsfrequentie van KhAD en WAD werknemers; om bevestiging dat het beleid van de WAD niet veranderde nadat de nationale politiek van verzoening was aangekondigd; om informatie over de duur van de opleiding van de onderofficieren in de KhAD en WAD; en om informatie over de duur van de vermeende Parawachi trainingsperiode en Azmajchi proef periode voor de KhAD en WAD officieren; werden klaarblijkelijk helemaal niet beantwoord. Alleen op de vraag om nadere informatie over functieroulering werd een algemeen antwoord gegeven, maar zonder dit eerst te verifiëren bij de oorspronkelijke bronnen voor de uitspraak over functieroulering om het opbouwen van een grote [persoonlijke] machtsbasis te voorkomen. Desondanks werden de alomvattende beweringen in het AAB gehandhaafd. (hoofdstukken 3.1 en 12)**
3. **De omstreden delen van het AAB van 29 februari 2000 werden kennelijk geformuleerd puur op basis van verklaringen van bronnen waarvan de namen, posities en expertise niet openbaar gemaakt zijn. Naar valt op te maken uit informatie die vrij gegeven is door het Ministerie van Buitenlandse Zaken (memoranda van 1 september 1999 en 7 februari, 2 maart and 14 april 2000) woonden deze bronnen allen in Pakistan, waren zij nooit gearresteerd door de KhAD/WAD, en kenden zij die organisaties niet uit eigen ervaring. Het lijkt erop dat de bronnen elkaar zeer waarschijnlijk kenden en lid waren van, of beïnvloed werden door, de Taliban. Er is niet uitgelegd hoe de Ambassade in Islamabad hoorde over deze bronnen, die allen binnen drie dagen van elkaar bevraagd werden (24-26 augustus 1999). Het feit dat de bronnen het altijd helemaal met elkaar eens waren - zoals de Ambassade in Islamabad verklaarde in het memorandum van 14 april 2000, p.2- wijst erop dat hun verklaringen hun waren ingefluisterd door één of meer van die bronnen of door een externe belanghebbende. De samenstellers van het AAB hadden daarop moeten reageren.**  
Niet alleen zijn de bronnen voor de beschuldigingen tegen alle KhAD/WAD officieren en onderofficieren anoniem, **het is ook niet duidelijk gemaakt welke bron wat verklaard heeft. Dit betekent dat, als maar van één van de beschuldigingen aangetoond wordt dat deze onjuist is, alle beschuldigingen onbetrouwbaar zijn totdat is aangetoond dat ze wel van een betrouwbare bron komen. (hoofdstuk 3.2 en 12)**
4. **Tijdens het samenstellen van het AAB heeft er kennelijk geen raadpleging plaats gevonden van de experts die de publicaties schreven die gebruikt zijn voor de inleidende delen van het AAB of voor eerdere ambtsberichten over Afghanistan van het Nederlandse Ministerie van Buitenlandse Zaken, waaronder Amnesty International, Human Rights Watch en de Verenigde Naties. Kennelijk heeft geen van die experts iets geschreven dat de alomvattende beschuldigingen in het AAB ondersteund, anders hadden de samenstellers van het AAB daar wel op gewezen.**  
Juist het tegendeel is het geval. Een veelvoud aan passages in drie publicaties die alleen voor de inleidende delen van het AAB gebruikt (Nyrop & Seekins 1986 pp.258, 325-326, 328-329; Rubin 1995 pp.127-128, 131, 133 (2x), 137 (2x); Bradsher 1999 pp.137-138) **weersprekt** wat in de beschuldigende delen van het AAB gezegd wordt. Dat deze weersprekende passages niet zijn genoemd door de samenstellers van het AAB komt neer op selectief gebruik van bewijs.  
Daar komt bij dat één passage in Bradsher (1999, p.137-138) die de alomvattende beschuldigingen in het AAB **weersprekt**, kennelijk geanonimiseerd is, afgekort en anders geformuleerd -door de samenstellers of hun bronnen-, op zo'n manier dat het een bewering in het AAB is geworden die die alomvattende beschuldigingen **steunt**. Zie



ook de eerste helft van punt 9 hieronder.

**Bovendien is er bij het samenstellen van het AAB kennelijk geen contact geweest met experts as Prof. M. Hassan Kakar, een bekende Afghaanse wetenschapper die vijf jaar gevangene van de KhAD geweest is en daarover geschreven heeft in een boek (Kakar 1995) dat ook toen al bekend was. Ook werden andere organisaties met kennis van de KhAD en WAD zoals de UNHCR en de CIA niet geraadpleegd. Was er geen overleg met mensen met kennis van de manier van werken van de KGB, de geheime dienst van de Sovjet Unie die, naar algemeen aanvaard is, de KhAD en WAD aanstuurde. En was er kennelijk ook geen overleg met het NIOD, het Instituut voor Oorlogs- Holocaust- en Genocidestudies. (hoofdstuk 3.3)**

5. Dat de taken van de KhAD en WAD van 1980-1992 identiek zouden zijn, zoals gesuggereerd wordt in paragraaf 2.2 van het AAB, kan niet juist zijn, gezien o.a. de organisationele veranderingen gedurende die periode die in het AAB zelf genoemd worden. **Tegelijkertijd tonen drie passages in het OR aan dat de schrijvers/samenstellers van het AAB niet goed op de hoogte waren van de structuur van KhAD en WAD en dat ook erkenden.** Hetgeen de vraag opwerpt: **hoe kan je absolute uitspraken doen over alle officieren en onderofficieren van de KhAD en WAD als je niet weet hoe deze organisaties in elkaar staken?** (hoofdstukken 3.4 en 3.5)
6. Er is een gebrek aan kwantitatieve informatie in het AAB. Er worden geen getallen genoemd met betrekking tot de jaarlijkse aantallen nieuwe KhAD/WAD officieren en onderofficieren; de duur van de trainings- en proefperiodes Parawachi en Azmajchi; de duur van de veronderstelde eerste aanstellingen bij ondervragingseenheden; de hoogte van de veronderstelde tienvoudige salarissen van KhAD/WAD werknemers; de grootte van de ondervragingseenheden in vergelijking met de totale grootte van KhAD en WAD. **Dit gebrek aan kwantificering doet op zijn minst twifelen aan de betrouwbaarheid van veel verklaringen in paragraaf 2.4 van het OR.** (hoofdstuk 3.6)
7. Er staan tegenstrijdige verklaringen in het AAB zelf over medewerkers van de KhAD en het WAD en loyaal lidmaatschap van de communistische partij. **In twee publicaties die alleen voor de inleidende delen van het AAB gebruikt zijn, Bradsher (1999, p.138) en Rubin (1995, p.131), en ook in een eerder ambtsbericht van het Ministerie van Buitenlandse Zaken van 16 september 1999 (voetnoot 9, p.13), staan verklaringen die de conclusie in het AAB, dat alle KhAD en WAD officieren loyale DVPA-leden waren (de communistische Democratische Volkspartij voor Afghanistan), weerspreken. Vaak kan in dienst treden bij de veiligheidsdienst geleid hebben tot (gedwongen) lidmaatschap van de partij, in plaats van andersom. Het niet opnemen en bespreken in het AAB van deze openbare uitspraken kan gezien worden als drie gevallen van achterhouden van onwelgevallig bewijs.** Een boek van een voormalige gevangene van de KhAD (Kakar 1995, p.154; of on-line hoofdstuk 9, paragraaf 4) en een verklaring van een internationaal erkende Afghanistan-expert (Giustozzi 2003), bevestigen allebei dat 'DVPA-lidmaatschap' geen voorwaarde was voor een baan bij de KhAD of WAD, laat staan 'zeer loyaal lidmaatschap'. (hoofdstuk 4)
8. **Op 21 januari 2000 vroeg het Ministerie van Buitenlandse Zaken expliciet om informatie over de duur van de (beweerde) Parawachi en Azmajchi periodes voor KhAD en WAD officieren. Deze informatie is kennelijk niet verschaft door de Nederlandse Ambassade in Islamabad. Informatie uit een eerder ambtsbericht van het Nederlandse Ministerie van Buitenlandse Zaken van 16 september 1999 (p.9 laatste paragraaf t/m p.10 paragraaf 3), geeft de indruk dat wat eerst opgeschreven was als een algemene verklaring over trainings- en proefperiodes voor alle DVPA-leden (net als in UNHCR 2008, en geldend voor de vroege jaren van de DVPA?), zes maanden later in het AAB is aangepast alsof het alleen KhAD en WAD officieren gold.**

**Bovendien, en in tegenstelling tot wat beweerd wordt in het AAB, staat in één van de bronnen voor het inleidende deel van het AAB (Nyrop & Seekins 1986, p.328-329) alleen maar dat veel KhAD kaders inlichtingentraining kregen van de KGB en Oost Duitsers, niet 'de meeste', laat staan 'alle'. In een andere bron voor het inleidende deel van het AAB (Bradsher 1999, p.138) staat dat er weinig bewijs is voor ideologische toewijding van nieuwe KhAD (en WAD) medewerkers tijdens de uitbreiding van de KhAD en WAD personeel in de tachtiger jaren.**

**Het niet vermelden van deze drie uitspraken kan gezien worden als nog eens drie gevallen van achterhouden van onwelgevallig bewijs.** Giustozzi (2003) verklaarde ook dat niet alle khAD/WAD personeel de gebruikelijke trainingen volgden. (hoofdstuk 5)

9. De bewering in het AAB dat KhAD en WAD officieren tien keer zoveel verdienden als gewone ambtenaren, dit inkomen konden aanvullen via omkoperij en chantage, niet in het leger hoefden te dienen, en vrijelijk toegang hadden tot alcohol en prostituées, was onbevestigd en niet geverifieerd door de schrijvers van het AAB. Deze bewering was zeer waarschijnlijk gebaseerd op Bradsher (1999, p.137-138), één van de publicaties die gebruikt werden voor de inleidende delen van het AAB. **Bradsher's verklaring werd echter geanonimiseerd, afgekapt en op een misleidende manier veranderd om hem in overeenstemming te brengen met het kennelijke doel van de anonieme bronnen en/of van de schrijvers van het AAB. Dit komt neer op het verdraaien van feiten, per ongeluk (incompetentie) of expres (fraude), door één of meer bronnen en/of door één of meer samenstellers van het AAB.**

Verklaringen in Kakar (1995, p.154; of on-line hfdstk 9, paragraaf 5) leiden ook tot de conclusie dat, **hoewel KhAD en WAD medewerkers beter betaald werden dan andere overheidsambtenaren, zelfs in het leger, dit op geen stukken na de tien keer zo veel was die genoemd wordt in het AAB. Informatie in Kakar (1995, p.154; of on-line hfdstk 9, paragraaf 5) wijst er bovendien op dat er KhAD en WAD officieren waren die alleen kantoorwerk deden.** (hoofdstuk 6)

10. In de passage in het AAB die in deze paragraaf besproken wordt wordt alleen gesproken over eerste aanstellingen van [KhAD en WAD] officieren en onderofficieren bij onderdelen die zich actief bezig hielden met het *opsporen* van vermeende vijanden van de staat. 'Opsporen' is geen misdaad en bovendien wordt niet eens gesteld dat *alle* officieren en onderofficieren betrokken waren bij zulk opsporen. Bovendien lijkt dit weer een voorbeeld te zijn waar de uitdrukkingen 'KhAD' en 'WAD' vervangen hadden moeten zijn door iets als 'operationele elementen van de KhAD en WAD'. Deze gevolgtrekking wordt ondersteund door een voetnoot in het AAB zelf en door informatie in UNHCR (2008). **Dit alles wijst erop dat alleen KhAD/WAD officieren en onderofficieren in operationele onderdelen tijdens hun eerste aanstelling betrokken waren bij het opsporen van vermeende vijanden van de staat, en dat zelfs die werknemers niet per se betrokken waren bij martelen en executeren.** (hoofdstuk 7.1)

11. Met betrekking tot de structuur van de KhAD en WAD wordt er in het AAB gezegd dat het KhAD directoraat-generaal onderverdeeld was in zes [operationele] directoraten. In zowel een eerder Nederlands ambtsbericht van 4 maart 1998 (voetnoot 88 op pp.33-34) als in UNHCR (2008) wordt gesproken over rond de 20 KhAD directoraten, inclusief ondersteunende directoraten. Ook dit wijst erop dat in het AAB de uitdrukking KhAD gebruikt wordt waar alleen bepaalde operationele onderdelen van de KhAD bedoeld worden.

Vele 'niet-geheimdienst' taken van de KhAD en WAD worden genoemd in het AAB zelf, in twee publicaties die gebruikt zijn voor de inleidende delen van het AAB (Nyrop & Seekins 1986, p.258 en 328-329; and Rubin 1995, p.137), in een andere destijds bekende publicatie van een voormalige gevangene van de KhAD (Kakar 1995, p.153-154) en in een brief van Rubin van 2007. **Dat deze zeer relevante informatie over niet-geheimdienst taken van de KhAD, uit het ambtsbericht van 1998 en uit Nyrop & Seekins (1986) en Rubin (1995), niet besproken wordt in het AAB betekent weer drie voorbeelden van het weglaten in het AAB van informatie die niet strookte met de uiteindelijke conclusies van dat AAB.** (hoofdstuk 7.2)

12. In het AAB wordt geen schatting gegeven van hoeveel onderofficieren en officieren elk jaar bij de KhAD of WAD binnenkwamen, daar hun trainings- en proefperiodes moesten volbrengen, en als eerste aanstelling bij een ondervragingsonderdeel geplaatst werden. **Op basis van Rubin (1995, p.133) en Nyrop & Seekins (1986, p.325-326), twee publicaties die gebruikt zijn voor de inleidende delen van het AAB, berekenen wij dat in slechts één jaar (1981-1982) 2.923 nieuwe officieren bij de KhAD kwamen. In het AAB wordt niet uitgelegd hoe deze nieuwe officieren allemaal zo snel getraind, getest en bij een ondervragings-eenheid geplaatst konden worden. Ook door dit gebrek aan kwantificering en uitleg moet er**

getwijfeld worden aan de verklaring dat alle KhAD en WAD officieren en onderofficieren eerst getraind, getest en bij een ondervragingseenheid geplaatst werden

Evenzo wordt in het AAB geen schatting gegeven van het aantal KhAD en WAD ondervragers dat er zou zijn als de verklaringen in het AAB zouden kloppen. **Op basis van cijfers uit dezelfde twee voor het AAB gebruikte bronnen** (Rubin 1995, p.133; en Nyrop & Seekins 1986, p.325-326) **zou de KhAD/WAD op zijn hoogtepunt 5.625-11.250 martelende ondervragers gehad hebben. De samenstellers van het AAB hebben niet uitgelegd waar al deze veronderstelde ondervragers gewerkt zouden hebben.** (hoofdstuk 7.3)

13. In de informatie die aan het AAB ten grondslag ligt wordt alleen gesproken over **gewoonlijk** rouleren binnen de KhAD en WAD, en alleen om de opbouw van een [persoonlijke] machtsbasis te voorkomen. Bovendien zijn er een aantal aanwijzingen dat ook bij dit onderwerp met KhAD en WAD alleen bepaalde operationele onderdelen bedoeld worden, niet de organisaties in hun geheel. Zie bijvoorbeeld de verwijzing naar 'agenten', d.w.z. de KhAD/WAD werknemers met 'echte' geheime dienst taken, niet die met ondersteunende taken.

Ondervragen is specialistenwerk, waarvoor ook dossierkennis nodig is. Het is net zo onlogisch om ondervragings-specialisten van ondervragingstaken weg te rouleren als het is om mecaniciens en logistieke managers naar ondervragingstaken toe te rouleren. Berekeningen op basis van AAB-bronnen Rubin (1995) en Nyrop & Seekins (1986) laten zien dat, als de diverse verklaringen het AAB juist zijn, in het jaar 1981-1982 2.923 nieuwe KhAD officieren in ondervragingstechnieken onderwezen hadden moeten worden door de 181-725 ondervragingsofficieren die er al waren, om vervolgens merendeels naar andere taken door te rouleren. Prof. Kakar die vijf jaar lang gevangene van de KhAD was sprak ook van *mijn* ondervrager en vermeldde zelfs diens naam. *Hij sprak niet over roulerende ondervragers.*

Hoe kan bovendien in het AAB zo'n alomvattende verklaring over functieroulering binnen de KhAD en WAD gedaan worden als de samenstellers van het AAB tegelijkertijd toegeven dat ze de structuur van de KhAD en WAD niet goed kennen? Daarbij komt dat het expliciete verzoek van het Ministerie in Den Haag, over kwantificatie van de rouleringsfrequentie van de KhAD en WAD medewerkers, slechts vaag beantwoord werd door de Ambassade in Islamabad en kennelijk zonder dit te verifiëren bij de bronnen van de oorspronkelijke, veel genuanceerdere verklaring over het rouleren. (hoofdstukken 7.4 en 12)

14. Met betrekking tot rouleren naar niet-ondervragende taken binnen de KhAD en WAD wordt in voetnoot 45 van het AAB alleen het directoraat voor buitenlandse spionage genoemd als voorbeeld van een meer administratief of technisch directoraat. Niet het inkoopdirectoraat, het directoraat voor de financiële administratie, enz.. **Dit impliceert dat er buiten de operationele directoraten andere onderdelen van de KhAD en WAD waren wier taken niet gevoelig waren, waar er onderofficieren en officieren waren die niet zeer loyaal aan de DVPA hoefden te zijn, en waar onderofficieren en officieren niet hoefden te rouleren als zij geen grote persoonlijke machtsbasis dreigden op te bouwen.** Kakar (1995, p.154; of on-line hfdstk 9, paragraaf 5) zei indirect ook dat er officieren, en onderofficieren, waren die alleen maar kantoorwerk deden. En Giustozzi (2003) verklaarde dat er in het algemeen geen reden was "om aan te nemen dat de meeste schendingen van de mensenrechten werden begaan door anderen dan gespecialiseerde 'ondervragers', zoals die in alle geheime diensten te vinden zijn". (hoofdstuk 7.5)
15. **Alles dat in het AAB gezegd wordt over training- en proefperiodes en eerste aanstellingen en functierouleren is ook op een andere manier zeer onlogisch vanuit een managementstandpunt.** Als wat in het AAB staat als uitgangspunt genomen wordt dan zouden de KhAD en WAD van elke nieuwe officier en onderofficier verlangd hebben dat deze eerst de Parawachi trainingsperiode en Azmajchi proefperiode doorstond, vervolgens een onbekende tijd zou doorbrengen bij een ondervragingseenheid, voordat hij of zij eindelijk -na een jaar?- geplaatst zou worden bij de afdeling waar hij of zij nodig was. En dan, als die persoon eindelijk echt productief begon te worden na zes maanden in de nieuwe functie, zou hij of zij weer worden overgeplaatst naar een andere afdeling? **Hoe zou een organisatie een dergelijk beleid kunnen overleven? Bovendien, zoals al eerder gezegd, is ondervragen**

specialistenwerk dat dossierkennis vereist. Zo'n gespecialiseerde ondervrager rouleer je ook niet zomaar weg. (hoofdstuk 7.6)

16. In het memorandum van de Ambassade in Islamabad dat aan het AAB ten grondslag ligt, van 1 september 1999, wordt alleen gesproken over het moeten bewijzen van loyaliteit jegens de partij bij promotie tot officer in de KhAD/WAD. Promotie van onderofficier tot officier is in elk leger een grote stap. In tegenstelling tot wat in het AAB staat werd er dus oorspronkelijk niet gezegd dat het ging om promotie als officier naar een hogere officiersrang.

Bovendien was het in het Afghaanse leger onder het Communistische regime niet anders dan in andere legers in de hele wereld, inclusief in het Nederlandse en het Amerikaanse leger: aanstelling in bepaalde rangen hing af van opleiding, aanstelling in andere rangen hing af van het aantal dienstjaren in de voorafgaande rang. Dit stond ook in de Afghaanse wetgeving van die tijd, zoals aangegeven door UNHCR (2008). Het is hoogst onwaarschijnlijk dat alle KhAD en WAD medewerkers het recht op automatische promotie zouden opgeven alleen maar om bij de KhAD of WAD te mogen. Deze mogelijkheid wordt in het AAB niet besproken. In tegendeel, in het AAB wordt gesteld dat de leiding van de KhAD en WAD gericht was op beter dan gemiddelde arbeidsvoorwaarden voor hun medewerkers, niet slechtere arbeidsvoorwaarden. Voormalig KhAD-gevangene Prof. Kakar verklaarde ook dat het ontlokken van bekentenissen *kon leiden tot* promotie, niet dat dit *essentieel* was voor promotie (Kakar 1995, p.161). (hoofdstuk 8)

17. De verklaring in het AAB dat het net als voor officieren ook voor *onder-officieren* onmogelijk was "*binnen de KhAD of de WAD te functioneren indien zij niet wensten deel te nemen aan de systematische schendingen van de mensenrechten die daar plaatsvonden*", is bijna geheel gebaseerd op wat eerder geconcludeerd werd voor de KhAD en WAD *officieren*. Nu is aangetoond dat de beschuldigingen tegen alle KhAD en WAD officieren onhoudbaar zijn, zijn de beschuldigingen tegen alle KhAD en WAD onderofficieren ook onhoudbaar. (hoofdstuk 9)

18. In de voorafgaande paragrafen zijn alle belangrijke verklaringen in het AAB weerlegd waarop de algemene conclusie was gebaseerd dat alle KhAD en WAD officieren en onderofficieren betrokken waren bij martelingen en executies. Deze algemene conclusie is daarmee ook weerlegd. De algemene conclusie wordt niet eens gedragen door wat verklaard werd in de informatieuitwisseling in de aanloop naar de publicatie van het AAB tussen het Ministerie in Den Haag en de Ambassade in Islamabad (zie hoofdstuk 12). En de schrijvers van het AAB hielden wederom zeer relevante informatie achter door niet te noemen dat in het ambtsbericht van 16 september 1999 (voetnoot 17 op p.10) aangegeven werd dat het beleid van het WAD aanmerkelijk minder hard werd na de aankondiging van de politiek van nationale verzoening.

Zoals al eerder is genoemd ligt een deel van het probleem in het gebruik van de algemene uitdrukkingen 'KhAD' en 'WAD' terwijl alleen bepaalde onderdelen van de KhAD en WAD bedoeld worden. Dit is de facto ook erkend door de IND door het laten vallen van beschuldigingen van (mede)verantwoordelijkheid voor misdaden tegen de menselijkheid tegen 40-50 voormalige KhAD en WAD werknemers. Hoeveel uitzonderingen moeten er erkend worden vóórdat toegegeven wordt dat de absolute regel geen regel is? (hoofdstuk 10)

19. De verklaringen in het AAB van 29 februari 2000 waren veel stelliger dan het Ministerie van Buitenlandse Zaken zelf gerechtvaardigd achtte in drie algemene ambtsberichten (van 4 maart and 3 november 1998 and 16 september 1999) en twee ambtsberichten over individuele Afghanen (van 28 september and 12 november 1999) die gepubliceerd zijn in de 24 maanden voorafgaand aan het AAB zelf. In deze Nederlandse ambtsberichten staat dat *vele* [niet alle] KhAD medewerkers betrokken waren bij mensenrechtenschendingen; dat het onmogelijk was te bepalen wat leden van het midden- en lagerkader gedaan hadden; dat KhAD/WAD medewerkers *in het algemeen* rouleerden [niet 'altijd']; dat *bijna* alle KhAD/WAD officieren en onderofficieren betrokken waren bij *mishandeling* [niet dat 'allen' betrokken waren bij *martelen*]; dat alleen *hoge medewerkers* van het Ministerie van Staatsveiligheid beschouwd werden schuldig te zijn aan misdaden tegen de menselijkheid [dus niet het hele midden-en lagerkader]; en dat bepaalde afdelingen van de KhAD/WAD veel minder betrokken waren bij



mensenrechtenschendingen. Maar ook sommige van deze veel genuanceerdere verklaringen zijn alleen logisch als ze gezien worden als slaand op bepaalde operationele onderdelen van de KHAD en WAD en niet op deze organisaties in hun geheel.

Het laatste van de net genoemde algemene ambtsberichten en de twee individuele ambtsberichten werden gepubliceerd nadat de informatie voor de eerste versie van het AAB in Den Haag was aangekomen op 6 september 1999. **In het AAB van 29 februari 2000 wordt het harder maken van de eerdere genuanceerdere verklaringen niet uitgelegd of gerechtvaardigd** Een mogelijke verklaring voor dit absoluut worden is dat, toen men zich realiseerde dat het zo goed als onmogelijk zou zijn om beschuldigingen van misdaden tegen de menselijkheid hard te maken tegenover individuele ex-KhAD-WAD medewerkers (zie het eerste deel van deze paragraaf), besloten is om de ex-KhAD/WAD medewerkers als groep te beschuldigen, ook al ontbrak het bewijs voor zo'n groepsbeschuldiging en zouden mogelijk onschuldigen daarvan het slachtoffer worden. (hoofdstuk 11)

20. In hoofdstuk 12 wordt een analyse gepresenteerd van acht relevante memoranda en berichten die uitgewisseld werden tussen het Ministerie van Buitenlandse Zaken in Den Haag en de Nederlandse Ambassade in Islamabad, in de zes maanden voorafgaand aan, en de twee maanden volgend op, de publicatie van het AAB. **Aan het begin van de 16 pagina's van hoofdstuk 12 staat een samenvatting van twee-en-een-halve pagina. De analyse van de correspondentie tussen Ministerie en Ambassade toont aan dat de voor het ambtsbericht geraadpleegde anonieme bronnen waarschijnlijk vooringenomen waren.**

Zeker zo belangrijk is dat de analyse laat zien dat personeel van de Nederlandse Ambassade in Islamabad stelde dat *"Ondanks het feit dat de door ons vergaarde informatie zeer gedetailleerd is wijken onze bevindingen c.q. conclusies de-facto niet af van hetgeen eerder door de Speciale Rapporteur voor Afghanistan van het Mensenrechtencomité van de Verenigde Naties, het US State Department, Amnesty International, Helsinki Watch, Human Rights Watch alsmede diverse toonaangevende academici (o.a. Barnett J. Rubin en Henry Bradsher) inzake de praktijken van de Afghaanse staatsveiligheidsdiensten is opgemerkt."* Gezien het aangetoonde gebrek aan steun van deze bronnen voor de belangrijkste conclusies van het AAB, en het weerspreken van die conclusies door o.a. Barnett Rubin (Rubin 1995) en Henry Bradsher (Bradsher 1999), kan je je alleen maar afvragen waarom deze medewerker dit geschreven heeft, en welk effect dit gehad heeft op het accepteren van het AAB door o.a. het Kabinet en de rechtbanken.

Deze misleiding van de lezers en gebruikers van het AAB ten aanzien van de betrouwbaarheid van het AAB komt neer op zeer grote incompetentie (indien per ongeluk) of fraude (indien met opzet).

21. Het lijkt geen twijfel dat de KhAD en WAD sterk beïnvloed werden door de Russische geheime dienst KGB. Ze zijn zelfs naar voorbeeld van de KGB opgezet. Dit wordt ook in het AAB genoemd. **Het is daarom opvallend dat de samenstellers van het AAB dat wat zij hoorden van hun anonieme bronnen over de handelswijzen van de KHAD en WAD niet vergeleken hebben met wat zij te weten konden komen over de handelswijzen van de KGB zelf.**

Een aantal bronnen maakt duidelijk dat de KGB, net als de CIA en alle andere geheime diensten, zowel operationele eenheden als niet-operationele eenheden had die niet betrokken waren bij ondervragen en martelen. De samenstellers van het AAB leggen niet uit waarom de KhAD en WAD in deze anders geweest zouden zijn dan andere geheime diensten.

Geheime diensten staan ook bekend om hun toepassing van het 'need to know' principe: wat je niet weet kan je niet doorvertellen aan mensen die het niet mogen weten, daarom wordt jou alleen dat verteld wat je moet weten om je werk goed te doen. **De verklaringen in het OR dat alle KhAD en WAD officieren geregeld van functie veranderden, en altijd begonnen in een functie waarin zij gevangenen moesten ondervragen en martelen, staan lijnrecht tegenover het 'need to know' principe dat door andere geheime diensten wordt toegepast.** De samenstellers van het AAB leggen niet uit waarom de leiding van de KhAD en WAD dit 'need to know' principe niet zouden hebben toegepast. (hoofdstuk 13)

**Uit het voorafgaande kan alleen maar geconcludeerd worden dat de conclusies in het AAB ten aanzien van alle KhAD en WAD officieren en onderofficieren onhoudbaar zijn. De IND, ministers, het Kabinet, het parlement en de rechters zijn fundamenteel misleid door de schrijvers/opstellers van het AAB en/of andere personen. Individuele onderzoeken waarin niet verwezen wordt naar het AAB van 29 februari 2000 zijn nodig om te bepalen of het waarschijnlijk is dat een individuele ex-werknemer van de KhAD en WAD geacht kan worden waarschijnlijk verantwoordelijk of medeverantwoordelijk te zijn voor misdaden tegen de menselijkheid tijdens zijn of haar werkzaamheden bij de KhAD en WAD.**

**Dit betekent dat alle asiel-gerelateerde overheids- en gerechtelijke beslissingen tegen ex-KhAD en ex-WAD officieren en onderofficieren in Nederland, die voor een belangrijk deel of helemaal gebaseerd zijn op het AAB van 29 februari 2000, opnieuw bekeken moeten worden. Totdat dat gebeurd is moet aangenomen worden dat de betrokken ex-KhAD en ex-WAD officieren en onderofficieren niet schuldig zijn aan misdaden tegen de menselijkheid, en moet hun verblijfsstatus in Nederland dienovereenkomstig met terugwerkende kracht worden aangepast.**

**Overview of published information available to, and ignored by, the writers of the OR of 29 February 2000, who relied only on anonymous sources for their accusations against all KhAD and WAD NCOs and officers**

***In sources used for the introductory parts of the OR itself:***

**Nyrop & Seekins (1986), *Afghanistan. A Country Study*:**

- p.258: about many tasks of the KhAD besides its secret police work
- p.325-326, last and first paragraphs; officer to conscript ratio; shortage of loyal officers resulting in rapid promotion of inexperienced -and sometimes illiterate- men
- p.328-329, last and first paragraphs; KhAD under control of the KGB, *many* [not all, not most] KhAD employees received training from the KGB and East German intelligence specialists, KhAD mission was multi-faceted, examples of non-secret-police work given

**Bradsher (1999), *Afghan Communism and Soviet Intervention*:**

- p.137-138, last and first paragraphs; on the size of the KhAD, reasons for joining the KhAD other than party loyalty, on KhAD employment conditions being relatively good but nowhere near as good as the OR stated, and on there being little evidence of ideological commitment among KhAD recruits; contradicting the conclusions in the OR on all but the size of the KhAD

**Rubin (1995), *Fragmentation of Afghanistan*:**

- p.127-128, last and first paragraphs, on relationships between employment by the KhAD and (enforced) PDPA membership; nothing about party loyalty being necessary to join the KhAD
- p.131 paragraph 4, on conscripts serving in the KhAD, so not just ideological die-hards;
- p.133, paragraph 3, on the size and growth of the KhAD;
- p.133 paragraph 4, on the determining role of the KGB in the KhAD;
- p.137 paragraph 2, on *pacification* measures carried out by the KhAD, and punitive measures by the Afghan army;
- p.137 paragraph 4, about the KhAD being an organ of repression, but above all an intelligence organisation, not indiscriminately torturing and murdering suspected opponents

**Other sources used for the introductory parts of the OR that do not support the OR's conclusions against *all* KhAD and WAD officers and NCOs:**

- Amnesty International (1986, 1988, 1991), Human Rights Watch (1991), UN Special Rapporteur (1984, 1985, 1986, 1987a, 1987b, 1988, 1989, 1990, 1991, 1992)

**Sources used for the introductory parts of the OR that we have not been able to consult, but if they do support the important conclusions of the OR that would surely have been mentioned in the OR:**

- Adamec (1991), Fisher et al. (1999), Klass (1987), Laber & Rubin (1988)

***In earlier official reports of the Netherlands Ministry of Foreign Affairs itself:***

**Official report by the Netherlands Ministry of Foreign Affairs of 4 March 1998**

- in footnote 88 on pp.33-34, 20-23 KhAD/WAD directorates are referred to, not just the six operational directorates mentioned in the OR; by implication many of the additional directorates were non-operational support directorates; in addition, *non-interrogational* duties such as ideological schooling are mentioned for *operational* elements of the KhAD
- on p.34, first paragraph: "*In addition to the secret service in the narrow sense the KhAD was also responsible for the ideological schooling of new party members and soldiers. etc.*" This points to the term 'KhAD' being used sometimes in the narrow sense, to refer to the 'real' secret service parts of the KhAD, and sometimes in a broader sense, to refer e.g. to the entire organisation including support directorates.
- p.34, paragraph 4: "*It has to be mentioned that many KhAD officials participated in activities that can be considered to fall under the exemption clause (1F) of the Convention on Refugees.*" **Many** KhAD officials, not *all*, not even *most*.

**Official report by the Netherlands Ministry of Foreign Affairs of 3 November 1998**

- p.13, note 37: *"Specific questions about whether an individual refugee was in a particular position in the KHAD and whether the person concerned may have committed crimes against humanity are extremely difficult to answer."*

#### **Official report by the Netherlands Ministry of Foreign Affairs of 16 September 1999**

- footnote 13 on p.9: *"Someone who held a government post in Afghanistan during the communist regime was therefore not automatically a party member."* This footnote is potentially in contradiction with the statement that only very loyal PDPA members qualified for admission as officer to the KhAD or the WAD.
- footnote 17 on p.10: statement on how, following the announcement of the policy of national reconciliation, the consequences of being purged from the PDPA change from a long prison sentence or execution to social demotion, e.g. in the shape of loss of PDPA membership, dismissal or banishment. A clear softening of party policy that must have been reflected in the way the WAD behaved.
- p.9, final paragraph to p. 10, paragraph 3: statement about PDPA membership being reserved for a select group of people [at least in the early years] and the Parawachi and Azmajchi periods being required for *all* aspiring PDPA members, so not just for KhAD and WAD officers
- p.43, paragraph 3: *"Many Pashtuns still volunteer to join the Taliban forces. Idealistic motives are not the only reason; also important is that the Taliban offer their soldiers wages that are significantly higher than the average Afghan monthly wage."* So the Taliban also offered soldiers relatively high wages, not just the PDPA. Indeed, offering soldiers good wages is a common practice in dictatorial regimes that depend on their armed forces to stay in power.
- p.53, paragraph 2: *"It is almost unthinkable that someone within the KHAD, irrespective of the level he was working on, did not know about the gross violations of human rights that were committed by this service."*<sup>122</sup> Note that in this official report of 16 September 1999, there was only talk of 'knowledge of', not of 'participation in' or 'responsibility for' human rights violations.
- p.60, paragraph 2: *"The influence of the Afghan Taliban in Pakistan*

***A worrying development is the number of murders among prominent members of the Afghan community.*** Among the victims since November 1998 are a journalist, two members of the Da Solh Ghorzan party, a former police chief of Kabul, and an ex-commander of the Ittehad-i-Islami party.<sup>131</sup> In July 1999 the former MP and minister Abdul Ahad Kharzai was murdered in Quetta. ***According to Amnesty International dozens of other Afghans (especially intellectuals, human right activists and activists for women's rights) have received death threats. Although the murderers have not yet been tracked down, the identity of the victims points to involvement of followers of the Taliban, according to Amnesty International.***<sup>132</sup> The Taliban denies all involvement in the murders and threats.

#### **Official individual report by the Netherlands Ministry of Foreign Affairs of 28 September 1999, DPC/AM adm.nr. 654096**

- p.1, paragraph 2: *"Investigations into the employment history of the middle and lower cadres of the KhAD/WAD are not possible."*
- p.1, paragraph 4: statement on unavoidable involvement of KhAD/WAD NCOs and officers in *mistreatment* and possibly execution [not torture or certainly execution], and proving one's loyalty through *questioning/mistreating*, not through torturing.
- p.3, paragraph 1: statements about KhAD/WAD departments that were much less involved in concrete violations of human rights, e.g. the department responsible for foreign espionage [also an operational department: the implication is that non-operational departments may not have been involved at all in concrete violations of human rights];  
about *general rotation to avoid building up a large [personal] power base* [not rotation for *all* KhAD/WAD NCOs and officers];  
and about **almost** all KhAD/WAD NCOs and officers having been involved in the arrest, questioning, mistreatment and sometimes execution of suspects [not *all* NCOs and officers having been involved in torture and sometimes execution]

#### **Official individual report by the Netherlands Ministry of Foreign Affairs of 12 November 1999, DPC/AM number not present on our copy**



- p.2, paragraph 2: a statement that *only the top officials* of the Ministry of State Security [i.e. KhAD and WAD] were all considered guilty of crimes against humanity and/or an anti-Islam position etc.. [So not the lower and middle cadres.]

***In a well-known book of five years earlier by a former prisoner of the KhAD:***

**Kakar (1995), *Afghanistan. The Soviet Invasion and the Afghan Response, 1979-1982*:**

- p.153-154 last and first paragraphs, or on-line ch. 9, paragraph 2: about the wider scope of the activities of the KhAD, and only one out of 12 KhAD directorates being commissioned to encounter rebels
- p.154, paragraph 3, or on-line ch. 9, paragraph 4: about ideology being important only for the leading officials of the KhAD, and about many young men joining the KhAD just to have a job, and to avoid military [frontline] service
- p.154, paragraph 4, or on-line ch. 9, paragraph 5: about KhAD salaries being only 15-75% more than army salaries, and about KhAD staff that only did paperwork
- p.157, final sentence, or on-line ch. 9, paragraph 12, final sentence: talks about 'my interrogator' (singular), which points to that interrogator not rotating
- p.161, 8th and 13th line from the top, or on-line ch. 9 section 'KhAD in action', paragraph 9: talks about 'my interrogator' and 'his interest', which points to that interrogator not rotating
- p.161, 8th line from the bottom, or on-line ch. 9 section 'KhAD in action', paragraph 10: talks about 'my interrogator Asad Rahmani', which points to that interrogator not rotating
- p.161, first paragraph, or on-line ch. 9 section 'KhAD in action', paragraph 9: that extracting confessions *could* lead to promotion, not that it was *necessary* for promotion

***And in the correspondence on which the OR was based, between the Netherlands Embassy in Islamabad and the Ministry of Foreign Affairs in The Hague, 1 Sep 1999 - 14 April 2000***

**Memorandum from the Embassy in Islamabad to the Ministry in The Hague, dated 1 September 1999**

- p.3, paragraph 4: a statement that promotion to officer was only possible if one had proven one's loyalty through questioning/mistreating suspects; so only about promotion to officer not from one officer's rank to the next, and proving one's loyalty through questioning/mistreating, not torturing
- p.4, paragraph 1: "*In general, however, KHAD/WAD staff had to rotate so as to prevent their building up a large powerbase within a particular department.*" So not mandatory job rotation for all KhAD/WAD staff, and rotation only to prevent the building up of a personal powerbase, which many KhAd/WAD officers and NCOs would not have been interested in doing.

**Memorandum from the Embassy in Islamabad presumably to the Ministry in The Hague, dated 20 December 1999**

- p.x, note 26, paragraph 1: "*Also for NCOs it was impossible to function within the KhAD/WAD if one did not wish to participate in the systematic mistreatment and violation of human rights that took place within this service.*" Again: mistreatment, not torture.

**Memorandum from the Embassy in Islamabad to the Ministry in The Hague, dated 1 September 1999**

- p.3, paragraph 1: "*In spite of the fact that the information collected by us is extremely detailed, our findings and conclusions de facto do not differ from what was noted earlier about the practices of the Afghan state security services by the Special Rapporteur for the Human Rights Committee of the United Nations, the US State Department, Amnesty International, Helsinki Watch, Human Rights Watch, as well as leading academics (among others Barnett J.[sic] Rubin and Henry Bradsher).*" **But see what Rubin and Bradsher, among others said contradicting the conclusions of the OR, at the start of this overview.**

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- UN 1986. Report on the situation of human rights in Afghanistan prepared by the Special Rapporteur, Mr. Felix Ermacora, in accordance with Commission on Human Rights resolution 1986/40 (E/CN.4/1987/22, 19 February 1987).
- UN 1987a. Report on the situation of human rights in Afghanistan prepared by the Special Rapporteur, Mr. Felix Ermacora, in accordance with Commission on Human Rights resolution 1987/58 (E/CN.4/1988/25, 26 February 1988).
- UN 1987b. Situation of human rights in Afghanistan. Note by the Secretary General (A/42/667, 23 October 1987).
- UN 1988. Report on the situation of human rights in Afghanistan prepared by the Special Rapporteur, Mr. Felix Ermacora, in accordance with Commission on Human Rights resolution 1988/67 (E/CN.4/1989/24, 16 February 1989).
- UN 1989. Report on the situation of human rights in Afghanistan prepared by the Special Rapporteur, Mr. Felix Ermacora, in accordance with Commission on Human Rights resolution 1989/67 (E/CN.4/1990/25, 31 January 1990).

## List of annexes

- A. Netherlands Ministry of Foreign Affairs, 29 February 2000. Official report entitled "Security services in Communist Afghanistan (1978-1992). AGSA, KAM, KhAD and WAD". Official translation into English for the Council of the European Union, dated 26 April 2001.
- B. Kakar, M. Hassan *Afghanistan: The Soviet Invasion and the Afghan Response, 1979-1982*. Berkeley: University of California Press, c1995 1995.  
<http://ark.cdlib.org/ark:/13030/ft7b69p12h/>
- C. Letter by the Netherlands Minister of Justice to Parliament of 11 December 2006, including comments on the burden of proof required for refusing refugee status and residence on the basis of article 1F of the Geneva Convention.
- D. Netherlands Ministry of Foreign Affairs, 4 March 1998. Official report on the general situation in Afghanistan. DPC/AM 67526.
- E. Netherlands Ministry of Foreign Affairs, 3 November 1998. Official report on developments in Afghanistan since 4 March 1998. DPC/AM 602771.
- F. Netherlands Ministry of Foreign Affairs, 28 September 1999. Official report in relation to an individual former employee of the KhAD/WAD. DPC/AM 654096.
- G. Netherlands Ministry of Foreign Affairs, 12 November 1999. Official report in relation to an individual former official of the PDPA. DPC/AM number not present on our copy.
- H. Reply of 14 April 2015 by the Netherlands Ministry of Foreign Affairs to a public information request
- I. Annexes to the reply of 14 April 2015 by the Netherlands Ministry of Foreign Affairs to a public information request
- J. Letter from Prof. B. Rubin to asylum lawyer M. van Eik, dated 26 March 2007
- K. Letter from the speaker of the Parliament of Afghanistan to the speaker of the Lower House of the Parliament of The Netherlands, dated 22 May 2008.
- L. Excerpts from references referred to in the official report of 29 February 2000
- M. Judgement by the court in Roermond of 8 August 2012, including a list of ex-KhAD/WAD employees that received and still have residence permits in The Netherlands
- N. Judgement by the court in Roermond of 26 March 2015
- O. UNHCR 2008 Note on structure and operation KhAD-WAD 1978-1992
- P. UNHCR letter of 18 November 2009 to the Netherlands Minister of Foreign Affairs concerning KhAD and WAD
- Q. Memo from the Embassy in Islamabad to the Ministry of Foreign Affairs in The Hague, dated 4 May 1999, about the Afghan and Pakistan Taliban in Pakistan
- R. Note dated 3 August 1999, from the Department of Crisis Control and Humanitarian Aid (DCH) to the Department of Asylum and Migration Affairs (DPC/AM), both of the Ministry of Foreign Affairs in The Hague
- S. Letter from Dr. A. Giustozzi to lawyer P. Bogaers, dated 1 August 2003
- T. Report by Dr. A. Giustozzi to the Dutch courts dated 28 Sep 2003, at the behest of lawyer F. Schüller
- U. Netherlands Ministry of Foreign Affairs, 16 September 1999. Official report on the general situation in Afghanistan. DPC/AM-633314

## 1. Introduction, structure of this document, and acknowledgements

On 29 February 2000 the Netherlands Ministry of Foreign Affairs published a report on the alleged workings of the Afghan secret services during the various communist regimes in that country. The official English translation of this report for the Council of the European Union is entitled "Security services in Communist Afghanistan (1978-1992). AGSA, KAM, KhAD and WAD" (**annex A**). **From hereon this official report on the Afghan secret services during communist times is referred to as 'the OR', short for Official Report.**

As long as it has existed the OR has been used by the Netherlands Immigration and Naturalisation Service IND to declare all former officers and non-commissioned officers (NCOs) of the KhAD and WAD during the communist regimes as under grave suspicion of responsibility for war crimes or crimes against humanity. Said ex-KhAD and WAD employees are therefore ineligible for refugee status in The Netherlands. They can only qualify for a residence permit if they make it plausible that they have not committed any such crimes. In other words, **the burden of proof has been reversed**. It is up to the individual ex-KhAD and WAD employees to make it plausible that they did not commit crimes against humanity while they worked for the KhAD and/or WAD.

Many experts confirmed that a number of employees of the KhAD and WAD had committed crimes against humanity, for which they must of course be punished. But the same experts also maintain that many KhAD and WAD officers and NCOs have not committed such crimes. The government, however, has not yielded and has continued to apply the conclusions of the OR to all ex-KhAD and ex-WAD officers and NCOs in the Netherlands, also those who had only worked for support directorates. For seventeen years now the February 2000 report has been the cause of bitter arguments, protracted legal battles, and much stress and suffering among affected Afghans in The Netherlands and their families. **This document provides arguments why the main conclusions in the report are untenable.** The arguments for these assertions come in three categories:

**A. arguments based on information that was demonstrably known by, or available to, the Netherlands Ministry of Foreign Affairs at the time of writing of the official report in question (90% of the arguments):** this includes contradicting information present in the published sources used for this report but ignored when the report was being written; contradicting information in earlier similar reports from the same ministry; contradicting information in the official correspondence in the lead-up to the writing and publication of the report; and internal inconsistencies and deficiencies in the text of report itself. These sources, all used by, or demonstrably available to, the compilers of the OR, may all be assumed to be trusted and verifiable sources, as demanded by the Netherlands Council of State (Raad van State) when the correctness and completeness of an official report is evaluated.

**B. arguments based on information that was already available at the time of writing of the report, in sources that were apparently not used for the report.** These include

Kakar, M. Hassan 1995. *Afghanistan: The Soviet Invasion and the Afghan Response, 1979-1982*. Berkeley: University of California Press.

<http://ark.cdlib.org/ark:/13030/ft7b69p12h/>

Prof. Kakar was a professor at the University of Kabul until he became a prisoner of the KhAD and WAD 1982-1987. As indicated, his book is available as a hard copy -with page numbers- and on-line -without page numbers-. Where Kakar (1995) is referred to in this analysis, instructions are added where the relevant information can be found on-line as well as in the hard copy.

**C. arguments based on information that has become available since the appearance of the report.**

The contentious assertions come from paragraphs 2.4 and 2.7 of the OR. The fact that the OR is appended as **annex 1** is mentioned here and often not repeated elsewhere in this document.

## **Structure of this document**

In this document first some remarks are made on the confusing use of the terms 'KhAD' and 'WAD', which may be used to refer to the entire organisations or only to certain (operational) sections of those organisations. This is followed by general comments on the OR as a whole, and on paragraphs 2.4 and 2.7 of the OR as a whole. This includes comments on

- the unexplained toughening of the original statements from the Embassy in Islamabad about the KhAD and WAD;
- the limited and selective use of sources for the report
- the alleged identicalness of the tasks of the KhAD (a secret service) and the WAD (a ministry);
- the acknowledged limited knowledge of the writer of the report about the tasks and structure of KhAD and WAD;
- and the lack of quantification in and behind the sweeping statements in paragraphs 2.4 and 2.7.

These general comments are followed by a detailed discussion of each contentious assertion in the OR in turn, with first the category A and B pre-2000 arguments given, and then the category C post-2000 arguments (**sections 4-12**).

In sections 13-15 are discussed

- what the Ministry of Foreign Affairs said on the subject of ex-KhAD/WAD employees in official reports pre-2000;
- how the precise text of the official report of 29 February 2000 came to be (an analysis of the correspondence of the public servants involved in the preparation and writing of the OR, obtained through a freedom of information request);
- and the influence of the KGB on the KhAD and WAD, and what that is likely to have meant for the operational methods of the KhAD and WAD.

At the beginning of each section there is a boxed summary of its main findings.

At the end of the document an overall summing-up and overall conclusions are given.

## **Acknowledgements**

My thanks go to mr. drs. P.B.Ph.M. (Pieter) Bogaers, asylum lawyer and biologist, for his encouragement and ideas, the use of his library, and comments on earlier versions of this analysis. And to various others for the provision of pdf's of old official reports; for ideas, comments and suggestions for the text; for making the appearance of this document possible; and for other contributions.

## 2. Fundamental variation in the use of the terms 'KhAD' and 'WAD'

**Summary** The names of secret service organisations are often used to refer to the activities of only certain operational sections of those organisations. E.g. 'the CIA rendered' or 'the BVD [the Dutch National Security Service] tapped phones'. Problems can arise when, because the sections involved were not specified, someone else then assumes that the entire CIA or entire BVD were involved. This seems to have happened in this OR, in which the meaning of the terms 'KhAD' and 'WAD' is rarely specified. Sometimes the terms must refer to the organisations as a whole. At other times the terms must refer only to certain operational sections, and not to the non-operational support sections. In the OR only six directorates of the KhAD and WAD are mentioned, all operational. It is not mentioned that in an earlier official report, of 4 March 1998 (footnote 88 on pp.33-34), 20-23 KhAD/WAD directorates are referred to, by implication many of them support directorates. **In the context of the accusations formulated in the OR, this must be seen as selective and misleading presentation of relevant information**

Note that this potential confusion about variation in the use of the terms 'KhAD' and 'WAD' was already alluded to in the same earlier official report of March 1998, where at the top of p.34 KhAD duties 'in addition to the secret service *in the narrow sense*' [our emphasis] are mentioned. This mention also implies that there were *operational* elements in the KhAD that had *non-interrogational* mandates.

**If the use of the terms 'KhAD' and 'WAD' to refer only to certain operational sections is kept in mind when reading the OR, a number of statements in the OR turn out to be rather different from what has often been assumed, but make considerably more sense.**

**Given this use of the terms KhAD and WAD in the OR, when an Afghan refugee says he worked for the KhAD or WAD, it has to be ascertained for *which section* of the KhAD or WAD before it is decided if accusations of responsibility for human rights abuses can rightfully be brought.**

Furthermore, in a document with legal standing like the OR, use of the indefinite 'KhAD officers' and 'WAD officers' etc., without any definite article or qualifying adjective, must be taken to indicate that the sources and compilers of the OR don't mean to refer to every individual KhAD or WAD officer or NCO.

Some of the problems with the OR of 29 February 2000 seem to lie in variation in the use of the terms 'KhAD' and 'WAD'. In day-to-day conversation we all say things like 'the CIA was involved in rendition [of perceived enemies of the USA]' or 'the [Netherlands security service] BVD was involved in phone tapping'. When we say that we don't mean that the entire CIA and the entire BVD were directly involved, just certain sections of those organisations. It is so obvious to everyone that e.g. the financial administration, the canteen department, the maintenance department, the mail department etc. were not involved, that we don't bother to explain that.

Similarly, when the terms 'KhAD' and 'WAD' were used by the anonymous sources for the OR in Pakistan, 'KhAD' and 'WAD' must have generally referred restrictively only to certain sections of those former Afghan secret service organisations, not to all the people or the officers and NCOs in all the sections of those organisations. Problems arise when someone else then thinks: 'They said KhAD [or WAD], they didn't specify that they were only referring to certain sections of the KhAD [or WAD], therefore I assume that they were referring to the entire organisation'. Without double-checking if that assumption is correct.

Such a misinterpretation of the terms 'KhAD' and 'WAD' as referring to the entire organisations, when in fact they restrictively referred only to the operational sections of those organisations, seems to have taken place during the writing of this OR. In the OR there is no mention whatsoever of non-operational sections of the KhAD and WAD like the financial administration, the canteen department, the maintenance department, the mail department etc.. And the compilers of the OR did not prove, nor asserted without proof, that the KhAD and WAD made use of support sections from outside their own organisation.



**C.** See also **section 7.2**, where it is shown that the six directorates of the KhAD mentioned in the OR are the same as the *operational* directorates later mentioned by UNHCR (2008). The UNHCR then went on to also list a number of non-operational support directorates -for a total of 19 directorates-, which the OR did not do.

**A.** Perhaps more tellingly, in the official report of the Netherlands Ministry of Foreign Affairs of 4 March 1998, six months before the OR was published, there was also mention of 20 to 23 directorates for the KhAD and WAD (**annex D**, footnote 88 on pp.33-34). **That only the six operational directorates were mentioned in the OR of 29 February 2000, as if they formed the whole of the KhAD and WAD, when it was known in the Ministry that there were also many other (non-operational) directorates, is selective and misleading presentation of facts.**

**A.** In p.28, paragraph 3 of the OR (annex A), it is also stated that:  
*"KhAD and WAD agents regularly changed sections in order to prevent them acquiring too much power within a specific section. Sometimes agents were transferred several times a year."*

**So only 'agents', i.e. staff with 'secret service duties', not the repairmen, purchasing officers, administrators etc..**

**A.** The different possible uses of the terms KhAD and WAD, in a narrow sense (only the 'real' secret service sections) or in a broader sense (also including all the other parts of the KhAD and WAD, operational or support) are also recognised by in the same earlier official report on the situation in Afghanistan of 4 March 1998 (**annex D**). In the first paragraph on p.34 of that report it is stated that

*"In addition to the secret service in the narrow sense the KhAD was also responsible for the ideological schooling of new party members and soldiers. In addition the KhAD led schools for the children of party members and war orphans, who were often sent to the then Soviet Union. The KhAD also supervised the ideological education at the university of Kabul."*

In other words, even some of the operational directorates of the KhAD and WAD had non-secret-service duties such as ideological schooling, and not all operational elements had an interrogational mandate.

**All the above leads to the conclusion that when the terms 'KhAD' and 'WAD' are used in the OR, they usually refer only to certain operational sections of the KhAD or WAD, and not to those organisations as a whole. Where this is the case, it will be pointed out further on in this analysis.**

It should also be noted that almost nowhere in the information underlying the OR is there explicit reference to *each* or *every* or *all* KhAD or WAD officers or NCOs. In most cases use is made of the indefinite 'KhAD officers' and 'WAD officers' etc., without any definite article or qualifying adjective. While in every day speech mixing up the definite and indefinite may be acceptable, in a document with legal standing like the OR, use of the indefinite 'KhAD officers' and 'WAD officers' etc., without any definite article or qualifying adjective, must be taken to indicate that the sources and compilers of the OR don't mean to refer to every individual KhAD or WAD officer or NCO.



### 3. General comments

#### 3.1 The unexplained toughening of the original statements from the Embassy in Islamabad about the KhAD and WAD

**Summary** The initial information from the Embassy in Islamabad, on which the accusations in the OR are based, mentions mistreatment [of prisoners] by all KhAD/WAD officers, not torture; mentions proof of loyalty by questioning, not torturing; and mentions generally occurring job rotation to avoid the building up of powerbases, not all-pervasive job rotation to involve everyone in crimes. The change of this nuanced information to the sweeping accusations in the OR, is not explained in the OR.

An explicit request from the Ministry of Foreign Affairs in The Hague to the Embassy in Islamabad, for quantification of the rotation frequency of KhAD and WAD staff, was not really met. Only an unargued response was given, apparently without checking back with the original sources for the statement about generally occurring job rotation to avoid the building up of personal powerbases. A similar explicit request, for confirmation that WAD practices did not change following the announcement of the policy of national reconciliation, was also not met. A third explicit request, for information on the duration of the training of NCOs in KhAD and WAD, and on the duration of the (alleged) Parawachi and Azmajchi for KhAD and WAD officers, was similarly not met. In spite of this, the associated sweeping statements in the OR were maintained, without the necessary background information having been provided by the Netherlands Embassy in Islamabad.

**A.** In the initial information sent to the Ministry of Foreign Affairs in The Hague by the Netherlands Embassy in Islamabad on 1 September 1999, it was stated only that it is unavoidable that as a KhAD/WAD officer one was involved in *mistreatment*. In this initial information it is also stated that one could prove one's loyalty just by questioning suspects; no mistreatment necessary apparently, let alone torture. In the initial information it is also stated that 'in general' there was rotation, and only to avoid the building up of personal power bases. So according to the information supplied by the Embassy in Islamabad on 1 September 1999, not every KhAD and WAD officer tortured, and not every KhAD and WAD officer rotated, particularly not if one did not threaten to build up a personal powerbase. It is not discussed at all, in the documents underlying the OR that were supplied by the Ministry of Foreign Affairs, how and why these assertions were made so much stronger (from mistreatment and questioning to torture, even execution) and much more absolute ('all KhAD and WAD NCOs and officers participated in etc.' and 'Anyone who had been with the KhAD or the WAD for more than a year had worked in at least two sections'). See the documents underlying the OR discussed in section 12 below and presented in annex I.

**A.** The quantification of the rotation frequency of KhAD and WAD staff, expressly requested by the Ministry in The Hague, was apparently not provided by the sources of the Netherlands Embassy in Islamabad. See the documents underlying the OR discussed in sections 12.2 - 12.3 below and presented in annex I. This further undermines the statement that all KhAD and WAD agents rotated, a statement that was nevertheless maintained in the OR.

**A.** The confirmation that WAD practices did not change following the announcement of the policy of national reconciliation, explicitly requested by the Ministry of Foreign Affairs in The Hague, was apparently not provided by the Embassy in Islamabad. See the documents underlying the OR discussed in section 12.4 and 12.5 below and presented in annex I. In the official report of 16 September 1999 (p.10, footnote 17), it was stated that, after the announcement of the policy of national reconciliation, the practice of purging changed from 'a long prison sentence or execution' to 'social demotion, e.g. loss of PDPA membership, dismissal or banishment' (see section 10). In spite of this earlier statement about significant changes, and lack of confirmation that there were no meaningful changes, it was still stated in the OR, without any proof and incorrectly, that the policy of national reconciliation resulted only in cosmetic changes.

**A.** The explicitly requested information on the duration of the training of NCOs in KhAD and WAD, and on the duration of the (alleged) Parawachi and Azmajchi for KhAD and WAD officers, was apparently not provided by the Embassy in Islamabad. See the documents underlying the OR discussed in [section 12.4 and 12.5](#) below and presented in [annex I](#). The statement that all KhAD and WAD officers passed through the Parawachi and Azmajchi periods was nevertheless maintained in the OR.

### ***3.2 The dubious anonymous sources for the sweeping accusations, and the implications of their total anonymity***

**Summary** The contentious paragraphs of the OR of 29 February 2000 were apparently written solely on the basis on statements by sources whose names, positions and expertise have not been made public. If there had been any support in published sources for the statements in paragraphs 2.4 and 2.7 of the OR, surely that would have been mentioned in the OR. Apparently only sources living in Pakistan, who had never been arrested by, and did not have first-hand knowledge of, the KhAD/WAD, were depended on to write the accusations in the OR against all KhAD/WAD officers and non-commissioned officers. The indications are that the sources most likely knew each other. It is not explained how the Embassy in Islamabad became aware of these sources, all interviewed on three days, 24-26 August 1999. The fact that there was always complete agreement about all aspects of the KhAD/WAD between the various anonymous sources points to a story planted by one or more of those sources or by an external party. The compilers of the OR should have reacted to that. The apparent lack of mention by the anonymous sources for the OR, of the role of the KGB within the KhAD and WAD, further undermines the reliability of their testimony. See also [section 12](#).

Furthermore, not only are the sources for the accusations against all KhAD/WAD officers and non-commissioned officers anonymous, it has not even been made clear which source asserted what. That means that, if it is shown that just one of the accusations is incorrect, all the accusations are unreliable until proven to have come from reliable sources.

**A.** Official reports by the Netherlands Ministry of Foreign Affairs are considered to be expert reports. It is remarkable that the contentious sections of this particular OR, paragraph 2.4 *Officer recruitment and training* and paragraph 2.7 *Responsibility for human rights violations*, were apparently written solely on the basis on statements by sources whose names, positions and expertise have not been made public. **If there had been any support in published sources for the statements in paragraphs 2.4 and 2.7 of the OR, surely that would have been mentioned in the OR itself.**

**A.** Apparently only sources living in Pakistan were used to write paragraphs 2.4 and 2.7 of the OR (see [section 12.1](#)). The sources are said to have 'regularly arrested, imprisoned and mistreated by employees of the KhAD' (see [section 12.1](#)). 'Regularly', how is that possible? As long as no further details are given, that makes it sound like the sources were trying to impress their interviewer, rather than state the truth. And that they may not even have been in Afghanistan during (most of) the period 1978-1992. Also, the sources said they were 'mistreated', not 'tortured'. Mistreatment as such as not a crime against humanity.

In addition, the phrasing of the underlying information indicates that the various sources consulted by the Embassy in Pakistan most likely knew each other ([section 12.6](#)). How independent were these sources then? Apparently not independent enough to submit their opinions on the operational methods of the KhAD and the WAD to peer review. See the documents underlying the OR discussed in [section 12](#) below and presented in [annex I](#).

**A.** It is not explained how the Embassy in Islamabad became aware of these sources, all interviewed on three days, 24-26 August 1999. The fact that there was always complete agreement about all aspects of the KhAD/WAD between the various sources used for paragraphs 2.4 and 2.7 of the OR (see [section 12.8](#)), raises the suspicion of a story agreed to beforehand by all the sources, or planted by one or more of those sources or by an external party. If nothing else

that should have triggered the consultation of further sources (see below) by the Embassy in Islamabad and/or the Ministry of Foreign Affairs in The Hague, including the consultation of people who had themselves been victims of the KhAD or the WAD.

**A.** The phrasing of various passages of the underlying documents indicates that, when talking about the KhAD and WAD, the sources for the OR were in any case referring only to the interrogation units of the KhAD and WAD, not to the remainder of the KhAD and WAD with its many other tasks. For that reason alone, the conclusion in the OR, that *all* NCOs and officers working for the KhAD or WAD were involved in human rights violations, is erroneous. See also section 2 above, and **sections 7.1 and 12** below.

**A.** The role of the KGB in the running of the KhAD and WAD is widely recognised: see **section 3.3**, next to last paragraph). It is also recognised at the end of paragraph 2.3 of the OR itself (**annex A**). However, in the key paragraphs 2.4 and 2.7 of the OR, based entirely on the anonymous sources, the KGB, the Soviet Union and Russians are not mentioned at all. If the anonymous sources were as knowledgeable as the Embassy in Islamabad insists they were (see **sections 12.5, 12.6 and 12.8**), they must have known about the role of the KGB within the KhAD and WAD. Were the anonymous sources not asked about the KGB by the Netherlands Embassy in Islamabad? That is difficult to imagine. Until this issue is resolved the apparent lack of mention of the role of the KGB by the anonymous sources for the OR undermines the validity of their testimony.

**A.** **Not only are all the sources of the contentious paragraphs 2.4 and 2.7 of the OR anonymous, it has not even been made clear which source asserted what. That means that, if it is shown that just one of the statements in paragraphs 2.4 and 2.7 is incorrect, all the anonymous statements in those sections are unreliable until proven to have come from sources not involved with the incorrect statement.** It is then up to the Netherlands Ministry of Foreign Affairs to either show that those anonymous statements are correct after all, or to withdraw the untenable statements in the OR. Or indeed to withdraw the OR in its entirety.

### ***3.3 The expert sources not used, wilfully ignored and/or misused***

**Summary** There was no apparent consultation, in person or through their publications, of the experts who wrote the publications that were used for the introductory paragraphs of the OR and for earlier official reports by the Netherlands Ministry of Foreign Affairs on Afghanistan. Apparently none of them wrote anything to support the sweeping allegations in the OR, or the compilers of the OR surely would have mentioned that. It would have been logical, not to say essential, to try and check with these experts *why* none of them mentioned any of the sweeping allegations made in the OR.

On the other hand, a statement in one of those known publications, a statement that *contradicts* the sweeping accusations in the OR, was apparently anonymised, truncated and rephrased to become a statement that *supported* those accusations.

Further information in that same publication and in two other publications known to the Ministry of Foreign Affairs, that also *contradicted* the sweeping accusations, was completely ignored by the writers of the OR.

There was also no apparent consultation of a well-known Afghan academic who had been a prisoner of the KhAD for five years and had written about that in a book that was well known at the time. Neither was there consultation of other organisations with expertise about the KhAD and WAD, like the UNHCR and CIA. Nor was there consultation of experts on the KGB, the Soviet and Russian secret service that is generally acknowledged to have ruled the KhAD and WAD. There was apparently also no consultation of the NIOD, the Netherlands Institute for War, Holocaust and Genocide Studies.

**A.** **For the accusatory paragraphs of the OR, there was no apparent consultation, through their writings or in person, of the experts who wrote the publications that were**

used for the other paragraphs of the OR and for earlier official reports by the Netherlands Ministry of Foreign Affairs on Afghanistan (see p.34-36 of the OR in **Annex A**; and **Annex I**, p.17). **Why?** A considerable number of these experts and expert organisations were known at the time to the Ministry of Foreign Affairs, as is evident from their being mentioned in the list of references to the OR. They include, :

- *Amnesty International*, of which the following reports are included as references in the OR: Amnesty International (1986), Afghanistan: Torture of Political Prisoners, for which were interviewed former political prisoners, see p. 4 thereof; Amnesty International (1988), Afghanistan: Unlawful Killings and Torture; Amnesty International (1991), Reports of Torture and Long-term Detention without Trial
- *Asia Watch/Human Rights Watch*: Human Rights Watch (1991): Afghanistan. The Forgotten War. Human Rights Abuses and Violations of the Laws of War Since the Soviet Withdrawal, for which were interviewed Afghan refugees in Pakistan and Afghanistan, in exile in Europe and in the United States, and Afghan citizens in Kabul and Herat (cautious though the latter were), and for which were visited different prisons
- *Henry S. Bradsher*: Bradsher (1986), Afghan Communism and Soviet Intervention
- *Barnett R. Rubin or Jeri Laber*: Laber & B.R. Rubin (1988), A Nation is Dying. Afghanistan under the Soviets, 1979-87; B.R. Rubin (1995/1996), The Fragmentation of Afghanistan. State Formation and Collapse in the International System.
- *Richard Nyrop or Donald Seekins*: Nyrop & Seekins (1986, eds), Afghanistan. A Country Study
- UN Special Rapporteur on Human rights Felix Ermacora, who wrote a number of reports on the situation of human rights in Afghanistan (1984, 1985, 1986, 1987 a, 1987b, 1988, 1989, 1990, 1991). See especially the 1984 report, paragraph 83:

*"The Special Rapporteur received considerable information on the structure of the secret police in Afghanistan."*

and the 1985 report, paragraph 56, 57 and 58:

*"The Special Rapporteur has been informed about the continuation of torture and ill-treatment in Khad interrogation centres during interrogation";*

*"the Special Rapporteur has been able to interview women who have been tortured by Khad officials during interrogation";*

*"The Special Rapporteur received information on new policies being applied in Pol-i-Charkhi prison."*

See also the various excerpts from these sources in **annex L**. In the correspondence during the preparation of the OR, a number of these published sources -and several others, including publications by Hafizullah Emadi, Thomas T. Hammond and Edgar O'Balance- are mentioned up to three times as having been used during the research for the OR: see **sections 12.5, 12.6 and 12.8** below and the associated pages in **annex I**.

**A.** Apparently none of these acknowledged experts and expert organisations wrote anything to support the sweeping allegations in the OR, or the compilers of the OR surely would have mentioned that. It would have been logical, and essential, to try and check with these experts why none of them mentioned any of the sweeping allegations made by the anonymous sources about the employees of the KhAD and WAD in paragraphs 2.4 and 2.7 of the OR. Failing that, the writer of the OR should have given his or her own arguments why those experts did not mention the contested facts in paragraphs 2.4 and 2.7 of the OR.

**A.** It is worth noting that, for at least one aspect, the benefits of becoming an officer in the KhAD or WAD (**section 6** below), the origin of the unattributed information in paragraph 2.4 of the OR appears to be Bradsher (1999; **annex L**), one of the books mentioned as a reference for the OR. Somewhere in the process this information from Bradsher was not only anonymised but also truncated and incorrectly and misleadingly changed to become the damning statement contained in the OR. See **section 6** below for details.

**A.** In fact, significant relevant information from some of the publications used to write the OR was neither included nor addressed in the OR. This includes information counter to the contested statements in paragraph 2.4 of the OR. E.g. information in Nyrop & Seekins (1986) on training of only part of KhAD cadres by the KGB and East German experts on extensive



other duties of the KhAD (and the WAD) than 'secret service work' (sections 5 and 7.2 below). Information in Bradsher (1999), who wrote that loyalty to the PDPA, and by implication to the methods it used to stay in power, was not necessary for KhAD recruits (section 4 below). And information in Rubin (1995), about conscripts, too, serving in the KhAD, as young as eighteen; about pressure on low-level government employees to take out party membership so that party support would seem greater than it really was; about the KhAD being an intelligence agency above all, an organ of repression second (sections 4 and 7.2 below).

**A.** There was no apparent consultation, in person or through their publications, of Afghan experts and researchers like Prof. M. Hassan Kakar, a former history professor at the University of Kabul and publicist who was held prisoner for five years by the communist regime (1982-1987) and interrogated by the KhAD; he wrote a well-known book about the Soviet invasion and Afghan response, published in 1995, that contained an entire chapter entitled 'KhAD as an Agency of Suppression' (annex B, chapter 9, 6450 words). Kakar, too, wrote that party loyalty was important only for the leading officials of the KhAD (section 4 below). And that the KhAD had many other duties besides traditional secret service work (section 7.2 below). He also talked about 'my interrogator', which contradicts the notion of rotating interrogators put forward in the OR (section 7.4 below). And he wrote about the height of the salaries of KhAD officers, which, though higher than the salaries of other officers, were nowhere near ten times higher (section 6 below).

**A.** There was no apparent consultation, in person or through their publications, of other (western) individuals and organisations that were already before February 2000 acknowledged experts on communist Afghanistan and its secret service, such as the UNHCR and CIA.

**A.** There was no apparent consultation, in person or through their publications, of experts on the operational methods of the Russian secret service KGB, which modelled the KhAD on its own structure, according to the official report on Afghanistan by the Netherlands Ministry of Foreign Affairs itself of 4 March 1998, two years before the appearance of this OR (annex D, p.34, first paragraph). The KGB virtually ran the KhAD and WAD during the duration of the Soviet invasion, as is mentioned not only in the OR itself (end of paragraph 2.3), but also by OR sources Nyrop & Seekins (1986), Bradsher (1999) and Rubin (1995): see annex L. As well as by also available source Kakar (1995, annex B). See section 13 below for information on the modus operandi of the KGB. In spite of all this, in the key paragraphs 2.4 and 2.7 of the OR, the KGB, the Soviet Union and Russians are not mentioned at all. Why was there no attempt by the Netherlands Ministry of Foreign Affairs to find out more, from experts on the KGB, on how the KGB influenced how the KhAD and WAD operated, so as to have a public cross-check of the testimony of their anonymous sources?

**A.** Lastly, there was no apparent consultation, in person or through their publications, of the NIOD, the Netherlands Institute for War, Holocaust and Genocide Studies, which, in addition to World War II atrocities, also investigated e.g. the Srebrenica genocide.

### **3.4 The alleged identicalness of the tasks of the KhAD and the WAD**

**Summary** The identicalness of the tasks of the KhAD and WAD from 1980-1992, implied in paragraph 2.2 of the OR, must be incorrect, given (1) the arguments below from the OR itself and from UNHCR (2008); (2) the fact that in 1986 the Afghan secret service KhAD became part of the newly formed ministry WAD; and (3) that at that time for instance the Military KhAD was transferred to the WAD, probably from the Ministry of Defence (OR p.15, paragraph 1-2).

The title of the OR implies inclusion of information on the precursors of KhAD and WAD, AGSA (1978-1979) and KAM (1979-1980). However, except for a couple of sentences about the AGSA on p.7 and about the KAM on p.8, and a couple of mentions in passing of these two precursors further on in the OR, the report focuses entirely on the KhAD (1980-1986) and the WAD (1986-1992).

**A.** In paragraph 2.2 *Description of the tasks of the KhAD and the WAD*, no distinction is made between the two organisations. The two are always mentioned in one breath in this section, except in the second paragraph of p.13, where is written

*"Thus, KhAD leaders could instruct their subordinates to carry out arrest, detention, judicial sentencing, exile, torture, attempted murder and extrajudicial execution of real or alleged opponents of the Communist regime."*

On the other hand, on p.15, paragraph 2 of the OR is written:

*"In 1986 the KhAD became a separate ministry under the name "Ministry of State Security" (WAD). The ministry was headed by Major-General Ghulam Faruq Yaqubi, who from then onwards started to take part in cabinet meetings in a ministerial capacity. Despite the name change, the security service continued to be popularly referred to as the KhAD. **As far as is known to date both the civil and the military KhAD were incorporated into the new ministry. The Kabul Garrison, an elite unit set up because of doubts about the loyalty and determination of the Afghan government army, was also controlled by the WAD.** That Garrison's specific task was to safeguard the stability of the Communist regime, to maintain law and order in Kabul and to protect senior members of the PDPA.<sup>20n</sup>*

*[footnote 20 contains a detailed explanation about the two Kabul Garrisons that existed at the time.]*

Note the wording, 'were incorporated into' and not 'formed'. There must have been more to the WAD than the civil and military KhAD. As is logical: when you go from the status of service to the status of Ministry you get additional duties, even without new operational departments being added as was the case when the KhAD became part of the WAD. The OR ignores this obvious difference in duties between the KhAD and the WAD.

**C.** According to the UNHCR, too, the functions of the KhAD and WAD changed over time (UNHCR 2008, paragraph 15, **annex O** and also **annex P**):

*"The functions and tasks of the KhAD/WAD and its much smaller precursor organizations changed significantly over time. After the National Reconciliation Policy was decided upon by President Najibullah in 1986, relationships with militias evolved. Prior to 1987, KhAD would provide allied militias with political and financial support. From 1987 onward, several opposition militia groups, responding positively to the National Reconciliation Policy, also joined forces with KhAD/WAD, forming a number of KhAD/WAD military wings. After 1989, important changes were introduced: the WAD was entrusted to coordinate and carry out military operations following the withdrawal of the Soviet troops."*

### **3.5 The acknowledged lack of knowledge of the organisational structure of KhAD and WAD**

**Summary** Three quotes below, from the OR itself, demonstrate that the writers/compiler of the OR were not well aware of the structure of KhAD and WAD, and acknowledged as much. Apparently the anonymous sources for paragraphs 2.4 and 2.7 also were unaware of the precise organisational structure of KhAD and WAD, or were not asked about that structure -for whatever reason-. This insufficient knowledge of the structure of KhAD and WAD puts the categorical conclusions in paragraphs 2.4 and 2.7, about **all** officers and NCOs following a training period and trial period and starting in a section that was "*actively engaged in tracking down "elements that posed a threat to the State"*", on a very tenuous footing. If you don't know how an organisation is structured, how can you know that e.g. the first assignment of **all** officers in that organisation was in those particular units? See also **section 7.4** below, on the size of interrogation units compared to the whole KhAD and WAD.

**A.** p.13, final paragraph of the OR:

*"Very little is known about the organisational structure of the Afghan security services under Taraki and Amin, i.e. the AGSA and the KAM. Far more is known about the organisation of the KhAD which, as already stated above, was upgraded to a Ministry and called WAD. **However, neither is the information on the organisational structure of the KhAD and the WAD***

**exhaustive. Of necessity, therefore, this paragraph only gives a general outline of the organisation of the KhAD and of its successor, the WAD."**

**A.** p.15, paragraph 1 of the OR:

*"Besides the civil KhAD there was also a separate military intelligence service, the KhAD-e Nezami, or "the military KhAD". Formally, this military intelligence service **reportedly** formed part of the Ministry of Defence.*<sup>19n</sup>

<sup>19</sup> See. *Torture of Political Prisoners*, p. 6. [Amnesty International, Afghanistan. *Torture of Political Prisoners* (ASA/11/04/86, November 1986).]

**A.** p. 16 footnote 21 of the OR, especially the final sentence:

<sup>n21</sup> *On pages 3 up to and including 5 of the report entitled Afghanistan Reports of Torture and Long-term detention without Trial (ASA 11/1/91), March 1991) Amnesty International gives briefly descriptions of the tasks of Directorates 1, 4, 5 and 7 Riasat-e-Awal, Riasat-e-Char, Riasat-e-Panj and Riasat-e-Haft respectively). As both the number and exact name of the directorates may have changed, **care should be taken in using such data.**"*

The above three quotes from the OR show that the writers/compilers of the OR did not know very well how the KhAD and WAD were organised.

### **3.6 The lack of quantitative information in paragraphs 2.4 and 2.7 of the OR**

**Summary** There is a lack of quantitative information in the OR. No information is given on annual numbers of new KhAD/WAD NCOs and officers; on duration of alleged training and trial periods Parawachi and Azmajchi; on lengths of purported first assignments to interrogation units; on size of the alleged ten-fold salaries of KhAD/WAD staff; on size of interrogation/tracking units vs total size of the KhAD/WAD. **This lack of quantification gives many statements in paragraph 2.4 of the OR an appearance of unreliability. Or worse.** See also **section 7.3**, on how many NCOs and officers entered the KhAD or WAD each year, and **section 7.4**, on the size of interrogation units compared to the total KhAD or WAD size.

**A.** All the contested statements in paragraphs 2.4 and 2.7 of the OR are qualitative. No source apparently mentioned, and no-one at the Ministry of Foreign Affairs or with the Immigration Service IND apparently asked, or received a sufficient answer to, the following questions:

- how many new officers and NCOs entered the KhAD and WAD each year, allegedly all via one of the KhAD or WAD interrogation units?
- how long did the Parawachi and Azmajchi training and trial periods last, purportedly participated in by all KhAD and WAD officers and NCOs? [this question was asked by the Ministry of Foreign Affairs but not answered by the Netherlands Embassy in Islamabad: see **section 12.4** for the answer and **sections 12.5 and 12.6** for the lack of reply]
- how long were those alleged first assignments of all starting KhAD and WAD officers to interrogation units?
- how big were the allegedly ten-times-normal salaries of the KhAD and WAD officers and how many people received such inflated salaries?
- how big were the tracking or interrogation units relative to the rest of the KhAD or the WAD so that all officers could first be assigned to a tracking or interrogation unit?

This lack of quantification gives many statements in paragraph 2.4 an appearance of unreliability or worse. A situation that the Netherlands government made too little effort to dispel. Estimates on the number of NCOs and officers entering the KhAD or WAD each year, and on the size of the interrogation units compared to the total size of KhAD and WAD, are presented and discussed in **sections 7.3 and 7.4**.





#### 4. KhAD and WAD and PDPA membership

**OR statement (p.17, paragraph 3):** *"Only PDPA members who had been found to be very loyal and persons from pro-Government families qualified for admission as officer to the KhAD or the WAD."*

**Summary** Even if a particular employee of the KhAD or WAD was loyal to the PDPA, loyalty to a party is not a crime. Without additional evidence, assumed loyalty to the PDPA must not lead to the additional assumption of co-responsibility for crimes against humanity that were initiated by the PDPA leadership.

There are contradictory statements in the OR itself about employees of the KhAD or WAD and loyal party membership. Two published sources used only for the introductory paragraphs of the OR, Bradsher (1999) and Rubin (1995), contain statements contradicting the OR conclusion that all KhAD and WAD officers were loyal PDPA members. Often security service employment may have led to (enforced) party membership, and not the other way around. The failure to include and discuss these published statements in the OR constitutes selective presentation of evidence. This is compounded by a clearly false statement from a member of the Netherlands Embassy staff in Islamabad, that the findings and conclusions in the OR de facto did not differ from what had been noted by, among others, Bradsher and Rubin. Given the explicitness of this statement, it must be concluded that it was either purposely misleading and fraudulent, or the result of incompetence. An earlier official report of the Netherlands Ministry of Foreign Affairs, dated 16 September 1999, a book by a former prisoner of the KhAD (Kakar 1995), and a statement by an internationally recognised Afghanistan expert (Giustozzi 2003), all three also confirm that 'PDPA membership' was not a prerequisite for employment by the KhAD or WAD, let alone 'very loyal membership'.

Note that, even if an employee of the KhAD or WAD was loyal to the PDPA, loyalty to a party is not a crime. Unless it is an illegal party which the PDPA was not. What the writers of the OR may have wanted to imply, without further corroboration, is that loyalty to the party automatically implied approval of, responsibility for, and even participation in, crimes against humanity initiated by the PDPA leadership so it would stay in power. The readers of the OR must be careful not to make such baseless assumptions their own.

**A.** On the one hand it is stated in the OR (p.17 paragraph 3) that:  
*"Only PDPA members who had been found to be very loyal and persons from pro-Government families qualified for admission as officer to the KhAD or the WAD."*

A couple of paragraphs further on (p.18 paragraph 2) it is stated that:

*"Persons considered particularly loyal by the KhAD and the WAD could apply for a shorter training."*

These two statements are in contradiction to each other. Unless *all* officers received a shorter training, which thus would not be shortened but standard.

**A.** This essential loyalty to the party, and by implication to the illegal and criminal methods it used to stay in power, asserted in the OR, is **in direct contradiction to what is written in one of the sources for the general paragraphs of the OR**. Bradsher (1999) at the bottom of his p. 137, stated (**annex L**):

*"Within a few years KhAD grew to between 15 000 and 20 000 personnel, and by 1989 it numbered an estimated 25 000. Men joined for exemption from military service, ten times as much pay as government clerical workers, and access to liquor, prostitutes, and extortion money. **There was, however, little evidence of ideological commitment.**"<sup>111</sup>*

*[Bradsher's endnote 111 gives his sources for this statement].*

Note especially the last sentence, stating that there was little evidence of ideological commitment among [most of] the men who joined the KhAD. It is of grave concern that this statement in one of

the OR's sources, that runs counter to the conclusions of the OR, was not included and discussed in the OR.

**A.** In another book used in the writing of the OR, Rubin (1995; **annex L**) wrote:

p.131, paragraph 4:

*"Along with factional conflict in the command structure, the army faced a persistent problem of maintaining its size through conscription. **Conscripts also served in the Ministry of Interior and KhAD.**"*

See also **section 8** on the relationship between the level of education of a conscript and his starting rank: a high school diploma gave entitlement to a starting rank of third lieutenant, with automatic promotion on the basis of years of service.

p.127-128:

*"**Later [PDPA] recruits came largely from the security services**, so that by 1985 official sources claimed that 65 percent of party members were working in the army, Sarandoy, militia, or KhAD. Many low-level government employees were also **pressured into taking out party cards**; as a result, membership figures were inflated and, for the first time, included a small number of members classified as workers and peasants."*

**This phrasing of this paragraph leads to the conclusion that security service employment often came first, followed by (under pressure) party membership.**

p.132, paragraph 2:

*"The government announced new regulations on January 8, 1981, and tightened them over the next four years. **The draft age was lowered to twenty and then to eighteen. The length of conscript service was raised to three and then four years**, and all reservists were called to active duty. Student deferments were tightened and then virtually eliminated. ... **Students drafted out of school were permitted to count time in military service towards graduation.**"*

These statements in Rubin (1995) clearly contradict the statement in the OR five years later, that only people very loyal to the PDPA, and by implication to the methods it used to stay in power, could find employ with the KhAD or the WAD. Again: how can it be that this very pertinent information, in one of the stated sources for the OR, was not discussed in the OR, just contradicted without supporting evidence?

**A.** What is more, in a memorandum from the Embassy in Islamabad to the Ministry of Foreign Affairs in The Hague, dated 14 April 2000, the Embassy staff member concerned expressly stated that what had been written in the OR -which by implication included what had been written about the requirement of party loyalty for all KhAD and WAD officers-, de facto did not differ from what had been noted by, among others, leading academics Barnett J.[sic] Rubin and Henry Bradsher. See section 12.8 below and **annex I**, p.30, paragraph 1. As is shown in the two arguments immediately above, this statement by the Embassy staff member was false and misleading.

**A.** In the official report by the Netherlands Ministry of Foreign Affairs on the situation in Afghanistan, dated 16 September 1999, less than six months before the publication of the OR being examined, it was also stated that (**annex U-1**, p.9, footnote 13)

*"<sup>13</sup> Someone who held a government post in Afghanistan during the communist regime was therefore not automatically a party member."*

This footnote is potentially in contradiction with the statement that only very loyal PDPA members qualified for admission as officer to the KhAD or the WAD. This potential contradiction should have been addressed in the OR. The failure of the writers of the OR to do so qualifies as selective use of evidence.

**B.** Similarly, former University of Kabul professor and former KhAD/WAD prisoner M. Hassan Kakar stated (Kakar 1995, ch. 9, paragraph 4, **annex B**); or p.154, paragraph 3):

*"Despite KhAD's unpopularity, it readily found recruits. Material incentive, exemption from military service, and employment attracted sufficient numbers. **Ideology was important only for the dedicated members of the party who served as its leading officials. Among its junior officials were uprooted educated persons who had been driven from the rural areas. Deprived of their own sources of income, they entered KhAD, because as strangers in***

*Kabul they found it difficult to cope with life in the inflationary situation. As an extreme example, forty-two persons from my own home village of Deva in Laghman found employment with KhAD. "*

**C.** Internationally recognised Afghanistan expert Dr. A. Giustozzi, author of *War, Politics and Society in Afghanistan 1978-1992*, published in 2000, later commented as follows in a report to the Dutch courts at the request of Dutch lawyer F. Schüller, dated 28 September August 2003 (**annex T**, paragraph 7):

*"7. That members of KhAD were more carefully selected than those of other services is also typical of security services around the world. However it should be considered that this organisation grew very rapidly in size over the years, from a few thousands in 1980 to about 100,000 at its peak (according to Soviet documents), excluding informers. It is highly unlikely that the PDPA regime would have been able to limit recruitment to loyalists and to proven individuals. We should consider that in KhAD, like in all Afghan security services, the officers to troops ratio was very high, possibly close to 1 to 3. If the regime had been able to recruit 30,000 or more completely loyal individuals in the intelligence alone, it would mean that the social base of the regime was indeed quite large. In reality, such a huge expansion process is very likely to have led to a decline in recruitment and training standards."*

And in the next paragraph (**annex T**, paragraph 8):

*"One should consider that instances of disloyalty among KhAD troops were relatively common during the war. A major example was the fall of the town of Kunduz in 1988, which was due to the defection of the KhAD garrison."*

Clearly, according to Giustozzi, too, completely loyal party membership is very unlikely to have been an enduring pre-requisite for employment by the KhAD or WAD.



## 5. ***Alleged KhAD and WAD training period Parawachi and trial period Azmajchi***

**OR Statement (p.18, paragraph 1-2):** *"New KhAD and WAD officer recruits received very intensive training, the so-called Parawachi. A successful Parawachi would be followed by a trial period called Azmajchi. During the Azmajchi the future officer's loyalty and fighting spirit were severely put to the test. ... The Parawachi and the Azmajchi formed part of the KhAD/WAD officer training. Such training was, therefore, not available to ordinary informants. Persons considered particularly loyal by the KhAD and the WAD could apply for a shorter training."*

**Summary** Information requested by the Ministry of Foreign Affairs, on the duration of the (alleged) Parawachi and Azmajchi periods for KhAD and WAD officers, was apparently not provided by the Netherlands Embassy in Islamabad. This lack of information undermines the purported existence of said Parawachi and Azmajchi for KhAD and WAD officers. Evidence from a different official report, dated six months earlier, gives the impression that, what was first written as a general statement about training and trial periods for all PDPA members (at least in the early years), was adapted six months later as if it only concerned KhAD and WAD officers. The reasons for this is not clear but may be related to the overall conclusion of the OR that blackens all KhAD and WAD officers and non-commissioned officers.

In addition, unlike what is stated in the OR, in one of the sources for the introductory paragraphs of the OR (Nyrop & Seekins 1986), it is only stated that many KhAD cadres received intelligence training, not all, or even most. In another source for the introductory paragraphs of the OR (Bradsher 1999), it is stated that there was little evidence of ideological commitment of new KhAD (and WAD) employees during the expansion of the KhAD and WAD workforce in the 1980's. Failure to mention these two statements in the OR constitutes two counts of selective use of evidence by the writers/compiler of the OR. Giustozzi (2003) also stated that not all KhAD/WAD personnel followed the usual training pattern. And UNHCR (2008) mentioned Parwareshi and Azmayeshi as stages in the process of becoming a full PDPA member, not a full KhAD/WAD officer. In doing so the UNHCR, too, was also guilty of using the word KhAD/WAD without any qualification, when apparently referring only to the operational sections of the KhAD/WAD.

**A.** Information explicitly requested by the Ministry of Foreign Affairs in the Hague on 21 January 2000, on the duration of the (alleged) Parawachi and Azmajchi periods for KhAD and WAD officers (**section 12.4** below), was apparently not provided by the Embassy in Islamabad (**section 12.5** below). Such information cannot logically be confidential. Absence of this information puts into doubt the purported existence of said Parawachi and Azmajchi for KhAD and WAD officers.

**A.** Striking is the similarity between what is said in the OR of 29 February 2000 about new KhAD/WAD employees in particular, and what was said six months earlier about new PDPA members in general, by the same Netherlands Ministry of Foreign Affairs in its official report on the situation in Afghanistan of 16 September 1999.

Relevant sentences in the OR of 29 February 2000, p.17 last paragraph and p. 18 first paragraph (**annex A**):

*The KhAD and the WAD used very strict selection procedure [sic] to recruit collaborators, subjecting their loyalty to the PDPA to close scrutiny. This applied especially to the recruitment of officers. ... **Only PDPA members who had been found to be very loyal** and persons from pro-Government families **qualified for admission as officer to the KhAD or the WAD.***

*New KhAD and WAD officer recruits received very intensive training, the so-called **Parawachi**. A successful Parawachi would be **followed by** a trial period called **Azmajchi**. During the Azmajchi the future officer's loyalty and fighting spirit were severely put to the test.*

**Thus, for instance, they were required to spy on members of their family, arrest and torture friends and acquaintances ...**

Similar sentences in the official report of 16 September 1999, six months earlier (**annex U-1**, numbered p.9, final paragraph to numbered p. 10, paragraph 3):

*Membership of the PDPA in Afghanistan was reserved for a select group of people. **Members of the PDPA had proven that their loyalty to the party was beyond all doubt.***<sup>13</sup>

*Someone who as interested in membership of the communist party, or who was proposed as a future member by someone else, had to at a minimum go through the following stages.<sup>14</sup> First of all the aspiring member became a "friend of the party". ... **If the aspiring member had sufficiently proven his loyalty as a "friend of the party" [=successful Parawachi period], he could be proposed to become a candidate member of the PDPA. ... Again the loyalty of the aspiring member was tested. ... In doing so it was not uncommon for the aspiring member to be required to show that the party was indeed more important than blood relations and friendship. ... After the aspiring member had shown himself during several years to be a loyal and trustworthy candidate member [=successful Azmajchi period], he could be proposed as a full member of the party [.***

<sup>13</sup> Someone who held a government post in Afghanistan during the communist regime was therefore not automatically a party member."

<sup>14</sup> It is possible that there existed some intermediate phases before someone was accepted as a full member of the PDPA.

**This similarity suggests that what was written as a general statement on all PDPA members was adapted as if it only concerned KhAD and WAD officers.** Why this was done is unclear, but on some people it has the unjustified effect of making all KhAD and WAD officers look like die-hard communist party members, who by implication also supported the criminal methods of the communist regime to stay in power.

**A.** In one of the sources used for the OR, Nyrop & Seekins (1986, p.328-329, last and first paragraphs; **annex L**) it is stated that:

*"In the mid-1980s KHAD enjoyed a formidable measure of autonomy in relation to other Afghan state institutions. It was, however, under the de facto control of the Soviet secret police, the KGB. The organization was generously funded. Its cadres - estimated by Western observers as numbering anywhere between 25,000 and 60,000 persons- formed an intelligence network throughout Afghanistan and even beyond the country's borders. This included a uniformed KHAD brigade of 2,000 men. **Many received training from the KGB and East German intelligence specialists.** Its mission was multi-faceted, etc. "*

Unlike what is stated in the OR, Nyrop & Seekins stated that many KhAD cadres received training, not all, or even most. This conforms with a secret service in which many NCOs and officers had other duties than interrogation. It is a serious matter that this information from one of the sources for the OR, that contradicts some of the conclusions in the OR, is not mentioned and discussed in the OR. It constitutes selective use of evidence.

**A.** See also what was said by Bradsher (1999) in section 2 above, about there being little evidence of ideological commitment of new KhAD (and WAD) employees during the expansion of the KhAD and WAD workforce in the 1980's.

**C.** Afghanistan expert Dr. A. Giustozzi commented, in his report to the Dutch courts at the behest of Dutch asylum lawyer F. Schüller, dated 28 September August 2003 (**annex T**, paragraph 4):

*"4. There were throughout the history of KhAD/WAD significant transfers of personnel with other security services, like the army and the police. ... Officers transferred from other services would not go through the usual training pattern."*

**C.** Subsequently the UNHCR gave the following details of this training (UNHCR 2008, paragraph 21, **annex O** and **annex P**):



*"Future KhAD/WAD officers had to be PDPA members and therefore needed to gain party membership (asli in Dari) through a series of stages. These included Parwateshi, a training for youth in primary and secondary school who entered women or youth organizations of the PDPA, and Azmayeshi or testing, which included an advanced stage of ideological indoctrination."*

This is quite different from the exclusive training and trial periods for KhAD and WAD officers implied in the OR statement, and similar to the stages that PDPA member in general had to go through as mentioned in the official report of 16 September 1999 (see above, in the second argument of this [section 5](#)). It would be interesting to know if this training and testing was really mandatory for all KhAD and WAD officers, or if it was waived for e.g. desperately needed people with technical skills who were not in sensitive positions. Again, see also what was said by Bradsher (1999) in section 2 above, about there being little evidence of ideological commitment of new KhAD (and WAD) employees during the expansion of the KhAD and WAD workforce in the 1980's.

**C.** And in UNHCR (2008, paragraph 22, [annex O](#)):

*"For all officers of KhAD/WAD, a mandatory training course was conducted at the KhAD/WAD training centre in Kabul. The training included logistics, recruitment, defamation techniques, organization and identification of covert meetings and networks and training in the use of small networks. Training for middle rank officers (i.e. first lieutenant to lieutenant colonel) was equally mandatory, and was organized in Tashkent (Uzbekistan). Unlike the mandatory training for all KhAD/WAD officers, it included training on interrogation and criminal investigation techniques. Training for high-ranking KhAD/WAD officers (from the rank of colonel upwards) was conducted in Moscow. This training included management and policy issues as well as financial affairs. There is no information available on the number of participants in these courses. "*

Note that the UNHCR, too, here used the words 'KhAD/WAD' when referring only to the traditional 'secret service' and interrogation units within the KhAD and WAD. It is so easy to do. Why would first lieutenants in e.g. transport, communications or administration need to know about interrogation and criminal investigation techniques, or indeed recruitment, covert meetings and small (secret) networks? See also [section 2](#) above and [sections 7.2 and 12](#) below, about the confusing use of the terms KhAD and WAD for the whole organisation in some sentences, and for operational divisions only in other sentences of the same documents.



## 6. KhAD and WAD officer benefits

**OR Statement (p.18, paragraph 3):** *"The rank of officer with the KhAD or the WAD provided considerable material benefits. Thus, an officer's salary was almost ten times as high as that of an ordinary official. In addition, this salary could, with impunity, be supplemented with money obtained through blackmail and bribery. Officers of the KhAD or the WAD were also exempted from serving in the Afghan government army and had free access, if they so wished, to alcohol and prostitutes."*

**Summary** The assertion in the OR that KhAD and WAD officers earned ten times as much as ordinary officials, could supplement this income through bribery and blackmail, were exempted from serving in the army and had free access to alcohol and prostitutes, was unsubstantiated and not cross-checked by the writers of the OR. It was most likely based on Bradsher (1999), one of the published sources used for the introductory paragraphs of the OR. However, Bradsher's statement was anonymised, truncated and misleadingly changed to fit the apparent requirements of the writers of the OR. This constitutes misrepresentation of evidence, by accident (incompetence) or on purpose (fraud), by one of the sources for the OR or by one of the compilers of the OR.

Statements in Kakar (1995) lead one to conclude that plainclothes secret police where on army pays scales, double the pay of other government employees. And that KhAD officers earned only 15-75% more than officers [of equal rank] in the Afghan army, with the lowest extra pay reserved for those who worked in the offices. So apparently there were KhAD officers who only worked in offices. Kakar (1995), a well-known book by a former prisoner of the KhAD/WAD, was not used by the writers/compilers of the OR. Extra pay for army personnel is quite common in countries like Afghanistan. According to an earlier official report of the Netherlands Ministry of Foreign Affairs, the Taliban later also offered potential soldiers relatively high pay to join its forces.

The information from Bradsher (1999) and Kakar (1995) further undermines the reliability of the anonymous sources used for paragraphs 2.4 and 2.7 of the OR.

**A.** The inclusion of this statement in the OR about officer salaries begs the question: how much did officers with the KhAD or the WAD earn then? And compared to an ordinary official of what rank? No numbers are given in the OR (**annex A**) or in the underlying documents (**annex I**). No such numbers were apparently asked for by the Ministry of Foreign Affairs in The Hague or by the Netherlands Embassy in Islamabad. The anonymous source or sources for this statement were apparently believed on faith; no cross-checking with more public sources appears to have taken place. Nor, to our knowledge, has anyone checked with ex-KhAD and ex-WAD officers in The Netherlands how much they earned back in Afghanistan. The uncorroborated statement that they earned almost ten times as much as an ordinary official is another instance of all the officers who worked for the KhAD or the WAD being put in a bad light without relevant evidence being presented.

**A.** The very likely origin for this alleged anonymous statement in the OR is one of the books used to write the OR. At the bottom of his p.137, Bradsher (1999, **annex L**) stated something very similar but with a noticeable difference:

*"...Men joined for exemption from military service, ten times as much pay as government clerical workers, and access to liquor, prostitutes, and extortion money. There was, however, little evidence of ideological commitment."<sup>111</sup>*

[Bradsher's endnote 111 gives his sources for this statement].

All the key benefit elements mentioned in the anonymous statement in the OR are also found in the statement in Bradsher (1999): 'ten times as much pay', 'money obtained through blackmail and bribery' (in Bradsher 'extortion money'), 'exemption from serving in the government army' and 'access to liquor and prostitutes'.

Note, however, that, in contrast to the statement in the OR, Bradsher did not talk about officers, but about 'men'. Presumably ordinary men, given his comparison with clerical workers: not officers,

and even less the dedicated party members that the OR says all officers of the KhAD and WAD had to be (section 1 above). Note as well that the source for this statement in the OR, and/or the compilers of the OR, left out the observation by Bradsher that "*There was, however, little evidence of ideological commitment*". This omission is discussed in **section 4** above.

That KhAD and WAD officers were paid more than their public service counterparts is likely: see also the two arguments. However, the statement in the OR that "*an officer's salary was almost ten times as high as that of an ordinary official*." appears to be an anonymised, unsubstantiated, truncated and misleading alteration of the original statement by Bradsher, a man considered to be an expert on the KhAD and WAD by the Netherlands Ministry of Foreign Affairs itself. This constitutes misrepresentation of evidence, by accident (incompetence) or on purpose (fraud), by one of the sources for the OR or by one of the compilers of the OR.

**B.** Kakar (1995, paragraph 5, **annex B**; or p. 154, paragraph 4), a book by a well-known former five-year prisoner of the KhAD/WAD, gives much more detail about the remuneration for KhAD officers:

*"Material incentives for KhAD's personnel were many. Professional officers, as distinct from those who did paperwork, received salaries double those that the regime paid to its other employees. As plainclothes secret police, KhAD's officials were given the status of military officers; this status entitled them to military pay, which the government had increased 100 percent in 1978. In addition, just because they were serving the KhAD, its officials were paid an extra 15 to 75 percent of their pay, depending on the nature of their jobs. The lowest rate was paid to those who worked in the offices. Other concessions included residential apartments, excellent free medical treatment, and short trips for training and other purposes to the Soviet Union."*

While this paragraph is a little ambiguous in its phrasing, it leads us to conclude that professional army officers, as distinct from people with officer rank who did paperwork, were paid twice as much as other government employees of equal rank. That plain clothes secret police qualified for that military pay scale. And that KhAD officers earned only 15-75% more than officers [of equal rank] in the Afghan army, with the lowest extra pay reserved for those who worked in the offices. So apparently there were KhAD officers who only worked in offices. **Clearly, according to Kakar (1995), pay for KhAD officers was nowhere near ten times the pay of other officials, and only 15-75% more than other military officers [of equal rank], with the lowest rate paid to those who worked in the offices [and not in the interrogation centres etc.]. So there were apparently KhAD officers who only worked in offices, or they would have qualified for higher extra pay.** Like the passage from Bradsher (1999) above, this passage from Kakar (1995) casts doubts on the reliability of the sources used for paragraphs 2.4 and 2.7 of the OR. One also wonders why this well known published source was not used for the OR.

**C.** In later years the Taliban similarly offered potential soldiers relatively high pay as an incentive to joins its forces. As is stated in the official report of 16 September 1999 (**annex U-3**, p.43, paragraph 3):

*"Many Pashtuns still volunteer to join the Taliban forces. Idealistic motives are not the only reason; also important is that the Taliban offer their soldiers wages that are significantly higher than the average Afghan monthly wage."*

## 7. Alleged KhAD and WAD NCOs' and officers' first assignments and rotation

**OR Statement (p.28, paragraph 3):** *"As a first assignment, NCOs and officers<sup>44</sup> were posted to KhAD and WAD sections actively engaged in tracking down "elements that posed a threat to the State". KhAD and WAD agents regularly changed sections in order to prevent them acquiring too much power within a specific section. Sometimes agents were transferred several times a year. Anyone who had been with the KhAD or the WAD for more than a year had worked in at least two sections. An NCO or officer could only hope to be posted to a section or directorate carrying out activities of a more administrative or technical nature<sup>45</sup> if he had proved his worth sufficiently during an initial assignment or assignments. "*

<sup>44</sup>For an overview of ranks within the KhAD and the WAD, see annex on page 32 and 33 of this situation report. [pages 32-33 in the Dutch version of the OR, but actually pages 37-38 in the English translation]

<sup>45</sup> E.g. the directorate dealing with foreign espionage. Such administrative and technical activities were usually very sensitive and therefore reserved only for highly loyal NCOs and officers.

### 7.1 First assignments: 'Tracking down elements that pose a threat to the state' is not a criminal offence, and who are said to have been involved in that anyway?

**Summary** In the statement from the OR discussed in this section, mention is made only of first postings of [KhAD and WAD] NCOs and officers [not all NCOs and officers] to sections actively engaged in 'tracking down' perceived enemies of the state. 'Tracking down' is not a crime, and it is not even stated that all NCOs and officers were involved in such tracking down. What is more, this seems to be another instance in the OR where the terms 'KhAD' and 'WAD' should have been replaced by something like 'operational sections of the KhAD and WAD'. This view is supported by information in footnote 45 to the paragraph, where the directorate dealing with foreign espionage is given as an example of a more administrative or technical directorate, rather than e.g. the more obvious directorates of finance or of communications. That only operational sections of the KhAD and WAD were involved is further supported by information from UNHCR (2008). **This all points to only KhAD and WAD officers and NCOs working in the operational directorates being involved in tracking down perceived enemies of the state during their first assignments, and that even their staff members were not necessarily involved in torture and executions.**

**A.** According to p.28, paragraph 3 in paragraph 2.7 of the OR,  
*"As a first assignment, NCOs and officers<sup>44</sup> were posted to KhAD and WAD sections actively engaged in tracking down "elements that posed a threat to the State".*

<sup>44</sup>For an overview of ranks within the KhAD and the WAD, see annex on page 32 and 33 of this situation report.

'Tracking down elements that pose a threat to the state' is not a criminal offence, let alone a crime against humanity. The crime can lie in what methods are used to track them down, and in what happens to those elements once tracked down, but that is not discussed in the OR in the context of these alleged first assignments. What is more, it is not stated that **all** NCOs and officers were first posted to KhAD and WAD sections actively engaged in tracking down perceived enemies of the state, only that '[part of the] NCOs and officers' were.

**A.** A lack of clarity about what is meant by the terms 'KhAD' and 'WAD' may have added to the confusion. **The terms 'KhAD' and 'WAD' appear to have been used in p.28, paragraph 3 only to refer to the operational sections of the KhAD and WAD, and not to the organisations as a whole including the non-operational support sections.** Cf. **section 2** above and **section 7.2** below. This conclusion, about the restrictive use in this sentence of the terms KhAD and WAD, is

supported by the fact that in footnote 45 to the same paragraph, the directorate dealing with foreign espionage is given as an example of a more administrative or technical section (see the statement at the beginning of this chapter). There are many, much more obvious examples of more administrative or technical sections within the non-operational support sections of the KhAD and WAD (the financial administration, the postal section, etc.), but these are not referred to in the OR.

C. The UNHCR has similarly stated (UNHCR 2008, paragraph 23, **annex O**):

*"23. The Netherlands Ministry of Foreign Affairs report on the security services in Afghanistan during 1978-1992 states that "As a first assignment, NCOs<sup>29</sup> and officers were posted to KhAD and WAD sections actively engaged in tracking down 'elements that posed a threat to the State'." Other sources affirm that this practice was limited to KhAD/WAD officers and NCOs of the Operational Directorates listed in paragraph 16 above, and that the term "tracking down", when translated from Dari, means surveillance, information collection and investigation. The tasks of KhAD/WAD officers and NCOs in practice included these aspects, in as far as preliminary investigations were concerned. However, beyond preliminary investigations, interrogations and further prosecutions were the responsibility of officers working at the Directorate of Interrogation and in Provincial interrogation units, and the Attorney General's office. "*

<sup>29</sup> Non-commissioned officers.

Phrased differently, the UNHCR (2008) stated that

- the officers and NCOs working in the non-operational (support) Directorates/Units were not involved in tracking down elements that posed a threat to the state or in interrogations and further prosecutions
- only KhAD/WAD officers and NCOs of the Operational Directorates were, as a first assignment, posted to KhAD and WAD sections actively engaged in tracking down elements that posed a threat to the State; where tracking down means surveillance, information collection and investigation, but not interrogation;

By implication, the officers and NCOs working in the non-operational (support) Directorates/Units were not involved in tracking down elements that posed a threat to the state or in interrogations and further prosecutions. For an overview of operation and non-operation (support) units within the KhAD, see the **next section**.

## ***7.2 The structure of the KhAD/WAD, its many duties, and what is meant by 'the KhAD/WAD'***

**Summary** Concerning the structure of the KhAD and WAD, in the OR it is stated that the KhAD Directorate-General was subdivided into six (operational) directorates. Both an earlier official Netherlands report, of 4 March 1998, and UNHCR (2008) identified around 20 KhAD directorates, including support directorates. This again points to the term KhAD being used in the OR when only certain operational elements of the KhAD are meant.

Many 'non-secret service' duties of the KhAD and WAD are referred to also in the OR itself, in two publications used for the introductory paragraphs of the OR (Nyrop & Seekins 1986 and Rubin 1995), and in another well-known publication at the time written by a former five-year prisoner of the KhAD (Kakar 1995). That this very pertinent information from Nyrop & Seekins (1986) and Rubin (1995) is not discussed in the OR, constitutes two more counts of selective use of evidence.

In a letter dated 26 March 2007, Prof. Rubin stated that "... *Like any intelligence agency, only a portion of the employees of KhAD/WAD were directly engaged in interrogation and detention, where torture and other human rights violations occurred.*" In 1999 Prof. Rubin was mentioned by Netherlands Embassy staff in Islamabad as a recognised expert but he was not consulted by the writers of the OR. What is more, Embassy staff claimed that the conclusions in the OR de facto did not differ from what was stated by, among others, Prof. Rubin. **As there is no indication that Prof. Rubin did in 2000 concur with the conclusion that all KhAD and WAD NCOs and officers were responsible for crimes against humanity, this**



**claim by Embassy staff must be considered incorrect and misleading, and either -if wilful-, fraudulent, or -if an oversight-, a sign of serious incompetence.**

**A.** According to p.14, passages 1 and 2 of the OR (**annex A**):

*"The AGSA and the KAM were directly responsible to the Minister of the Interior. Initially this also applied to the KhAD set up in January 1980. However, after a couple of months the KhAD was detached from the Ministry of the Interior and transformed into an almost completely independent directorate-general within the President's Bureau.<sup>17</sup> Compared with its predecessor, the KhAD's staff complement was considerably increased.<sup>18</sup>*

*As far as is known at present, the KhAD Directorate-General was subdivided into six Directorates, called riasat in Dari. Two directorates were formed by the (domestic and foreign) intelligence service [a] and the internal security service [b]. The other four directorates were responsible for propaganda [c], coordination at provincial level [d], surveillance of diplomatic missions [e] and protection of the Government and of its representatives respectively [f]."*

<sup>17</sup> *In this connection, several sources refer to "the President's Bureau". However, in a Nation is Dying, p. 150, footnote 11, it is stated that before being transformed into a Ministry in 1986, the KhAD was formally responsible to the Prime Minister. KhAD offices were therefore occasionally referred to in somewhat veiled terms as "annexes to Prime Minister's ministry". In fact, upon his appointment as President on 27 December 1979 Karmal also acted as Prime Minister for some time. He was succeeded in that post by Keshtmand, who would remain Prime Minister until 1988 (see Historical Dictionary of Afghanistan, Ludwig W. Adamec, (London, 1991), pp.291, 295 and 304 and Afghan Communism and Soviet Intervention, p.130).*

<sup>18</sup> *[In this footnote the number of people working for the KhAD are discussed: it is not relevant here.]*

No source is given for this information in the OR, that, judging by the paragraph preceding it, refers to the situation at the KhAD in 1980. This information is also included in the official report of the Netherlands Ministry of Foreign Affairs of 16 September 1999 (**annex U-3**, p.54, paragraph 2), also without a source and apparently referring to the situation sometime during 1980-1986. **In both official reports the word 'KhAD' was apparently used in the sense of 'the operational directorates of the KhAD', or 'the real secret service directorates of the KhAD'.** Initially the KhAD possibly made use of the support services provided by the Ministry of the Interior. If it really became 'almost completely independent', it would have had its own support services, which would explain part of the considerable staff increase referred to in the OR.

What is also remarkable is that in the OR no equivalent of the UNHCR's Directorate of Interrogation is listed. Possibly that part of the KhAD was not a separate directorate immediately in 1980. Or it may be a matter of different translations of the Dari or Pashto name of that directorate.

**C.** The OR recognised six Directorates of the KhAD Directorate-General in 1980. The UNHCR identified the same number of *operational* directorates of the KhAD/WAD (UNHCR 2008, paragraph 16, **annex O**). This was post-1982, according to paragraph 5 of the same source. Three of the directorates identified by the UNHCR have by and large the same names as three directorates identified in the OR. For the other three pairs of directorates the links are less clear:

UNHCR (2008)	OR (2000)
1. Directorate for Operative Activities for Internal Control of KhAD/WAD Personnel	1. internal security service [a]
2. Directorate for Surveillance of Foreign and National Suspects	2. domestic and foreign intelligence service [b]
3. Directorate for the Protection of the Government and its Representatives	3. directorate responsible for the protection of the government and of its representatives [f]
Directorate for Counter-Rebellion (two sub directorates covering 16 provinces each)	directorate for propaganda [c]
Directorate for Activities linked to Infiltration of Mujahidin	directorate for coordination at provincial level [d]

Directorate of Interrogation	directorate for surveillance of diplomatic missions [e]
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However, while the OR only listed the operational directorates of the KhAD Directorate-General, the UNHCR goes on to list the *non-operational (support)* Directorates/Units at the central, provincial and district levels (UNHCR 2008, paragraph 17, **annex O**):

- Administration and Finance
- Cadre / Personnel
- Post and Parcels
- Propaganda and counter propaganda
- Logistics
- Telecommunications and Decoding
- Press and Educational Institutions
- Agents and Informers<sup>22</sup>
- Analysis and Reporting.

<sup>22</sup> The Agents and Informers Directorate, and its provincial Units, is classified as a Support Directorate. As the Directorate and its Units were involved (through the relevant operative officers who recruited them) in collecting oral and written reports, passing these on to relevant Operational Directorates, keeping track of productivity, paying out financial rewards, keeping personnel files updated etc., the Directorate and its provincial Units were not instructing agents and informers to commit human rights violations. Any instruction to the agents and informers was given by the operative officers.

In the original summing up in the UNHCR report (UNHCR 2008, paragraph 5, **annex O**), there is additional mention of the

- Directorate of Intelligence and Afghan Diplomatic Missions Abroad
- Directorate for Economy and Anti Corruption

When the Military and Police KhAD/WAD are also counted, a total of 19 directorates of the KhAD were identified by UNHCR (2008); 20 if the two sub-directorates of the directorate for Counter-Rebellion are counted separately. This is very similar to the more than 20 directorates of the KhAD mentioned in the official report of the Netherlands Ministry of Foreign Affairs of 4 March 1998 (**annex D**). See **two arguments down** in this same section.

In these paragraphs, when using the term 'KhAD', the UNHCR (2008) clearly meant the entirety of the organisation, including operational as well as non-operational (support) directorates. Given this difference in use of the terms KhAD and WAD between e.g. the OR and the UNHCR, when an Afghan refugee says he worked for the KhAD or WAD, it has to be ascertained for which section of the KhAD, and in which position, before any accusations of responsibility for human rights abuses are brought.

**A.** In p.15, passage 3 to p.16, passage 2 of the OR, is stated about the situation from 1986 on:  
*" The WAD consisted of three Directorates-General, i.e. the Directorate-General for Security, the Directorate-General for Military Security and the Directorate-General for the Interior. The task of the Directorate-General for Security was to ensure security within the WAD. In practice, this meant that this Directorate-General was responsible for staffing policy. An important part of that policy was the permanent monitoring of WAD staff 's trustworthiness. This Directorate-General had no separate directorates or departments.*

*The Directorate-General for Military Security was the continuation of the KhAD-e-Nezami, i.e. the military KhAD. The tasks of this Directorate-General were the same as those for the Directorate-General for Security, the difference being that its field of activity covered the various Afghan army services. This Directorate-General monitored, inter alia, the loyalty of the troops, countered Mujahidin's infiltration attempts and tried to discourage desertion. The tasks of Directorate-General for Military Security were spread over several Directorates.*

*The Directorate-General for the Interior was the continuation of the civil KhAD. In line with its predecessor it was also known as the "civil WAD". This Directorate-General's task was to ensure the continued existence of the Communist regime by charting and countering anti-Government activities in Afghanistan and neighbouring countries (Pakistan). It was also responsible for spreading propaganda and for economic control*

**and espionage. The many tasks of the Directorate-General for the Interior were spread over a large number of Directorates which, in turn, could consist of departments. The Directorates were designated by a number.**<sup>21</sup>

*Some Directorates did not fall within the above structure made up of Directorates-General. They may be termed "independent" Directorates, which were probably directly responsible to Minister Yaqubi or one of his deputies."*

So according to these passages in the OR itself, even the operational directorate-general of the WAD had many other duties in addition to the traditional secret service duties.

**A.** In an earlier official report on Afghanistan by the Netherlands Ministry of Foreign Affairs, dated 4 March 1998, the following was stated about the structure of the KhAD and WAD (**annex D**, footnote 88 on pp.33-34)):

<sup>88</sup> *De KhAD was founded in 1980 modelled on the KGB. The department of state security consisted of more than 20 directorates. Its headquarters were situated in Kabul, with regional offices in the provinces. The military KHAD, which at first came under the ministry of the Interior, was amalgamated in 1984 with the KHAD directorate within the ministry of Defence. In January 1986 the KHAD became a separate ministry. The KhAD departments then received the official name Riasat. There were approximately 23 directorates (3 military and 20 civil). After the take-over of power in April 1992 the KhAD ceased to exist. etc.*

**The number of more than 20 directorates of the KhAD, operational and non-operational, mentioned in this footnote from the official Netherlands report on Afghanistan of 4 March 1998, is very similar to the 19-20 KhAD directorates identified in UNHCR (2008). See **two arguments up** in this same section.**

**A.** In the first paragraph on p.34 of that same official report of 1998 (**annex D**), it is stated that *"In addition to the secret service in the narrow sense the KhAD was also responsible for the ideological schooling of new party members and soldiers. In addition the KhAD led schools for the children of party members and war orphans, who were often sent to the then Soviet Union. The KhAD also supervised the ideological education at the university of Kabul."*

**In other words, also according to this earlier official report published by the Netherlands Ministry of Foreign Affairs, one has to define what is meant by the term KhAD. And like UNHCR (2008) and other publications, in the official report of 4 March 1998 it is recognised that the KhAD had many non-secret service duties outside secret service duties in the narrow sense.**

**A.** Similarly, one of the sources used for the general paragraphs of the OR, Nyrop & Seekins (1986, p.258, final paragraph; **annex L**) stated:

*"... Aside from its secret police work, KHAD supervised ideological education at schools and colleges, ran a special school for war orphans, and recruited young men for the militia. Its importance to Moscow was reflected in the fact that it was chiefly responsible for the training of a new generation of Afghans who could be loyal to the Soviet Union. One observer, John Fullerton, calls it "the primary instrument used in the Sovietisation of the country." KHAD was also responsible for co-opting religious leaders. It funded an official body known as the Religious Affairs Directorate and recruited pro-regime ulama and mosque attendants to spy on worshippers. Another important area was work with tribes and ethnic minorities. KHAD collaborated with the Ministry of Nationalities and Tribal Affairs to foster support for the regime in the countryside".*

**In other words: many duties for the KhAD outside secret service duties in the narrow sense.**

**A.** And on p.329, paragraph 1 of Nyrop & Seekins (1986; **annex L**), on KhAD's activities in the mid-1980s:

*"Its mission was multifaceted, including the detection and suppression of anti-regime elements, the gathering of intelligence, and the sponsorship of organizations designed to win the population's adherence to the PDPA's ideology and programs. KHAD was responsible for the ideological education of new PDPA members and armed forces personnel. It set up a special school for the education of the children of party members and war orphans who were routinely shipped off to the Soviet Union for further*

**education. It supervised the teaching of compulsory courses in ideology at Kabul University, the technical colleges, and secondary schools. KHAD personnel on the campuses ostensibly worked as "information officers."**

Again, many duties for the KhAD outside secret service duties in the narrow sense.

**A.** Similarly, in Rubin (1995; see **annex L**), another official published source of information for the OR, is written, on p.137, paragraph 2:

***"In these areas the government applied a rural counterinsurgency strategy that involved both punitive measures carried out by the military and pacification measures carried out by KhAD."***

And on p.137, paragraph 4:

***"Although KhAD was indeed an organ of repression, it was above all an intelligence organization, operating, as its name implied, on the basis of information about the population. Acquisition and storage of information, can in part substitute for the application of physical coercion by rendering smaller quantities of coercion more effective, and unlike its predecessors, AGSA and KAM, KhAD did not indiscriminately torture and murder suspected opponents. Torture was one of a variety of methods for extracting information, playing a role (which diminished over time, if it never disappeared) in an increasingly routinized system of surveillance and control."***

Again, many duties for the KhAD outside secret service duties in the narrow sense.

**B.** In 1995, Kakar (1995, chapter 9, paragraph 2, **annex B**; or p.153-154, last paragraph and first paragraph) also wrote: *"The scope of KhAD's activities was wider than its name suggests. ..."*<sup>[3]</sup> One of its twelve main directorates, KhAD Number Five, was commissioned to encounter the "rebels."

**So according to Kakar only one of the twelve directorates was actively encountering [sic] the rebels.** And even that directorate no doubt may have had support sections that were not involved in anyway in interrogation of suspects. The OR doesn't explain how all NCOs and officers from the other eleven directorates could first pass through that one actively rebel-encountering directorate before being employed in one of the other eleven directorates.

**B/C.** On 26 March 2007, the author of one of the books used as a reference for the OR, Prof. Barnett R. Rubin<sup>1</sup>, stated in a letter to Dutch refugee lawyer Marieke van Eik (**annex J**):

***"... Like any intelligence agency, only a portion of the employees of KhAD/WAD were directly engaged in interrogation and detention, where torture and other human rights violations occurred."***

Note that in the internal correspondence during the preparation of the OR, Prof. Rubin was mentioned as a leading expert on the Afghan state security. The compilers of the OR did not consult Prof. Rubin or any other recognised expert or expert organisation. Instead they relied on the statements of anonymous sources (see **sections 3.2 and 3.3** above), while at the same time falsely declaring that what they wrote de facto did not differ from what had been noted about the practices of the Afghan state security services by (among a number of others) Prof. Rubin (see **annex I**, p.30, paragraph 1; and also **section 12.8**). **As demonstrated here, that declaration by the Embassy in Islamabad about the conformity of the conclusions of the OR with expert sources including Prof. Rubin, was incorrect and misleading, if not fraudulent, also where the purported involvement of all KhAD and WAD officers and non-commissioned officers in human rights violations is concerned.**

**C.** In paragraph 9 of UNHCR (2008, **annex O**), it is also stated that

***"While it is not possible to provide a reliable breakdown of the number of officers and non-commissioned officers, the strength of the KhAD/WAD, at the peak of its capacity, comprised a***

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<sup>1</sup> During 1994-2000 Prof. Rubin was Director of the Center for Preventive Action, and Director, Peace and Conflict Studies, at the Council on Foreign Relations in New York. From 1990 to 1996 he was Associate Professor of Political Science and Director of the Center for the Study of Central Asia at Columbia University. <http://cic.nyu.edu/people/barnett-rubin>



*total of about 1,000 persons per province, with some provinces having more than others. Of these, about one quarter are believed to have formed the personnel of Support Directorates. "* So according to UNHCR (2008), in the provinces a quarter of the KhAD/WAD staff belonged to support directorates, not operational directorates. **In Kabul, where the KhAD/WAD headquarters were that also had to be maintained, the fraction of support staff may well have been higher.**

**C.** Also according to UNHCR (2008, paragraph 16-17, **annex O**):

*"At both the national and the provincial/district level, certain Directorates were engaged in active security operations, during which many human rights violations occurred. These were above all the Directorates for Operative Activities for Internal Control of KhAD/WAD Personnel, for Counter-Rebellion, for Surveillance of Foreign and National Suspects, for the Protection of the Government and its Representatives, for Activities linked to Infiltration of Mujahidin, the Directorate of Interrogation, as well as the Police KhAD/WAD, and the corresponding functional units at provincial and district level. The military KhAD/WAD was present throughout the armed forces' structures down to at least battalion level, according to their functional and geographical structures, but still reported to KhAD/WAD.*

*However, the KhAD/WAD also included non-operational (support) Directorates/Units at the central, provincial and district levels, as follows: • Administration and Finance • Cadre / Personnel • Post and Parcels • Propaganda and counter propaganda • Logistics • Telecommunications and Decoding • Press and Educational Institutions • Agents and Informers<sup>22</sup> **Information available to UNHCR does not link these Support Directorates to human rights violations in the same manner as the operational units."***

Once more, there apparently existed many directorates within the KhAD that would have had nothing do to with interrogations and torture.

**7.3 No estimate is given of how many NCOs and officers would have had to be trained, trialled and assigned to an interrogation unit each year, and how many in total**

**Summary** No estimate is given in the OR of how many NCOs and officers entered the KhAD or WAD each year, had to pass through the training and trial periods, and as a first assignment be posted to an interrogation unit. **Based on Rubin (1995, p.133) and Nyrop & Seekins (1986, p.325-326), two of the sources for the introductory paragraphs of the OR, an estimated 2,923 new officers entered the KhAD in just one year (1981-1982). It is not explained in the OR how these could all so quickly be trained, trialled and assigned to an interrogation unit.** This lack of quantification and explanation casts doubt upon the statement that *all* KhAD and WAD officers and NCOs had to pass through training and trial periods and be assigned to an interrogation unit.

Similarly, no estimate is give of the total number of KhAD and WAD interrogators there would have been if the statements in the OR are correct. **Based on numbers from the same two sources for the OR, (Rubin 1995, p.133; and Nyrop & Seekins 1986, p.325-326), the KhAD/WAD at its peak would have had 5,625-11,250 torturing interrogators simultaneously. The compilers of the OR did not explain where all these supposed interrogators would have been working.**

**A.** According to the OR, all KhAD and WAD officers first had to pass through a training period Parawachi and a trial period Azmajchi (**annex A**, p.18, paragraph 1), followed by a first posting to a section actively engaged in tracking down "elements that posed a threat to the state" (**annex A**, p.28, paragraph 3). For a rebuttal of these statements, see **sections 5 and 7.2** above.

In addition, no estimate is given in the OR -and therefore probably also not by the anonymous sources for the key conclusions in the OR-, of how many NCOs and officers entered the KhAD or WAD each year. NCOs and officers who, if the OR is correct on this point, all had to pass through the training and trial periods and be trained in interrogation techniques. This lack of quantification, and the related lack of explanation how this was all managed, cast doubt upon the statement that

all KhAD and WAD officers and NCOs had to pass through trial periods and be trained in interrogation techniques.

**A.** According to footnote 18 on p.14 of the OR (**annex A**), the KhAD had 10.000 collaborators in Kabul alone in 1983. According to the same footnote, at unspecified other times assessments by (western) observers put the number of persons working for the KhAD and the WAD at between 25 000 and 60 000 and even 150 000. If one third of these were officer and NCOs -not a high estimate, see below-, then, if the OR is right, there would have been 8.000 to 20.000 interrogators simultaneously.

**A.** One of the OR's own sources, Bradsher (1999, p.137 final paragraph, **annex L**) states that *"Within a few years [from 1980] KhAD grew to between 15 000 and 20 000 personnel, and by 1989 it numbered an estimated 25 000."*

**A.** Another source for the OR, Rubin (1995; The Fragmentation of Afghanistan), is more detailed. On his page 133, third paragraph (**annex L**), Rubin stated that:

*"According to one estimate, by 1987 WAD employed 15,000 to 30,000 professionals and about 100,000 paid informers.<sup>25</sup> The numbers may seem high, but government statistics indicate that they may be in the right order of magnitude. Official figures for 1980-1981 show that the Office of the Prime Minister (which included KhAD) employed 5,802 people, of whom 2,301 (40 percent) were in the provinces; by the next year, although total number of government employees (not including the Ministry of Defence) actually decreased slightly, the number of employees in the Prime Ministry increased over 130 percent. to 13,596, of whom 9,042 (67 percent) were in the provinces.<sup>26</sup> It is quite probable that most of the nearly 14,000 employees of the Prime Minister's Office in 1981-82 were working for KhAD, and the number of employees continued to grow."*

[Endnotes 25 and 26 list sources for the numbers given. In endnote 25 Rubin added that the numbers were similar to those given by KhAD officials themselves, including both defectors and officers interviewed by journalists. A KhAD defector in late 1982 said the agency had 25,000 employees. Both KhAD and its enemies might have had an interest in exaggerating its strength, according to Rubin.]

**A.** A third source for the OR, Nyrop & Seekins (1986, p.325-326, last and first paragraphs; **annex L**) stated that:

*"One remedy that the regime used to attempt to cut down on the desertion rate was to increase the ratio of officers to enlisted men. **In certain cases, there could be as many as six officers to every 10 conscripts.** The former had the role of watching their men as well as commanding them, although officers with strong Khalqi sympathies could not be relied on to do this. **Shortage of loyal officers resulted in rapid promotion of inexperienced -and sometimes illiterate- men.**"*

**A.** Combining

- the numbers in Rubin (1995) quoted two paragraphs earlier, of 5,802 people employed by the Prime Minister's office in March 1981, most of them for the KhAD
- with the ratio of six out of (6+10) = six out of 16 = 37.5% being officers (Nyrop & Seekins 1986 just quoted; and similar to the estimate of Dr. A. Giustozzi in a letter of 2003 (**annex T**, paragraph 7),

there were  $0.375 \times 5,802 = 2,176$  officers in the Prime Minister's office in March 1981. By March 1982 that had grown to  $0.375 \times 13,596 = 5,098$  officers. **This means that in that one year 1981-1982, there were an estimated  $5,098 - 2,176 = 2,923$  new KhAD officers.** This is a huge numbers, a 130% increase in trained, trialled and experienced interrogation capacity in just one year, if the assertion in the OR had been correct that all KhAD officers started of in an interrogation unit. Which has nowhere been proven.

**A** Using the same proportion of 37.5% officers, and total KhAD/WAD numbers of 15,000 to 30,000 at its peak (OR sources Bradsher 1999 and Rubin 1995), there would have been 5,625-11,250 KhAD/WAD interrogators at the same time, if the OR statements are correct, counting only



the officers, not the NCOs. The compilers of the OR did not explain where these would all have been working.

#### **7.4 Division of labour and alleged job rotation for all KhAD and WAD agents; the size of interrogation units compared to the total KhAD or WAD size**

**Summary** In the information underlying the OR there is only talk of *general* rotation within the KhAD and WAD, and only to avoid the building up of personal powerbases. On that basis many KhAD and WAD officers would not have qualified for rotation. There also are a number of indications that on this aspect, too, by 'KhAD' and 'WAD' only certain operational elements are meant, not the entire organisations. See e.g. the reference to 'agents', i.e. staff with secret service duties in the classical sense, not support staff.

Interrogating is a specialist job that also requires good knowledge of the file of the person being interrogated. It makes as little sense to rotate interrogation specialists away from interrogation duties as it does to rotate mechanics and logistical managers to interrogation duties. Calculations based on information in OR sources Rubin (1995, p.133) and Nyrop & Seekins (1986, pp.325-326), show that, if the various statements in the OR had been correct, in the year 1981-1982 2,923 new KhAD officers would have had to be trained in interrogation techniques by the 181-725 interrogation officers already there. And they would then mostly have moved on to other duties. It makes no sense from a management or a logistical point of view. Prof. Kakar, for five years a prisoner of the KhAD and WAD, also talked about *my* interrogator, even giving his name, and not about rotating interrogators.

And finally: how can such sweeping statement about job rotation for all KhAD and WAD officers be made in the OR, when the compiler(s) of the OR also admitted that he/she/they did not really know how the KhAD and WAD were structured. And when no rotation regulation or official rotation policy is referred to. What is more, the quantification of the rotation frequency of KhAD and WAD staff, expressly requested by the Ministry in The Hague, was only very vaguely provided by the Embassy in Islamabad, without supporting evidence and apparently without checking back with the sources of the original, much more qualified rotation statement.

**A.** In the underlying memo from the Embassy in Islamabad, dated 1 September 1999, it is stated that '*in general*' there was rotation, to avoid the building up of personal power bases. See **section 12.1** and **annex I**, p.4, paragraph 1. Without further corroborating evidence this was changed in the OR to (**annex A**, p.28, paragraph 3):

*" KhAD and WAD agents regularly changed sections in order to prevent them acquiring too much power within a specific section. Sometimes agents were transferred several times a year. Anyone who had been with the KhAD or the WAD for more than a year had worked in at least two sections. An NCO or officer could only hope to be posted to a section or directorate carrying out activities of a more administrative or technical nature<sup>45</sup> if he had proved his worth sufficiently during an initial assignment or assignments."*

<sup>45</sup> *E.g. the directorate dealing with foreign espionage. Such administrative and technical activities were usually very sensitive and therefore reserved only for highly loyal NCOs and officers.*

and further on (**annex A**, p.33, paragraph 1):

*" A rota system ensured that agents often switched sections."*

Leaving to one side the truth or untruth of these statements in the OR, as is explained above (**sections 2, 7.1 and 7.2**), the terms KhAD and WAD must have been used in these passages of the OR to refer only to operational sections of the KhAD and WAD, not to the entire organisations. Why would one rotate a specialised mechanic or finance officer? Never mind *all* mechanics and *all* finance officers etc..

**A.** This conclusion, that the terms KhAD and WAD were used only to refer to operational sections of those organisation, is supported by the fact that, **according to the paragraph of the**

OR just quoted, the regular changing of sections was only applicable to *agents*, i.e. staff with 'secret service' duties. One must assume then that it was therefore not applicable to repairmen, purchasing officers, administrators etc.. And there were very many such KhAD and WAD NCOs and officers with different duties to the secret service men, as shown in section 7.2 above.

**A.** Interrogators, too, to be able to interrogate effectively, need to be familiar with a suspect's file. Rotating interrogators away from a particular case makes no sense in that context.

**A.** While it might make sense to continuously transfer potential competitors possibly building up a power base, many people working for KhAD and WAD would have had no interest in building up a power base and no opportunity to do so anyway. They would therefore not have invited rotation to a new section of the KhAD or WAD. Power-hungry people are surely limited in number, also in Afghan society and in Afghan ministries.

**A.** How can anyone *know* that *anyone* who had been with the KhAD or the WAD for more than a year had worked in at least two sections? Especially when the organisational structures of KhAD and WAD are not precisely known by that person (see section 3.5 above on the acknowledged lack of knowledge by the compilers of the OR of the organisational structure of KhAD and WAD).

**A.** And if *everyone* who had been with the KhAD or WAD for more than a year had to have been in at least two sections, there is likely to have been a regulation or policy stipulating as much. However, no rotation regulation or policy is referred to in the OR or its underlying documents. This section-changing comment could well be a throwaway remark for maximum effect, that was not substantiated and never properly double-checked.

**A.** The quantification of the rotation frequency of KhAD and WAD staff, expressly requested by the Ministry in The Hague (section 12.2 below), was only very vaguely provided by the Embassy in Islamabad, without supporting evidence and apparently without checking back with the anonymous sources from which the statement about 'general rotation and only to avoid the building up of personal powerbases' apparently came (section 12.3 below). This further undermines the statement in the OR about all-pervasive job rotation for NCOs and officers within the KhAD and WAD.

**A.** In the OR no numbers are given of the size of these interrogation units in comparison to the total size of KhAD and WAD. For all NCOs and officers to have as their first assignment a post in a section actively tracking down elements that pose a threat to the state and interrogating and torturing them, and to spend say six months there, the interrogation units would have needed to be very large indeed relative to the rest of the KhAD and WAD. And no-one apparently said, or asked, how long they stayed in those interrogation units. Indeed, the writer of the OR acknowledged that he or she did not really know the organisational structure of the KhAD and WAD: see section 3.5 above.

**A.** Some information on the requirements for the alleged training in interrogation techniques of all new KhAD and WAD officers can be gleaned from what is known about the structure of the KhAD and WAD (see section 7.2 above), and about the growth of the KhAD (see section 7.3 above).

In section 7.3 it is estimated that at the start of the year 1981-1982 there were 2,176 officers already present in the KhAD, while 2,923 new officers entered the KhAD in the following 12 months. If the statement in the OR is correct (annex A, p.28, paragraph 3), all new officers had to be trained, trialled and supervised in interrogation techniques by that part of the officers that were already there and active in an interrogation unit. If we assume that one-twelfth to one-third of the KhAD was made up of interrogation units (estimates based respectively on Kakar (1995), on the

official report of 4 March 1998, and on the OR itself (see **section 7.2** above), then those 2,923 new officers would have had to be trained, trialled and supervised by the 1/12 to 1/3 x 2,176 = 181 to 725 interrogation officers already there. **Four to sixteen new officers to be trained by each experienced interrogator. In the OR it is not explained how this would be done. And then the vast majority of those 2340 newly-trained officers would mostly move on to units with other duties**, see **section 7.2** above. It all doesn't seem to make sense from a management point of view, nor from a logistical point of view.

**B.** Prof. M. Hasan Kakar, a well known professor at the University of Kabul until his imprisonment by the communist regime during 1982-1987, in his book 'Afghanistan. the Soviet invasion and the Afghan response, 1979-1982', devoted an entire chapter to 'KhAD as an agency of suppression' (**annex B**). In the final sentence of paragraph 12 of the introductory part of this chapter, just before the section 'KhAD in action', Kakar (1995, p.157, final sentence) talks about 'my interrogator' (singular) and in paragraph 10 of the section 'KhAD in action' (Kakar 1995, p.161, 8th line from the bottom), even about 'my interrogator Asad Rahmani'. In the preceding paragraph, too, Kakar talks about 'my interrogator' and 'his interest' (Kakar 1995, p.161, 8th and 13th line from the top). **These statements by someone who was himself a prisoner of the KhAD are in clear contradiction to the notion of rotation of interrogators within the KhAD.**

For these reasons, too, the statement in the OR about all KhAD/WAD NCOs and officers starting in an interrogation section, is clearly untrue.

### **7.5 Rotation to non-interrogational duties within the KhAD or WAD**

**Summary** Regarding rotation to non-interrogational duties within the KhAD or WAD, footnote 45 in the OR only mentions the directorate of foreign espionage as an example of a more administrative or more technical directorate. Not the purchasing directorate, etc. **The implication is that there were sections of the KhAD and WAD that were not sensitive, where there were NCOs and officers who did not need to be highly loyal to the PDPA, and which NCOs and officers did not need to rotate if they did not threaten to build up a large personal powerbase.** Kakar (1995) also implied that there were officers, and NCOs, who did nothing but work in offices. And Giustozzi (2003) stated that generally speaking there is no reason to believe that most violations of human rights were carried out by others than specialized "interrogators", "as they exist in all intelligence services".

**A.** According to p.28, paragraph 3 of the OR:

*An NCO or officer [of the KhAD or WAD] could only hope to be posted to a section or directorate carrying out activities of a more administrative or technical nature<sup>45</sup> if he had proved his worth sufficiently during an initial assignment or assignments. "*

<sup>45</sup> *E.g. the directorate dealing with foreign espionage. Such administrative and technical activities were usually very sensitive and therefore reserved only for highly loyal NCOs and officers.*

This footnote 45 is contradicted by what is stated in p.16 paragraph 2 of the OR itself:

*" The Directorate-General for the Interior was the continuation of the civil KhAD. In line with its predecessor it was also known as the "civil WAD". This Directorate-General's task was to ensure the continued existence of the Communist regime by charting and countering anti-Government activities in Afghanistan and neighbouring countries (Pakistan). It was also responsible for spreading propaganda and for economic control and espionage. "*

Is spreading propaganda such a very sensitive activity? Or (most aspects of) economic control? Or the purchasing department? **The implication is that there were sections of the KhAD and WAD that were not sensitive, where there were NCOs and officers who did not need to be**

highly loyal to the PDPA, and who did not need to rotate if they did not threaten to build up a large personal powerbase.

**B.** See also what Kakar (1995) wrote about the rate of supplementary pay within the KhAD and WAD depending on the duties of the officer concerned (section 6 above). Lowest rates were reserved for those who worked in the offices. This indicates that there were officers, and NCOs, who did nothing but work in the offices.

**C.** Dr. A. Giustozzi, in a statement to the Dutch courts of 28 September 2003, at the request of Dutch asylum lawyer F. Schüller, stated (annex T, paragraph 11):

*"... Generally speaking there is no reason to believe that most violations of human rights were carried out by others than specialized "interrogators", as they exist in all intelligence services. Their methods were brutal, but it appears highly unrealistic to assert that every officer in KhAD/WAD was involved in such activities."*

And paragraph 12 (annex T, paragraph 12):

*"... Only a relatively limited number of professional "interrogators", special agents and their officers, would have violated human rights as part of their tasks."*

### 7.6 Basics of management sense ignored in the OR

**Summary** Requiring every new KhAD and WAD NCO and officer to first go through the Parawachi training period and Azmajchi trial period, and then spend an unspecified time in an interrogation unit, before finally -after one year?- being assigned to the section where he or she was needed, makes no managerial sense. What is more, interrogating is a specialist job. It makes as little sense to rotate interrogation specialists away from interrogation duties as it does to rotate mechanics and logistical managers to interrogation duties. If a section needed a skilled radio operator, they wouldn't want to have to wait say a year because any candidate from outside first had to go through training, trial and interrogation periods. Given the many different tasks of the KhAD and WAD (see e.g. p.16 of the OR, annex A), such a waiting scenario is even more unlikely. And when they finally got to be really productive after six months in their new position, they would again be transferred to a different section? This seems highly improbable and needs more than the uncorroborated say-so of anonymous sources to be accepted as the KhAD and WAD policies of the time. Giustozzi (2003) and UNHCR (2008) also support our conclusions in this paragraph.

**A.** In addition to the logistical improbability of assigning all new KhAD and WAD NCOs and officers to an interrogation unit, it also makes no managerial sense whatsoever. Interrogating is a specialist job. It makes as little sense to rotate interrogation specialists away from interrogation duties as it does to rotate mechanics and logistical managers to interrogation duties. If suddenly there was a need for, for instance, a new radio communications expert -a skilled position taking years of training-, the new recruit would have first had to do his purported Parawachi training period and Azmajchi trial period, then spend an unspecified time in an interrogation unit, and then, after perhaps a year or more, he would finally be available for the radio repair position.

**A.** That it is unlikely that all NCOs and officers were first assigned to an interrogation unit is also indicated by p.16 paragraph 2 of the OR itself (annex A):

*" The many tasks of the Directorate-General for the Interior were spread over a large number of Directorates which, in turn, could consist of departments."*

If there were that many different tasks, it is surely very unlikely, not to say impossible, that all officers and NCOs of all those different directorates had first been posted to an interrogation unit involved in torture and murder? That is like saying that all professional staff of the Netherlands security service AIVD are involved in (illegal) wire tapping. Surely there was specialisation within the KhAD and WAD, both for the interrogators and for the other professionals.

Indeed, what manager would continuously transfer all his staff? Every job has a working-in period before the person doing the job becomes fully effective. And then to transfer again with months all those people who have just learned how to do their jobs properly? It doesn't make sense from a work perspective.

C. Dr. A. Giustozzi, in a statement to the Dutch courts of 28 September 2003, at the request of Dutch asylum lawyer F. Schüller, also stated that (annex T, paragraph 10):

***"Deliberate rotation, which would have been necessary if every member of KhAD had to be implicated in the violation of human rights, in my view can only have played a limited role, because many positions in KhAD must have been highly skilled. As a result, and given the sheer size of the organization, a large number of KhAD members, including officers, must have been permanently involved in administrative, information gathering, logistical and organizational work, which is unlikely to have involved them in violations of human rights."***

C. The UNHCR later also stated (UNHCR 2008, paragraph 24, annex O):

***"UNHCR is not able to confirm that there was a systematic rotation policy inside KhAD/WAD. Sources consulted by UNHCR affirmed that rotations within the KhAD/WAD structures were largely based on expertise and experience. In emergency situations, staff may have been shifted to work on a given operation, but within its area of expertise. Military personnel operated within its rank and levels of expertise. One expert<sup>30</sup> [Dr Antonio Giustozzi] stated that, in his view, there was no mandatory rotation; he believes that people could change jobs within the KhAD/WAD, but that it was not a rule or requirement. In the view of that source, such a rotation policy would have gone against any sense of professionalism within the institution. Other sources state that the activities of KhAD/WAD officers were regulated by a number of principles, one of which was confidentiality. For this reason, they believe that the KhAD/WAD could not resort to a general rotation policy, as this would have risked disclosure of information from one Directorate to another."***





## 8. Alleged promotional system within KhAD and WAD

OR statement (p.28, paragraph 1): *"As already stated in paragraph 2.4 agents could not be promoted to officer within the KhAD or the WAD unless they had proved their unconditional loyalty to the Communist regime. This also applied to promotions available to KhAD and WAD officers after completing their training. Any officer promoted during his period of service was, therefore, involved in arrests, interrogations, torture and even executions."*

**Summary** In the memorandum from the Embassy Islamabad underlying the OR, the **stated prerequisite of proving one's loyalty only concerned promotion to officer within the KhAD/WAD. Promotion from NCO to officer is a big step in any army. Unlike what is stated in the OR, the original statement did not concern promotion as an officer to a higher rank. In the Afghan army, like in other armies around the world including the Netherlands and US armies, promotion to some ranks depended on education, promotion to other ranks depended on seniority. This was part of Afghan Law at the time**, as described by the UNHCR. It seems unlikely that KhAD and WAD staff would have foregone automatic promotions just to be able to join the KhAD or WAD. That aspect is not discussed in the OR. On the contrary, in the OR it is stated that the KhAD and WAD management were intent on offering recruits *better* than average working conditions, rather than worse. Former KhAD prisoner Prof. Kakar also stated in his 1995 book that extraction of confessions could *lead* to promotions, not that it was essential for promotions.

**A.** The underlying information, in p.3, paragraph 4: of a memorandum from the Netherlands Embassy to the Ministry of Foreign Affairs in The Hague, dated 1 September 1999 (**annex I**, p.1-5; see **section 12.1** below), is as follows:

*"A promotion to officer [within the KhAD/WAD] could not take place if one had not proven one's loyalty in a concrete fashion. In the context of the KHAD/WAD this meant that one must have questioned/mistreated suspects, with an eye to gaining information"*

**Note that this stated prerequisite of proving one's loyalty only concerned promotion to officer, i.e. from NCO to officer, which is a big step in any military organisation. It does not concern promotion as an officer to a higher rank.**

**B.** In the Afghan National Army, like in other armies around the world, promotion to some ranks depended on education, education before joining the army and/or once in the army. For other ranks promotion depended on seniority, i.e. the number of years of service in the rank below. It seems extremely unlikely that Afghans would have joined the KhAD and WAD if the consequence was that they would never qualify for promotion based on seniority. On the contrary, as the OR itself points out, benefits for KhAD and WAD staff were rather better than for other government employees, better even than for regular army staff.

For conscription in Netherlands in the 1970's, you were asked to participate in officer selection days if you had finished havo (middle level high school), or preferably vwo (upper level high school) or hbo or wo (tertiary education). See also <https://werkenbijdefensie.nl/opleidingsniveaus> for the present minimum requirement of middle level but preferably upper level high school to become an officer in the Netherlands defence forces. As a candidate officer you started as a private, advanced through the ranks, and at the end of your training became 2nd lieutenant. If you started a professional officer's course, e.g. to become a flight officer, you also started as a private, according to a former flight captain, interviewed in 2016, who joined the Royal Netherlands Air Force in 1975 and served for 16 years. During your training you advanced through the ranks and upon obtaining your wings you automatically became 2nd lieutenant. On the basis of seniority you could be promoted to 1st lieutenant (after four years) and then captain. To subsequently become major you first had to complete the 'HOC', the Field Officers Course. If you had done that and

become major, you could once more make promotion based on seniority, to the rank of lieutenant-colonel. To become a full colonel, you again had to pass a very demanding course.

In the US Army, too, there was and is promotion based on seniority. See <http://www.stripes.com/news/bergdahl-was-released-after-5-years-military-fate-uncertain-1.321038> (Bergdahl weeks away from third automatic promotion) and <https://jameslgibson.wordpress.com/2013/03/27/129/>.

Thirty years ago the general level of education in Afghanistan was very low. Even in 2001, nine years after the end of the communist era, according to the Asia Pacific Cultural Centre for UNESCO

([http://www.accu.or.jp/esd/forum\\_esd\\_2010/program/program12\\_01/pdf/presentation5.pdf](http://www.accu.or.jp/esd/forum_esd_2010/program/program12_01/pdf/presentation5.pdf), slide 6) only 18% of Afghan men was literate. According to the official report of the Netherlands Ministry of Foreign Affairs of 16 September 1999 (**annex U-2**, p.20, paragraph 3, with referral to an unspecified UNICEF source), in 1980 the literacy rate among men in Afghanistan was 33%, but that is still very low. According to a former field officer in the Afghan armed forces, in the Afghan National Army in the 1980's, anybody who had finished high school therefore automatically started as a 3rd lieutenant (*dreyem bridman*), in three years automatically made promotion via 2nd lieutenant to 1st lieutenant (*lomrai bridman*), and subsequently, also based on seniority, made promotion to captain and senior-captain. I.e. promotion based on seniority between all the *Zabetan* or subaltern ranks mentioned in an annex to the OR (annex A, p.37-38). Only for promotion to *Aameran* or field officer (major to colonel), the position of the person concerned, and the associated training completed, were decisive.

In other words, in the Afghan armed forces and associated organisations in the 1980's, including the KhAD and WAD, most normal promotions were based on seniority.

**B/A. Based on Afghan laws existing before 2000, and therefore a category B argument, if not category A, the UNHCR subsequently stated (UNHCR 2008, paragraph 20, **annex O**):**

*"All positions within the formal KhAD/WAD organigram were ranked military positions. Rank was determined by the level of education, and promotions in rank were based on military law<sup>26</sup>, largely based on the years of completed service. In addition, officers who demonstrated particular loyalty, such as gathering valuable information concerning State security, or disclosing important covert networks and organizations, were promoted. Officers who were killed while conducting such "acts of loyalty" were also promoted posthumously in order to enable their families to receive financial benefits and housing provided by the State. During the last five years of the KhAD/WAD's existence, promotion of officers also took place not necessarily because of the officers' length of service or loyalty, but because of the huge turnover of staff when many abandoned their posts or left the country, fearing the political changes ahead. Once ranked in a KhAD/WAD military position, one could leave the service only for reasons of health or through transfer to the Ministry of Interior or Ministry of Defense.<sup>27</sup> Agents and informers were recruited based on experience and the personal references of two KhAD/WAD officers. "*

<sup>26</sup>Law of Personal Affairs of Military Forces of the Democratic Republic of Afghanistan – 1362 (1983), Law on Remuneration and Rights of Cadre and Experts of Universities, Academies, Faculties and Armed Military Forces of the Democratic Republic of Afghanistan – 1366 (1987).

**B.** Kakar (1995, 9th paragraph of the section 'KhAD in action'; or p.161, first paragraph) wrote *"It was not in the interest of the interrogator to establish the true state of affairs. The establishment of the truth, which was likely to lead to the acquittal of the detainee, would deprive the interrogator of the rewards (promotion, cash, trips to the Soviet Union) that he was granted when he made the detainee confess to the crime of which he or she was accused. It was in his interest to make the detainee guilty."*

**Prof. Kakar was a prisoner of the communist regime during 1982-1987 and a victim of the KhAD. While he stated that extracting confessions could lead to promotion, he did *not* say that that was the only way to get promotion.**

## **9. KhAD and WAD NCOs allegedly also had to take part in human rights violations**

OR statement (p.28, paragraph 2): *"Like officers, NCOs could not function within the KhAD or the WAD if they were unwilling to take part in the systematic human rights violations by these organisations."*

**Summary** The statement that in the OR that *"NCOs could not function within the KhAD or the WAD if they were unwilling to take part in the systematic human rights violations by these organisations."* is largely based on what was first concluded about the KhAD and WAD officers. The category A arguments in preceding sections, and the category B and C arguments, demonstrate that many employees of the KhAD and WAD, including many officers, did not take part in systematic human rights violations by certain elements of their organisations. The similar allegations against all KhAD and WAD NCOs must therefore also be untrue. Like in other statements, the terms KhAD and WAD in this statement in the OR cannot refer to the organisations as a whole, only to certain operational elements of the KhAD and WAD.

**A.** in addition to what is said in the boxed summary above, **the explicitly requested information on the duration of the training of NCOs in KhAD and WAD (section 12.4 below), was apparently not provided by the Embassy in Islamabad (section 12.5 below).** Such information cannot logically be confidential. Absence of this information undermines the statements by the anonymous sources for the OR about the activities of NCOs within the KhAD and WAD, if that was still needed.



## **10. The overall conclusion in the OR: all KhAD and WAD NCOs and officers were involved in torture and executions, both before and after the announcement of the policy of national reconciliation**

OR statement (p.28, paragraph 4): *"The above suggests that all NCOs and officers were active in the macabre sections of the KhAD and WAD and were personally involved in the arrest, interrogation, torture and even execution of suspects."*

[NB The original Dutch text is stronger: 'volgt' = 'leads to the conclusion that' or 'from which it follows that']

**Summary** All key statements in the OR on which the overarching conclusion of the OR -that all KhAD and WAD NCOs and officers were involved in torture and executions, both before and after the announcement of the policy of national reconciliation- is based, have been refuted in the preceding sections. That overarching conclusion is therefore also refuted. The overarching conclusion is not even supported by the information exchange between the Ministry in The Hague and the Embassy in Islamabad leading up to the publication of the OR.

In addition, the request for confirmation from the Ministry in The Hague to the Embassy in Islamabad, that the policy of national reconciliation did not cause changes in WAD policy and behaviour, was apparently not replied to by the Embassy in Islamabad. On the other hand, an official report of the same Ministry of Foreign Affairs in The Hague, dated 16 September 1999, contains a clear statement of changes in policy relevant to the activities of the WAD following the announcement of the policy of national reconciliation. **That this statement in the official report of 16 September 1999, of changes in WAD policy following the announcement of the policy of national reconciliation, was not referred to in the OR six months later, again constitutes selective use of evidence.** The change in WAD policy and behaviour is confirmed by Giustozzi (2003) and UNHCR (2008).

As stated earlier, **part of the problem lies in the use of the terms 'KhAD' and 'WAD' when only certain elements of the KhAD and WAD are meant.** This has de facto been recognised by the immigration service IND, through the dropping of accusations of (co-)responsibility for crimes against humanity against 40-50 former KhAD and WAD employees. How many exceptions need to be recognised before it is accepted that the absolute statement that all former KhAD and WAD employees have blood on their hands, is incorrect? And that all asylum applications and associated requests by former KhAD and WAD employees in the Netherlands need to be judged individually, and not on the basis of the erroneous (see this document) sweeping statements of the OR of 29 February 2000?

**A. All key statements in the OR on which this overarching conclusion is based, have been refuted in the preceding sections:**

- that only those people qualified for admission as officer to the KhAD or WAD who were very loyal to the party or pro-Government, and by inference supported the party's methods for staying in power (section 4)
- that all KhAD and WAD officer recruits had to undergo a Parawachi training period and an Azmajchi trial period (section 5)
- that KhAD and WAD officers earned almost ten times as much as an ordinary official (section 6)
- that the first assignment of each KhAD and WAD NCO and officer was to a section actively engaged in tracking down enemies of the states (section 7)
- that [all] KhAD and WAD agents regularly changed sections (section 7)
- that only proven worth during interrogation assignments could lead to posting to more administrative or technical duties (section 7)

- that promotion to officer, and of officers, within the KhAD and WAD could only take place after proof of unconditional loyalty to the Communist regime, i.e. by torturing opponents of the regime or even executing them (section 8)

**Given the refutation of all these statements, the overall conclusion, that "that all NCOs and officers were active in the macabre sections of the KhAD and WAD and were personally involved in the arrest, interrogation, torture and even execution of suspects " is also refuted.**

**A.** In addition, in the original information on this subject from the Netherlands Embassy in Islamabad, a memo dated 1 September 1999, it was not stated that it is unavoidable that as a KhAD/WAD officer one was involved in torture, only that it was unavoidable that he or she was involved in mistreatment. It was also stated there that one could prove one's loyalty just by questioning suspects: no mistreatment necessary, let alone torture. See section 12.1 and annex I, p.3 paragraph 4). It is not discussed at all, in the documents underlying the OR that were supplied by the Ministry of Foreign Affairs following a freedom of information request, how and why these assertions were made so much stronger (torture, even execution) and much more absolute (all KhAD and WAD NCOs and officers participated in etc.). See also section 3.1.

**A.** On 21 January 2000, the Ministry of Foreign Affairs in The Hague, at the behest of the Ministry of Justice, explicitly requested confirmation in writing of the statement that "it is unavoidable that NCOs and officers of the KhAD and the WAD were personally involved in the arrest, interrogation, torture and sometimes execution of suspects", **and to explicitly respond to the question if this situation remained the same following the announcement of the policy of national reconciliation** (see section 12.4 below and annex I, p.12-13). According to this memo of 21 January 2000, this wording would exclude exceptions. However it does not exclude exceptions because it is an indeterminate sentence: the sentence does not state that it is unavoidable that 'each NCO and officer' or 'all NCOs and officers' were personally involved in the activities listed.

**A.** The explicitly requested confirmation that, after the policy of reconciliation was announced by the communist government, there was no change in the policy of the WAD that all WAD NCOs and officers were involved in torture and sometimes execution of suspects (section 12.4), **was apparently not provided by the Embassy in Islamabad (section 12.5)**. This leads one to conclude that, if that KhAD or WAD policy of involving all NCOs and officers in torture ever existed, it did not continue after the policy of reconciliation was announced by the communist government.

**A.** In spite of the lack of confirmation from Islamabad, on p.11, first paragraph of the OR, it is implied that there were no real changes following the announcement and pursuit by Najibullah of a policy of national reconciliation in 1987:

*"... Najibullah tried to pursue a policy of reconciliation. This policy consisted, inter alia, in giving greater prominence to Islamic principles in the administration and, liberalising land reform, and in the possibility to create political parties. In November 1987 Afghanistan acquired a new Constitution providing for the creation of a First and Second Chamber. The country's name was changed to "Republic of Afghanistan" with Najibullah as its first President. However, these were mainly cosmetic adjustments. In actual fact the PDPA, whose leading role was enshrined in the Constitution, remained all-powerful. The Soviet troops and the WAD continued to be important pillars under the Communist regime."*

The overall conclusion of the OR, that all KhAD and WAD officers between 1980 and 1992 were responsible for crimes against humanity, also implies that there was no significant change in [KhAD and WAD] policy following the announcement of the policy of national reconciliation.

Six months earlier, however, in its official report of 16 September 1999 (DCA-AM 633314; annex U-1, p.10, footnote 17), the Netherlands Ministry of Foreign Affairs had stated:

*"<sup>17</sup> ... During the first years of the communist regime under presidents Taraki, Amin and Karmal, 'purging' usually implied a long prison sentence or execution. This changed somewhat*



*during the course of the presidency of Najibullah. Especially after the initiation of his policy of national reconciliation in 1987 punishment was usually limited to social demotion, e.g. in the shape of loss of PDPA membership, dismissal or banishment."*

**That this statement in the official report of 16 September 1999, about changes in the activities of the WAD following the announcement of the policy of national reconciliation, was not referred to in the OR of 29 February 2000, again constitutes selective use of evidence.**

**C.** Internationally recognised Afghanistan expert Dr. A. Giustozzi commented on this as follows in a letter to Dutch lawyer P. Bogaers dated 1 August 2003 (**annex S**):

***"... I would like to add that what the text [of the OR] states with regard to the "National Reconciliation" and the role of KhAD is completely wrong. KhAD/WAD played a pivotal role in the "National Reconciliation". There are reports that human rights violations in Kabul declined in intensity after 1989, although this is difficult to establish, given that no reliable information is available on both the pre- and post-1989 periods. KhAD/WAD was in any case crucial in bringing over to the government side many groups of mujahidin and in reaching ceasefire agreements with many others. This was achieved in a number of ways, first and foremost by paying them, but also by reducing the level of violence against the villages and by guaranteeing these groups that the state would have allowed them to maintain control over their area. While the final outcome of this policy was something still very remote from anything approaching a genuine democracy and abuses of human rights continued, the level of violence and of human rights abuses declined markedly after 1989. In part because of this, by early 1991, the majority of the mujahidin had stopped fighting against the communist government."***

**C.** According to the UNHCR, too (UNHCR 2008, paragraph 19, **annex O**):

***"The 1986 National Reconciliation Policy had an impact on the functions and activities of the KhAD/WAD. These were considerably reduced, both inside and outside of the country. Afghans who were not members of the PDPA were appointed to key government positions, including in the KhAD/WAD, and the institution was involved in negotiations with Mujahidin groups. The previous authority of individual KhAD/WAD operative officers was reduced, for example in carrying out arrests, as they were from then on obliged to confer with local police, shuras<sup>25</sup> and the provincial and district offices of the Attorney General. "***

**C.** Many former KhAD and WAD officers and NCOs did get and still have a residency permit in The Netherlands. In two judgements by the court of Roermond (AWB 11/22735 of 8 August 2012 and AWB/ROE 13/14625 of 26 March 2015) and one judgement by the court of Rotterdam (AWB 12/32227 of 29 October 2014), mention is made of 40-50 such ex-KHAD and -WAD employees still legally resident in The Netherlands. The judgement of 8 August 2012 is attached, including the list of such ex-KHAD/WAD employees (**annex M**). The judgement of 26 March 2015 (**annex N**) was not appealed against by the Netherlands Immigration Service. **How many exceptions need to be recognised before it is accepted that the absolute statement that all former KhAD and WAD employees have blood on their hands, is incorrect? And that all asylum applications and associated requests by former KhAD and WAD employees in the Netherlands need to be judged individually, and not on the basis of the erroneous (see this document) sweeping statements of the OR of 29 February 2000?**



## **11. What the Ministry of Foreign Affairs said on the subject of ex-KhAD/WAD employees in official reports pre-2000**

This section 11 is built entirely on category **A** information.

**Summary** The statements in the OR of 29 February 2000 were much more absolute than the Ministry of Foreign Affairs itself considered justifiable in three general official reports on Afghanistan and two official reports on individual ex-KhAD/WAD employees, issued between 24 and 3 months before the OR. These official Netherlands reports stated that: many [not 'all'] KhAD officials were involved in human rights violations; that it was impossible to determine what middle and lower KhAD/WAD cadres had done; that KhAD/WAD employees generally rotated [not 'always']; that almost all KhAD/WAD NCOs and officers were involved in mistreatment [rather than 'all were involved in torture']; that only top officials of the Ministry of State Security were all considered guilty of crimes against humanity [so not all the middle and lower cadres]; and that certain KhAD/WAD departments were much less involved in human rights violations. However, even some of these much more moderate statements only make sense when the terms KhAD and WAD are taken to refer only to certain operational sections of the KhAD and WAD, not to the entire organisations. The last general report and two individual reports were released after the information for the first draft of the OR had arrived in The Hague on 6 September 1999. No justification of this toughening of the statements is given in the OR of 29 February 2000. **One possible explanation for this turn-around is that, upon realising that it would be next to impossible to make accusations of crimes against humanity stick against individual ex-KhAD/WAD employees (see the official reports cited above), it was decided to level accusations against ex-KhAD/WAD employees as a group, even though the evidence for such a group accusation was lacking.**

The evidence in the preceding sections, contesting the absoluteness of the statements in the OR of 29 February 2000, would seem to be conclusive in its own right. Even so, it is interesting to compare the OR with what the Netherlands Ministry of Foreign Affairs wrote about the KhAD and WAD in earlier official reports, both general reports on Afghanistan as a whole and individual reports concerning specific Afghans suspected of being responsible for crimes against humanity.

In its **general official report on Afghanistan of 4 March 1998, DPC/AM 67526**, the Netherlands Ministry of Foreign Affairs stated (**annex D**, p.34 paragraph 4):

*"It has to be mentioned that many KhAD officials participated in activities that can be considered to fall under the exemption clause (1F) of the Convention on Refugees. The top of the KhAD certainly knew about the gross violations of human rights. Those who did not leave the organisation at that time are hierarchically also responsible for the continuations of the violations."*

Leaving to one side the second half of this quote, it is noted that **in this report, published two years before the OR of 29 February 2000, it was stated that many KhAD officials participated in crimes against humanity, not all, not even most.** In the OR of 29 February 2000 it is not explained why the statement in the official report of 4 March 1998 would have been incorrect.

In its **general official report on the situation in Afghanistan of 3 November 1998, DPC/AM 602771**, only 16 months before the contested OR of 29 February 2000, the Netherlands Ministry of Foreign Affairs stated (**annex E**, p.13 note 37):

*"Specific questions about whether an individual refugee was in a particular position in the KHAD and whether the person concerned may have committed crimes against humanity are extremely difficult to answer. One should keep in mind that this security service had some 150.000 employees and operated in secrecy."*

**This statement in November 1998 by the Netherlands Ministry of Foreign Affairs itself, that it was extremely difficult to determine if a particular former employee of the KhAD [or WAD]**

may have committed crimes against humanity, is in contradiction to the sweeping statements in the controversial paragraphs 2.4 and 2.7 of the OR of 29 February 2000. Again, in the OR of 29 February 2000 it is not explained why this statement in the official report of 3 November 1998 might have been incorrect.

In its **general official report on the situation in Afghanistan of 16 September 1999, DPC/AM 633314**, less than six months before the contested OR of 29 February 2000 and when the basic information underlying the OR of 29 February 2000 had already been received (see the memo of 1 September 1999 from the Embassy in Islamabad, **section 12.1** below), the Netherlands Ministry of Foreign Affairs stated only, regarding possible responsibility of ex-KhAD employees for human rights violations (**annex U-3**, p.53, paragraph 2):

*"The KHAD was an elite part of the communist government apparatus.<sup>121</sup> Admission to the KhAD (also for the lower cadres) took place after a strict selection and a thorough test of loyalty. It is almost unthinkable that someone within the KHAD, irrespective of the level he was working on, did not know about the gross violations of human rights that were committed by this service.<sup>122</sup>"*

Note that in this official report of 16 September 1999, there was only talk of 'knowledge of', not of 'participation in' or 'responsibility for' human rights violations.

An individual official report, to evaluate the background of just one person, apparently relating to an ex-KhAD/WAD employee, was issued by the Netherlands Ministry of Foreign Affairs on **28 September 1999, DPC/AM adm.nr. 654096 (annex F)**. This was just five months before the issue of the general OR discussed here. From the phrasing in this individual official report it is obvious that the information used for the OR of 29 February 2000 was already mostly, if not completely, available. However:

In this individual report, it is (again) stated on p.1 in paragraph 2 that

***"Investigations into the employment history of the middle and lower cadres of the KhAD/WAD are not possible."***

This statement by the Netherlands Ministry of Foreign Affairs five months prior to the publication of the OR is very different from the conclusion in the OR that they knew that each individual KhAD/WAD NCO and officer had blood on his (or her) hands.

Two paragraphs down (p.1 paragraph 4), it is stated that

*"From this side it is considered unavoidable that NCOs and officers of the KhAD/WAD themselves questioned, mistreated and possibly executed, or ordered the questioning, mistreatment and execution, of suspects. A promotion to officer could not take place if one had not given concrete proof of one's loyalty. In the context of the KhAD/WAD this implied that one must have questioned/mistreated suspects with a view to obtaining information."*

It was **considered** unavoidable, so the Ministry of Foreign Affairs apparently wasn't sure if former KhAD/WAD NCOs and officers had blood on their hands. **NCOs and officers, not all NCOs and officers**, as stated in the overall conclusion of the OR. **"Mistreated [not a crime against humanity] and possibly executed"**; not **"mistreated, tortured and even executed"**, as was stated in the general OR. For the further incorrectness of the promotion statement, see **section 8**. This statement in the individual official report of 28 September 1999 was in any case a much more nuanced statement than the sweeping accusations against all former KhAD and WAD NCOs and officers in the OR of 29 February 2000.

On p.3, paragraph 1:

*"Within the KhAD/WAD there were some departments that were less involved with the arrest, questioning and mistreatment of suspects; for instance the department responsible for espionage abroad. People employed in these departments were much less involved in concrete violations of human rights. However, to avoid that individuals built up a large power base within a particular department KhAD/WAD employees generally needed to rotate within the organisation. This means that almost all KhAD/WAD NCOs and officers were involved in the arrest, questioning, mistreatment and sometimes execution of suspects. In the past*

*hundreds of Afghans have testified about this to Western human rights organisations and the Special Rapporteur of the UN Commission on Human Rights, Mr. Felix Ermacora. The latter has stated that in Afghanistan large scale torture had become systemic on the instigation of the KHAD/WAD. "*

The statements in the OR of 29 February 2000 that are similar to the statements in this paragraph, have been commented on in the preceding sections. Here we only point out the following about this paragraph in the individual official report of 28 September 1999:

- as an example of a department that was less involved with the arrest, questioning and mistreatment and suspects, the department of espionage abroad is given. Why not a support department like the finance department? Like many other statements, **this choice of example points to the terms KhAD and WAD being used here in this individual official report of 28 September 1999 to refer only to certain operational departments of those organisations, not to the organisations as a whole.**
- it is stated that *"People employed in these departments were much less involved in concrete violations of human rights."* **This must be taken to mean that most people employed in non-interrogation departments were not involved in the violation of human rights at all.**
- **there is mention of general rotation only [if one assumes that such rotation indeed took place], not that everybody rotated. And general rotation only to avoid the building up of a large [personal] powerbase.**
- there is mention of **almost all** KhAD/WAD NCOs and officers having blood on their hands, **not all** like in the OR of 29 February 2000.
- the two final sentences of this paragraph, involving western human rights organisations and UN Special Rapporteur Felix Ermacora, give the impression that they, too, had stated that almost all KhAD/WAD NCOs and officers were involved in the arrest, questioning, mistreatment and sometimes execution of suspects. **But in the UN and other reports referred to in the OR, there is, as far as we have been able to check, nowhere mention of almost all KhAD and WAD NCOs and officers being responsible for violations of human rights, nor about any kind of rotational system within KhAD or WAD. This can, in our opinion, only be explained as another example of the terms KhAD and WAD being used to refer to certain operational sections only, not to the entire organisations.**

A second individual official report, apparently relating to a former official of the PDPA, was issued by the Netherlands Ministry of Foreign Affairs on 12 November 1999, DPC/AM number not present on our copy (annex G). As the date shows, this report was issued less than four months before the issue of the general OR discussed here, when most if not all the information used for that OR must already have been available (see the discussion in the preceding paragraph of the individual official report of 28 September 1999). Paragraph 2 on p.2 of this individual official reads as follows:

*"It should be added that the Taliban do not leave all former communists alone on principle. Especially not those among them who in the past emphatically and leadingly profiled themselves as communists, co-operated closely with the Soviets, influenced policy at higher political levels, clearly took up an anti-Islam position, or about whom it is known that they committed crimes against the Afghan people in general or certain Afghans in particular. This description in general only applies to the higher cadres of the PDPA and not to the lower and middle cadres of this party. For the sake of clarity, higher cadres are those people who were part of the Polit Bureau, the Central Committee and the Revolutionary Council of the PDPA, the top officials of the ministries of Defence, the Interior, Justice and State Security, the top echelons of the communist military apparatus, and the top of the communist administration of towns, cities, districts and provinces of Afghanistan."*

This paragraph shows that **the conclusion by the Netherlands Ministry of Foreign Affairs four months before the publication of the OR of 29 February 2000, based on the same information as that OR, was that only the top officials of the Ministry of State Security [i.e. KhAD and WAD] were all considered guilty of crimes against humanity and/or an anti-Islam position etc.. Not the lower and middle cadres.**





## **12. An analysis of the internal correspondence of the Ministry of Foreign Affairs leading up to the publication of the OR**

**Except for three short references (one reference to UNHCR (2008), a reference to a letter by Afghanistan expert A. Giustozzi of 1 August 2003, and a reference to a letter by the Speaker of the Afghan Parliament of 22 May 2008), this section 12 is built entirely on category A information.**

In this section an analysis is presented of eight pertinent memoranda and messages that passed between the Ministry of Foreign Affairs in The Hague and the Embassy in Islamabad, in the six months prior to publication of the OR and the two months immediately following. In section 12.1 memo 1 is discussed, in section 12.2 memo 2, etc.. Although much information in these memoranda was whited out by the Netherlands Ministry of Foreign Affairs, and additional memoranda and annexes were not provided at all, the information that was released under a Web-request (equivalent to a Freedom of Information request) indicates the following.

1. In the various memoranda there is no mention of other, 'non-secret service', tasks that KhAD and WAD were known to have also been responsible for (see [section 7.2](#) above). **This points to the terms KhAD and WAD being used, by the anonymous sources and in the memoranda, to refer only to a limited number of operational elements of the KhAD and WAD, and not to the entire organisations.** A sentence about KhAD/WAD staff having to prove themselves almost daily ([memo 12.1](#)), by implication through spying, denunciations and torture, confirms this conclusion about only certain parts of the KhAD and WAD being referred to. So does the lack of mention of ordinary soldiers or privates within the KhAD and WAD, in all eight memos. See also [memo 12.3](#) (4 instances)
2. Apparently, only anonymous sources living in Pakistan were consulted by the Embassy in Islamabad for the contested paragraphs 2.4 and 2.7 of the OR ([memos 12.1 and 12.5](#)). All anonymous sources appear to have been Afghans ([memo 12.5](#)), of intellectual background ([memos 12.6 and 12.8](#)), who may well have known each other because of the very limited number of such Afghans in Pakistan ([memo 12.6](#)). That, and the tribal nature of Afghan cultures, already raise questions about the independence of the statements by the various anonymous sources. The sources were in any case not independent enough to publish their opinions for review by others. Information in memo 8 points to many or all of the anonymous sources of the Embassy apparently belonging to the (Islamist) resistance against the communist regime. It is not clear if any of them had lived in Afghanistan during the time of the KhAD and the WAD.
3. A memo from the Netherlands Embassy in Islamabad of 4 May 1999 ([annex Q](#)), already stated that, because of the presence of the Taliban in most refugee camps, the inhabitants of most refugee camps practiced self-censorship in their behaviour, dress and statements. In the official report of 16 September 1999 of the Netherlands Ministry of Foreign Affairs, concern is expressed about the number of murders among prominent members of the Afghan community, with the identity of the victims pointing to the involvement in the murders of followers of the Taliban, immediately following the capture of large parts of Afghanistan by the Taliban. These two facts point to the possibility that the anonymous sources for the OR were influenced by the Taliban in their statements to the Netherlands Embassy staff, if they were not themselves members of the Taliban.
4. In [memo 12.1](#) the Embassy in Islamabad stated that the anonymous sources were 'regularly arrested' by the KhAD/WAD: how is that possible? In [memo 12.6](#), however, statements by the Embassy imply that the knowledge of its anonymous sources about the KhAD and WAD was at least in part not first hand. According to information in [memo 12.8](#), the anonymous sources were in any case themselves not mistreated by employees of the KhAD or WAD, or even arrested, and all their information about KhAD and WAD is at least second-hand. Which raises questions about the reliability of the sources of those anonymous sources.

Note that staff from the Embassy in Islamabad was discouraged from talking to

former KhAD and WAD employees (memo 12.8). So apparently there was no cross checking at all by the Embassy with such former KhAD/WAD employees, nor with people who had been detained by the KhAD and WAD. Note as well that none of the memos contain information about the language or languages of the interviews with the anonymous sources. Was that English, Dari, Pashto and/or Urdu? A translator/fixer plays a very important and sometimes independent role, especially when his translations cannot be checked by others present.

5. No information is given in the memos on how the Netherlands Embassy in Islamabad checked for signs of prejudice among their sources. The fact that there was always complete agreement about all aspects of the KhAD/WAD between the various sources (memo 12.8), makes one think of a story agreed to beforehand by all the sources or planted by one or more of those sources or by an external source. The Speaker of the Afghan parliament, in a letter to the speaker of the Netherlands Lower House dated 22 May 2008, blamed the Taliban and the Pakistan Intelligence Agency ISI. Afghanistan expert Dr. A. Giustozzi, in a letter dated 1 August 2003, pointed to former members of the mujahidin opposition.
6. In the memoranda no distinction is made between the various anonymous sources and it is not made clear what source provided what information (e.g. memos 12.1 and 12.5). This means that the tainting of just one source taints *all* the information on KhAD and WAD provided by *all* these sources.
7. The anonymous sources in Pakistan only stated that they were 'mistreated', not 'tortured' (memo 1). And they only 'supported the opinion' that all NCOs and officers of the KhAD/WAD actively violated human rights, they did not provide evidence (memo 12.3).
8. In the draft text for the OR, too, there is only talk of each KhAD/WAD officer being unavoidably involved in mistreatment of suspects, not torture (memo 12.1).
9. In the draft text for the OR there is only talk of KhAD/WAD staff *generally* rotating [not *always* rotating], and only to avoid the building up of large personal powerbases [which for many KhAD/WAD officers would not have been relevant] (memo 1). Further details on the rotation system were apparently not the result of checking back with the anonymous sources (memo 12.3). If those sources had said this earlier, why was this information not included earlier? And if those sources did *not* say so, where did the Embassy get this information from?
10. In memo 12.3 it is stated that the KhAD never made any concessions regarding the loyalty to the PDPA of its recruits. In memos 12.5, 12.6 and 12.8 it is stated that a number of literature studies were used by the Netherlands Embassy in Islamabad to support its research, including Bradsher (1999) and Rubin (1995). In memo 12.8 it is even stated that **"our findings and conclusions de facto do not differ from what was noted earlier about the practices of the Afghan state security services by the Special Rapporteur for the Human Rights Committee of the United Nations, the US State Department, Amnesty International, Helsinki Watch, Human Rights Watch, as well as leading academics (among others Barnett J.[sic] Rubin and Henry Bradsher). See the literature list in my memorandum [word or words whited out] dated 2 March 2000."**  
**If there had been any statement by any one of those sources, confirming the sweeping accusations in the OF against all KhAD and WAD NCOs and officers, surely that would have been mentioned in one of these memos, and in the OR itself. But it is the opposite: in Bradsher (1995, p.137-138) and in Rubin (1995, p.127-128 and 131) there are statements contradicting what was stated in the OR, about conscripts joining the KhAD to avoid having to join the fighting forces, of little evidence of ideological commitment, and of being pressured into taking out party membership. This constitutes misrepresentation of the facts by the writer or writers of the memos from the Netherlands Embassy in Islamabad: fraud if done on purpose, serious incompetence if done by accident.** Another source available at the time, Kakar (1995, p.154), made similar statements to Bradsher and Rubin, adding that ideology was important only for the leading officials.
11. **Declared non-contradicting sources Bradsher (1999) and Rubin (1995) (see memo 8), also contradicted what was stated in memo 12.1 and in the OR regarding KhAD/WAD employment conditions, about other reasons for joining the KhAD/WAD, and about other duties of the KhAD and WAD than interrogating and torturing suspected opponents. These are**

further examples of misrepresentation of facts in memos from the Netherlands Embassy in Islamabad. Why was apparently none of this checked by the Ministry in The Hague, e.g. using the indexes to those publications, indexes whose existence was pointed out in **memos 12.5 and 12.6**?

12. **Memo 12.5** does not include the confirmation specifically requested in **memo 12.4**, that there was no change in WAD policy or behaviour following the announcement of the policy of national reconciliation [in 1987]. Surely such a confirmation cannot be confidential. From the official report by the Netherlands Ministry of Foreign Affairs of 16 September 1999, a significant change in WAD behaviour can be deduced following the announcement of the national reconciliation policy. This change in WAD functions and activities following the policy announcement is further confirmed by a statement in UNHCR (2008).
13. **Memo 12.5** and subsequent memos do not appear to include the information specifically requested in **memo 12.4**, on the duration of the training of NCOs in KhAD and WAD. This absence of information leads to doubts about the existence of such special training for all NCOs in KhAD and WAD
14. **Memo 12.5** and subsequent memos do not appear to include the information specifically requested in **memo 12.4**, on the duration of the (alleged) Parawachi and Azmajchi [for KhAD and WAD officer recruits]. This absence of information leads to doubts about the existence of the Parawachi and Azmajchi for KhAD and WAD officer recruits.
15. In **memo 12.7** of 16 March 2000, the Ministry of Foreign Affairs in The Hague stated that the OR of 29 February 2000, about the AGSA, KAM, KhAD and WAD, had not yet been released and would be discussed in cabinet on 24 March 2000. And that questions about the expertise and objectivity of the [anonymous] sources, for the accusations against all KhAD and WAD NCOs and officers, had not yet been specifically addressed. This memo was apparently replied to in a memo by the Embassy in Islamabad dated 14 April 2000 (**memo 12.8**). In other words, the OR on the KhAD and WAD was discussed in cabinet before the requested information, about the expertise and objectivity of the anonymous sources, had been sent from Islamabad.

**From the above analysis of the process of development of the OR, it must be concluded that the accusations against all KhAD and WAD officers, made in the OR, have to be attributed to anonymous sources that were most likely prejudiced, influenced by a single third party, and not cross-checked by the Embassy in Islamabad. The accusations are in any case not supported by the correspondence between the Netherlands Embassy in Islamabad and the Ministry of Foreign Affairs in The Hague, during and immediately following the writing of the OR. As explained in other sections of this analysis, the sweeping accusations in the Or are also contradicted by earlier official reports from the Ministry of Foreign Affairs itself, and by published sources available at the time of writing of the OR. Three of those published sources were even used for the introductory paragraphs of the OR, but selectively ignored for the accusatory sections, even though the Embassy in Islamabad claimed that they were consulted in the writing of those accusations.**

On 13 February 2015, with reference to the Open Government Act (**Wet openbaarheid bestuur or Wob**, equivalent to the US Freedom of Information Act), the Netherlands Ministry of Foreign Affairs was requested to provide copies of all correspondence between the Ministry of Foreign Affairs and the Netherlands Embassy in Pakistan, and all internal documents of the Ministry of Foreign Affairs, pertinent to the realisation of the OR of 29 February 2000. Per letter dated 14 April 2015 the Ministry of Foreign Affairs replied to this request (**annex H**), sending 8 documents from between 1 September 1999 and 14 April 2000 (**annex I**). In these documents all information deemed confidential had been whited out. In the quotations from those documents in this section, the whiting-out of information is mentioned as such or is indicated by '[text whited out]'. Where a section of text was made available but not included in the quotation, this is indicated by '...'. The information not whited out still gives interesting insights into how the final text of the OR of 29 February 2000 was arrived at, with an apparent disregard for a number of truths.

**Not included in the reply of the Netherlands Ministry of Foreign Affairs' to the Wob request:** all correspondence preceding and leading up to the memorandum of 1 September 1999 from the Embassy in Islamabad to the Ministry of Foreign Affairs in The Hague (section 12.1 below). This means that the memoranda of 11 February 1999 and 1 March 1999, in which more detailed information was provided about the sources consulted for the OR, were also not provided.

**Not included in the reply of the Netherlands Ministry of Foreign Affairs' to the Wob request:** the terms of reference for the OR.

**Not included in the reply of the Netherlands Ministry of Foreign Affairs' to the Wob request:** the message of 13 September 2000 from the Netherlands Embassy in Islamabad to the Ministry of Foreign Affairs in The Hague

**Not included in the reply of the Netherlands Ministry of Foreign Affairs' to the Wob request:** the (first?) draft of the official report of 29 February 2000 and associated notes, sent to the Embassy in Islamabad on 10 December 1999

**Not included in the reply of the Netherlands Ministry of Foreign Affairs' to the Wob request:** the annex to the memo of 21 January 2000 from the Ministry in The Hague to the Embassy in Islamabad, mentioned at the top of the first page of that memo

**Not included in the reply of the Netherlands Ministry of Foreign Affairs' to the Wob request:** the electronic message of 26 February 2000 from the Ministry in The Hague to the Embassy in Islamabad

**Not included in the reply of the Netherlands Ministry of Foreign Affairs' to the Wob request:** the annex to the memo of 16 March 2000 from the Ministry in The Hague to the Embassy in Islamabad

**12.1 Memorandum from the Embassy in Islamabad to the Ministry of Foreign Affairs in The Hague, dated 1 September 1999 (annex I, p.1-5).**

The identifying code for this memorandum was whited out.

Given what is written in this memorandum, it must be the document on which the contested paragraphs 2.4 and 2.7 of the OR were based, with some later, sometimes important, modifications. The statements in this memorandum that made it into the OR are discussed in the preceding sections. Here we only point out differences between the text of this underlying memorandum and the text of the OR itself, as well as a few additional points of interest.

p. 1, paragraph 1-3 of this memorandum:

*"On this side, in the handling of a number of individual asylum requests, information about the KhAD/WAD has surfaced that looks to be useful also in a broader context.*

*This information is based on discussions that from this side on 24, 25 and 26 August 1999 [several words whited out] was collected from [sic] [apparently 8 sources whited out].*

*The names of the people mentioned are known on this side. All organisations/persons are known as knowledgeable and dependable by the most important embassies in Islamabad. All people consulted, with the exception of [whited out]. For more detailed information about our sources I refer to my memoranda dated 11 February 1999, identification code [whited out] and dated 1 March 1999, identification code [whited out] concerning [whited out]."*

**This information on the sources used for the memo is about as limited as can be. As " All organisations/persons are known as knowledgeable and dependable by the most important**



**embassies in Islamabad. ", all sources for this memorandum must be assumed to have been living in Pakistan at the time.**

p. 1, paragraph 2: There were apparently 8 sources for the information on KhAD and WAD: the paragraph contains eight dashes with the information following each dash whited-out. **No distinction is made between these sources and it is not made clear what source provided what information. This means that the tainting of just one source taints all the information on KhAD and WAD provided by all these sources.**

p.1, final paragraph: **Reference is made to memoranda of 11 February 1999 and 1 March 1999, in which more detailed information about these sources was provided. These two memoranda were not included in the response to the information request.**

p.2, paragraph 3:

*"In general the KhAD/WAD was charged with detecting every (marginal) sign of disloyal behaviour and anti-government resistance and preventing all potential Islamic military actions - using any means available/necessary."*

**No mention here of other, 'non-secret service', tasks that KhAD and WAD were known to have also been responsible for (see section 7.2 above). This points to the terms KhAD and WAD being used here to refer only to a limited number of operational parts of the KhAD and WAD.**

p.2, final paragraph:

*"Our spokesmen, too, were regularly arrested, detained and mistreated by staff of the KHAD/WAD."*

**Regular arrest and detention by the KhAD/WAD of the anonymous sources, how is that possible? The interviewer should have asked for details. It makes one wonder if the sources were even in Afghanistan during (most of) the period 1978-1992. In addition, the sources were apparently not tortured, only mistreated: potentially a crime, but not a crime against humanity.**

p.3, paragraph 3:

*"Within the KHAD/WAD the loyalty of its staff was carefully guarded. If there was even the smallest doubt about someone's commitment to the communist cause, he/she was purged from the ranks of the KHAD/WAD; often with fatal consequences. Staff of the KHAD/WAD had to prove themselves almost daily."*

**The latter sentence, about KhAD and WAD staff having to prove themselves almost daily, also indicates that the statements in this memorandum about KhAD/WAD concern only the interrogation units of the KhAD and WAD. Unless of course the sources mean to imply that all the support staff had to come in almost daily for e.g. half an hour of interrogating detainees and/or denouncement of others, before going back to ordering stores, repairing cars, monitoring radio traffic, or whatever their normal job was. See also the statement in the summary of the OR, in which it is implied that showing loyalty includes torturing (annex A, p.33, paragraph 1).**

p.3, paragraph 4:

*"If within the KHAD/WAD one carried the rank of officer (lieutenant and higher), it was unavoidable that one was concretely involved in the questioning, mistreating and perhaps even execution of suspects. A promotion to officer could not take place if one had not proven one's*

*loyalty in a concrete fashion. In the context of the KHAD/WAD this meant that one must have questioned/mistreated suspects, with an eye to gaining information "*

**Note that it is not stated that it is unavoidable that as a KhAD/WAD officer one was involved in torture, only in mistreatment. The latter is not a crime against humanity. And according to this memorandum one could prove one's loyalty just by questioning suspects: if mistreatment had also been necessary to prove one's loyalty there would have been written "questioned and mistreated", not "questioned/mistreated".**

**We also point out that this stated prerequisite of proving one's loyalty only concerned promotion to officer, i.e. from NCO to officer, which is a big step in any military organisation. It does not concern promotion as an officer to a higher rank. Once one was a third lieutenant in the Afghan military system, there was automatic periodic promotion up to and including the rank of senior-captain, no proof of loyalty required. See **section 8** above, about the promotional system and starting based on level of education.**

p.4, paragraph 1:

*"In general, however, KHAD/WAD staff had to rotate so as to prevent their building up a large powerbase within a particular department."*

**In general they had to rotate, so they didn't all rotate. And only to prevent the building up of personal power bases, which for many KhAD/WAD staff would not have been relevant.**

p.4, paragraph 2:

*"... During this experimental phase [the Azmajchi] one had to make clear his/her loyalty in a concrete fashion. In doing so potential KhAD/WAD members were severely tested. One had to for instance spy on relatives, have friends and acquaintances arrested and tortured, murder suspected people, infiltrate into the Mujahedin, etc, etc."*

**'One had to', not 'everyone had to' and 'for instance', so not everybody had to do all this.**

**In this memorandum there is no mention of ordinary soldiers or privates in the KhAD and WAD, only of NCOs and officers. There may not have been privates in the interrogation units of the KhAD and WAD, but surely there must have been privates in the KhAD and WAD as a whole. This is another indication that this memorandum is not about the entire KhAD and WAD organisations.**

**Not included in the reply of the Netherlands Ministry of Foreign Affairs' to the Wob**

**request:** the message of 13 September 2000 from the Netherlands Embassy in Islamabad to the Ministry of Foreign Affairs in The Hague, mentioned in the heading of the memorandum for Islamabad to The Hague of 2 March 2000

**Not included in the reply of the Netherlands Ministry of Foreign Affairs' to the Wob**

**request:** the (first?) draft of the official report of 29 February 2000 and associated notes, sent to the Embassy in Islamabad on 10 December 1999 (see the memorandum from the Ministry in The Hague to the Embassy in Islamabad of 21 January 2000, final page of the pages provided (**annex I, p.15**)). This draft and associated notes were also referred to in the undated e-mail message of the next section.

***12.2 Undated e-mail message from the Department of Asylum and Migration Issues (DPV/AM) of the Ministry of Foreign Affairs in The Hague to the Embassy in Islamabad (**annex I, p.6**).***



Message sent between 10 and 21 December 1999. Only questions 3 and 4 remain, questions 1 and 2 and probably 5 have been whited out. This is probably the message of 10 December 1999 from the Ministry of Foreign Affairs in The Hague to the Netherlands Embassy in Islamabad, mentioned in the heading of the memo of 2 March 2000 from the Embassy in Islamabad to the Ministry in The Hague (**annex I**, p.20).

*"3. As I already indicated in note 48, section [= paragraph] 2.7 is of crucial importance. Part of our argument is that KhAD- and WAD officers had to rotate. The question then is of course how long did the KhAD and WAD staff work in a department before rotating. Do you have any additional information on this? Can we for instance add that KhAD and WAD staff had to rotate 'after a short period'- or can we even be more specific (I hope the latter of course)?"*

*"4. In addition I want to remind you again of the position of NCOs. Did they follow the same path as the officers? And which ranks must be included in the NCOs? By the way, this question has also been posed in note 48 of the official report."*

### **12.3 Excerpts from a memorandum from the Embassy in Islamabad presumably to the Ministry in The Hague, dated 20 December 1999 (**annex I**, p.7-11)**

In the reply to the Wob request only three-and-a-half pages of this memorandum were included, out of a presumed total of eight-and-a-half: see the numbering at bottom right on some of the pages.

p.x, note 26, paragraph 1 (**annex I**, p.7):

*"From checking with the above-named sources as well as from earlier research, it proved that within the Afghan [text whited out] community [text whited out] the opinion is supported that all NCOs and officers of the KhAD/WAD actively violated human rights. Also for NCOs it was impossible to function within the KhAD/WAD if one did not wish to participate in the systematic mistreatment and violation of human rights that took place within this service. Especially not as the willingness to participate in an effective manner in the mistreatment was seen as a litmus test within the KhAD. ... etc. "*

**This paragraph, too, indicates, that the statements in this memorandum about KhAD/WAD concern only certain operational units of the KhAD and WAD. That is the only way this statement might make sense. See the various comments on what is meant by 'KhAD' and by 'WAD' in section 2 and elsewhere throughout this analysis.**

**Note also the phrasing 'the opinion is supported', not 'evidence was supplied that ...'**

p.x, note 26, final paragraph (**annex I**, p.7):

*"It is also the case that the Afghan communist regime was very much capable of drafting, from within the sections of the population loyal to it, sufficient trustworthy recruits. **In its staff policy the KhAD therefore never made any concessions.**"*

**How can this be stated here without also discussing what was said about recruitment by the KhAD by Bradsher (1999, p.137-138, final paragraph and first paragraph; **annex L**), one of the declared sources of information for these memoranda (**annex I**, p.17):**

*"Men joined [the KhAD] for exemption from military conscription, ten times as much pay as government clerical workers and access to liquor, prostitutes, and extortion money. **There was, however, little evidence of ideological commitment.**"*

**And by another declared source for the memoranda (see **annex I**, p.17), Rubin (1995, p.131, paragraph 4; **annex L**):**

*"Along with factional conflict in the command structure, the army faced a persistent problem of maintaining its size through conscription. **Conscripts also served in the Ministry of Interior and KhAD.**"*

And the same Rubin (1995, p.127-128; **annex L**):

*"**Later [PDPA] recruits came largely from the security services**, so that by 1985 official sources claimed that 65 percent of party members were working in the army, Sarandoy, militia, or KhAD. Many low-level government employees were also **pressured into taking out party cards**; as a result, membership figures were inflated and, for the first time, included a small number of members classified as workers and peasants."*

**This phrasing of this paragraph points to the conclusion that security service employment often came first, followed by, often under pressure, party membership.**

And another source available at the time, Kakar, who wrote (**Kakar 1995**, ch. 9, paragraph 4; or p.154, paragraph 3):

*"Despite KhAD's unpopularity, it readily found recruits. Material incentive, exemption from military service, and employment attracted sufficient numbers. **Ideology was important only for the dedicated members of the party who served as its leading officials.**"*

See also **section 2** above, about what is meant by the terms 'KhAD' and 'WAD', and **section 4** above, about relationships between KhAD/WAD employment and party membership.

p.7, paragraph 3, final sentence (**annex I**, p.9):

*"Re 3). ... In addition, aforementioned administrative and technical activities were mostly of a sensitive nature and only appropriate for loyal staff."*

**This sentence also indicates that with KhAD and WAD the sources of the Embassy in Islamabad mean certain operational units of the KhAD and WAD.** How can e.g. overseeing vehicle pool maintenance or the ordering of stationery be sensitive?

p.7, paragraph 6 (**annex I**, p.9):

*"- The rotation system was designed in such a way that KhAD officials were transferred to a different department very regularly, sometimes several times a year. It can therefore be held that every KhAD official who worked for the KhAD more than one year must have worked for at least two sections. "*

**This paragraph, too, only makes sense if it applies to the operational units of the KhAD/WAD.** Why transfer e.g. experienced financial administrators or expert mechanics to a completely different section. Who would they be replaced by? And if there was a design for the rotation, what was that design? The underlying information does not mention this.

Note that, contrary to the declaration at the start of (the discussion of) note 26 in this memorandum (**annex I**, p.7), **there is no declaration in the memo that this statement about the rotation system was the result of checking back with the anonymous sources.** If those sources had said this earlier, why was this information not included in an earlier memorandum from Islamabad? And if those sources did *not* say so, where did the Embassy get this information from?

presumed p.8, final visible paragraph (**annex I**, p.10):

*"Concerning the ranking system within the KhAD, every one below the rank of third lieutenant (dreyom baridman) can be considered an NCO. A precise overview of the hierarchy of ranks within the KhAD and the regular government army will be provided as soon as possible, following research [word or words whited out]."*

Again, no mention of ordinary soldiers in (the interrogation units of) the KhAD and WAD. An army or secret service consisting only of non-commissioned officers and officers, no soldiers? This needs corroboration or must be considered incorrect.

p.9, paragraph 1 (**annex I**, p.11):

"QUESTION 3 As has already been argued at source 48, the rotation system was set up in such a way that KhAD staff were transferred to a different department very regularly, sometimes several times a year. It can therefore be argued that every KhAD official who worked for the KhAD for more than one year, worked in at least two departments."

This is not the quantification of the rotation frequency requested by the Ministry in The Hague in its e-mail message of between 10 and 21 December 1999 (see above). See also the comments on p.7, paragraph 6 of this memorandum just above. **If everybody rotated, surely there had to be a regulation to manage that?**

#### **12.4 Excerpts from a memorandum from the Ministry in The Hague to the Embassy in Islamabad, dated 21 January 2000 (annex I, p.12-15)**

p.1:

[paragraph or paragraphs whited out]

p.1-2 (annex I, p.12-13):

"1. [The Ministry of] Justice rightly states that the final paragraph of paragraph 2.7 contains one of the most important conclusions of the official report. In this paragraph it is declared that it is unavoidable that NCOs and officers of the KhAD and the WAD were personally involved in the arrest, interrogation, torture and sometimes execution of suspects. This choice of words excludes exceptions and is expected to lead to a large number of cases in which protection under the Refugee Convention must be excluded on the grounds of applicability of article 1F.

As it is by no means unlikely that in the future Justice will be forced to request Foreign Affairs to indicate on which information this tough conclusion is based, **I ask you again whether you can confirm this information in writing and in doing so explicitly address the question if this situation also continued after the announcement of the policy of national reconciliation. This confirmation is important because, after publication, the official report will probably also be read very critically by the media and by interest groups.**"

p.3-4:

[the equivalent of approximately one-and-a-half pages whited out]

p.4 (annex I, p.15):

"e. Can you provide information about the training of NCOs of KhAD and WAD (see also note 48 of the draft official report that was sent to you on 10 December)? **In this context I note that Justice also requested to check if an indication can be given of the duration of the training. This also goes for the duration of Parwachi and Azmajchi.**"

**Not included in the reply of the Netherlands Ministry of Foreign Affairs' to the Wob request:** the annex to the memo of 21 January 2000 from the Ministry in The Hague to the Embassy in Islamabad, mentioned at the top of the first page of that memo

#### **12.5 Excerpts from a memorandum from the Embassy in Islamabad to the Ministry in The Hague, dated 7 February 2000 (annex I, p.16-19)**

p.1-2 (**annex I**, p.16-17):

*"During the last six months of 1999 extensive investigations have been carried out from this side into the nature of the Afghan security services during the period 1978-1992. During these investigations extensive questions have been put in [text whited out] and [text whited out] to: [followed by twelve dashes with the information after each dash whited out] The names of said people are known this side. All organisations/people have a reputation with the most important embassies in Islamabad of being informed and reliable. All people consulted, [text whited out] are [text whited out] Afghans."*

These passages indicate that twelve sources were consulted. As no claim of visits to other countries is made by the writer of the memorandum, **probably all sources were consulted in Pakistan**, and lived there? It is worth noting that it is implied that organisations were consulted, too, but that **no names of organisations are given. This suggests that these were not reputable western organisations.** Reputable western organisations would most likely be more open about their opinions. And **all people consulted would appear to be Afghans.**

**Again no distinction is made between the different sources and it is not made clear what source provided what information. This means that the tainting of just one source taints all the information on KhAD and WAD provided by all these sources.**

p.2, paragraphs 3-5 (**annex I**, p.17):

*"In addition the following literature studies have been used to support our research:*

- Henry S. Bradsher. **Afghan Communism and Soviet Intervention.** Oxford University Press, Oxford/Karachi, 1999;*
- Barnett R. Rubin and Jeri Laber. **A nation is dying. Afghanistan under the Soviets.** Northwestern University Press, Evanston, Illinois, USA, 1988;*
- Barnett R. Rubin. **Fragmentation of Afghanistan. State Formation and Collapse in the International System,** Yale University Press, New Haven, 1995;*
- [\*]- Barnett R. Rubin. **The search for peace in Afghanistan. From buffer state to failed state.** Yale University Press, New Haven, 1995;*
- [\*]- Hafizullah Emadi. **State, revolution and superpowers in Afghanistan.** Royal Book Company, Karachi, 1997;*
- [\*]- Thomas T. Hammond. **Red Flag over Afghanistan. The communist coup, the Soviet invasion and the consequences.** Westview Press, Colorado, 1984.*
- [\*]- Edgar O'Ballance. **Afghan Wars. What Britain gave up and the Soviet Union lost.** Brassey's Press, London, 1993.*

*For specific information, see the headings AGSA, KAM, KhAD, WAD and KGB in the index of the above books."*

*In answering your questions 1-6 (pages 1-4) in your memo of 21 January 2000 information supplied via the above sources was used."*

Note that the books marked with [\*] were not included in the reference list for the OR. In that reference list 'Rubin and Laber' was corrected to 'Laber and Rubin'.

More importantly: **how could the person or persons at the Netherlands Embassy in Islamabad say that these sources were used to support their research, and that KhAD and WAD could be looked up in the associated indexes to find specific information, when using those indexes leads to the following passages in the only two sources that we were able to check? Passages in acknowledged sources that contradict many of the conclusions in the OR.**

Bradsher (1999), *Afghan Communism and Soviet Intervention*:

- p.137-138, last and first paragraphs; on the size of the KhAD, reasons for joining the KhAD other than party loyalty, on KhAD employment conditions being relatively good but nowhere near as good as the OR stated, and on there being little evidence of ideological commitment among KhAD recruits; contradicting the conclusions in the OR on all but the size of the KhAD

Rubin (1995), *Fragmentation of Afghanistan*:

- p.127-128, last and first paragraphs, on relationships between employment by the KhAD and (enforced) PDPA membership; nothing about party loyalty being necessary to join the KhAD
- p.131 paragraph 4, on conscripts serving in the KhAD, so not just ideological die-hards;
- p.133, paragraph 3, on the size and growth of the KhAD;
- p.133 paragraph 4, on the determining role of the KGB in the KhAD;
- p.137 paragraph 2, on *pacification* measures carried out by the KhAD, and punitive measures by the Afghan army;
- p.137 paragraph 4, about the KhAD being an organ of repression, but above all an intelligence organisation, not indiscriminately torturing and murdering suspected opponents

**And why was these sources not checked at the Ministry of Foreign Affairs in the Hague? The indexes mentioned in this memo of 7 February 1999 would have made that quite easy? We prefer not to think that the Ministry of Foreign Affairs did check.**

**Note as well that neither this memo and the final OR contain any references that show that the sources listed do indeed support the conclusions of the OR.**

p.4 (**annex I**, p.19): *"Although in our earlier reports use is made of the word 'employees', this really referred to NCOs or officers. I therefore agree with the changes proposed by you."*

**Not included in this memo -or if whited out, why?-:** the explicitly requested (memo of 21 January 2000, **section 12.4 above**) confirmation in writing of the statement that it was unavoidable that NCOs and officers of the KhAD and the WAD were personally involved in the arrest, interrogation, torture and sometimes execution of suspects, and *"if that situation also continued after the announcement of the policy of national reconciliation"*. Surely such information if there were any changes or not in KhAD/WAD policy following the announcement of the policy of national reconciliation, cannot be confidential. If it was confidential, why? Or did the Embassy in Islamabad forget, or was the Embassy in Islamabad unable to provide such confirmation in writing? Note that in the official report of 16 September 1999 by the same Netherlands Ministry of Foreign Affairs, it was stated that, after the announcement of the policy of national reconciliation, the practice of purging [in which no doubt the KhAD and WAD were involved] changed from 'a long prison sentence or execution' to 'social demotion, e.g. loss of PDPA membership, dismissal or banishment' (see **annex U-1**, p.10, footnote 17, and **sections 3.1 and 10**). Surely that constitutes a significant and relevant change in WAD policy after the announcement of the national policy of reconciliation?

**C.** The UNHCR later also unequivocally stated (UNHCR 2008, paragraph 19, **annex O**): *"The 1986 National Reconciliation Policy had an impact on the functions and activities of the KhAD/WAD."*

**Also not included in this memo (or, if whited out, why?):** the explicitly requested (memo of 21 January 2000) information on the duration of the training of NCOs in KhAD and WAD, and on the duration of the (alleged) Parawachi and Azmajchi [for KhAD and WAD officer recruits]. Surely such information cannot be confidential. If it was confidential, why? Or was the Embassy in Islamabad unable to provide this information? If so, why? The first reaction would be: if that information could not be provided, did that training for all NCOs in KhAD and WAD, and that Parawachi and Azmajchi, really exist?

**Not included in the reply of the Netherlands Ministry of Foreign Affairs' to the Web request:** the electronic message of 26 February 2000 from the Ministry in The Hague to the Embassy in Islamabad, mentioned at the top of the memo from the Embassy in Islamabad to the Ministry in The Hague of 2 March 2000



**12.6 Excerpts from a memorandum from the Embassy in Islamabad to the Ministry in The Hague, dated 2 March 2000 (annex I, p.20-25)**

**Subject: Research methods concerning torture methods \* Afghanistan \* State Security Service \* 1979-1982**

Of the six pages provided, only about one-and-a-half are not whited out.

p.1, final two paragraphs (annex I, p.20):

"Concerning our sources we mention that we usually make use of the knowledge of [text whited out] a certain organisation. Usually this is [text whited out]. In some cases specific questions are asked within a certain organisation under [text whited out]. The sources consulted by us are: [followed by almost four completely whited out pages] "

p.5 (annex I, p.24):

"- Intellectual environment of Afghanistan **Because of the limited level of development of Afghanistan the Afghan intellectual circuit is very limited.**"

If the Afghan intellectual circuit in Pakistan was not just limited but very limited, the various sources consulted by the Embassy in Pakistan may well have known each other. How independent then are their respective statements concerning the functioning of KhAD and WAD? Indeed, in a memo from the Embassy in Islamabad to the Ministry of Foreign Affairs in The Hague, about the Afghan and Pakistan Taliban in Pakistan, dated 4 May 1999, so only months before the memo from the Embassy in Islamabad of 1 September 1999 that formed the basis of the OR of 29 February 2000, the Embassy stated (annex Q, p.3 paragraph 1-2):

"Nevertheless the Taliban is present in most refugee camps, if not openly. Its presence is to a certain extent intimidating. **As a result the inhabitants of most refugee camps practice self-censorship in their behaviour, dress and statements.**

The fact that Afghans in Pakistan practice self-censorship in their behaviour, dress and statements, is, however, not a new phenomenon. The Afghan community, both in Afghanistan and in Pakistan, has after all always been characterised by extensive social control and a large lack of political freedoms."

In the official report of the Netherlands Ministry of Foreign Affairs of 16 September 1999, it is also stated (annex U-4, page 60, paragraph 2):

**"The influence of the Afghan Taliban in Pakistan**

**A worrying development is the number of murders among prominent members of the Afghan community.** Among the victims since November 1998 are a journalist, two members of the Da Solh Ghorzan party, a former police chief of Kabul, and an ex-commander of the IttehadOi-Islami party.<sup>131</sup> In July 1999 the former MP and minister Abdul Ahad Kharzai was murdered in Quetta. **According to Amnesty International dozens of other Afghans (especially intellectuals, human right activists and activists for women's rights) have received death threats. Although the murderers have not yet been tracked down, the identity of the victims points to involvement of followers of the Taliban, according to Amnesty International.**<sup>132</sup> The Taliban denies all involvement in the murders and threats.

<sup>131</sup> Cf. Amnesty International's Urgent Action ASA 33/17/98 of 22 December 1998 and articles from the Pakistani newspapers City Post of 29 December 1998 and The News of 19 January 1999. **In the last mentioned newspaper it is explained that the murders of former Mujahidin commanders and prominent communists started immediately after the capture by the Taliban of large parts of Afghanistan.**

<sup>132</sup> See for instance Wordt Vervolgd (number 3, March 1999), pp. 24-25"

p.6 (annex I, p.25):

"- Politicising of society Since the communist take-over of 1978 Afghan society has become highly politicised. This also because of the unending spiral of violence in which Afghanistan finds it self since then.



*Our sources therefore have, even if their training/profession is not directly politically oriented, detailed knowledge of the political history of Afghanistan and the way in which the political and governing bodies (which the security services can be considered part of) have functioned since 1978/1979."*

**This latter sentence implies that the knowledge of the Embassy's anonymous sources about the KhAD and WAD is at least in part not first hand but 'from talking to others'. From what sources did the Embassy's sources get their knowledge then, and can those sources be trusted?**

p.6, List of references (**annex I**, p.25):

There is a repeat here of the statement in the memorandum of 7 February 2000, also from the Embassy in Islamabad to the Ministry of Foreign Affairs in The Hague, about the published sources used by the Embassy in Islamabad, and about the use of the indexes in those publications to find information about the KhAD and WAD (and their predecessors AGSA and KAM). This time the staff member of the Embassy in Islamabad added that the literature studies mentioned were only used 'zijdelings', i.e. 'sideways' or 'marginally', not studied in great detail. A qualification of his or her statement of 7 February 2000, in which it was said that "" (see **section 12.5** above).

**12.7 Memorandum from the Ministry in The Hague to the Embassy in Islamabad, dated 16 March 2000, to (**annex I**, p.26-27)**

p.1, paragraph 1-2 (**annex I**, p.26):

**"By electronic message of 26 February 2000 you received the request to provide an overview of the expertise and objectivity of the sources that were consulted by you in responding to the questions regarding the official report 'Security services in Communist Afghanistan (1978-1992). AGSA, KAM, KhAD and WAD'. In a telephone conversation held with you last March 1 by my staff member [text whited out], it was discussed how the information would be treated. Your suggestion to print the memo on pink paper was supported from this side.**

*The official report was published last 29 February but has not yet been released by the vice-minister for Justice. At present the Directorate of Alien Affairs of the Ministry of Justice, in consultation with among others DPC/AM [the relevant section of the Ministry of Foreign Affairs], is writing a letter that will be discussed in the Cabinet meeting of next 24 March. In this letter, in which a number of official reports are treated, the official report on the security services is also mentioned. The direction that the vice-minister for Justice appears to be taking is to, from now on, invoke article 1(F) of the Convention on Refugees against all NCOs and officers of the KhAD and the WAD who have requested asylum in The Netherlands.*

*In thanking you for your quick and extensive reply to the request of 26 February, I herewith request your attention for the following. Your memo confirms the impression already held here that the sources consulted by you can be considered as people with a thorough knowledge of the situation in Afghanistan. In your memo their expertise is discussed at length.*

**I remark, however, that in your memo the aspect of the expertise and objectivity of the sources regarding the categorical conclusion in the official report that "all NCOs and officers have been active in the sinister sections of the KhAD and the WAD and have been personally involved in the arrest, interrogation, torture and sometimes execution of suspects" (see paragraph 2.7, p.29 [of the English text]), is not specifically addressed. Because of the commotion the official report will probably cause in both the press and Afghan community in The Netherlands, it is considered desirable to explicitly aim the wording of the expertise and objectivity of the sources at this main conclusion of the official report.**

**In view of the above I request that it be explicitly stated which sources are at the base of the conclusion that all NCOs and officers of the KhAD/WAD were personally involved in violations of human rights. I look forward to receiving your reply as soon as possible. "**

This memo was replied to in a memo by the Embassy in Islamabad dated 14 April 2000 (see below). This means that, at the time the OR was published on 29 February 2000, and at the time it was discussed by Cabinet on 24 March 2000, there was no information on which sources were at the base of the conclusion that all NCOs and officers of the KhAD/WAD were personally involved in violations of human rights. Approval of the OR, and determination of policy based on the OR, were done on faith. Could knowing that that was the case, have influenced any decision by the person responsible in the Embassy in Islamabad, as to whether he should as yet admit that there were doubts about the objectivity of the overall conclusion that all KhAD and WAD NCOs and officers had blood on their hands? And, if that admission were after all made, could the fact that Cabinet had already passed the OR have influenced any decision on whether to recall the OR and change the relevant policy? See also the following section.

**Not included in the reply of the Netherlands Ministry of Foreign Affairs' to the Wob request:** the annex to the memo of 16 March 2000 from the Ministry in The Hague to the Embassy in Islamabad, mentioned at the top of the first page of that memo

**12.8 Memorandum from the Embassy in Islamabad to the Ministry in The Hague, dated 14 April 2000, (annex I, p.28-30)**

The identifying code for this memorandum was whited out. It was apparently in reply to the memo from The Hague of 16 March 2000; p.1:

*"You asked for supplementary information concerning the expertise and objectivity of our spokespersons/sources about the policies at the time within the KhAD/WAD. In reply to your request the following:"*

p.1

**1. The Afghan network**

*From this side, regarding the role played by NCOs and officers within the KhAD/WAD, extensive checks have been carried out with our [word or words whited out] experts in [word or words whited out] and [word or words whited out]. I already told you about this. The objectivity and expertise of these spokespersons is not doubted this side. Not only because these experts belong to [words whited out], but also because they have shown, in relation to many subjects -our spokespersons are repeatedly consulted also regarding other Afghan subjects-, an impressive knowledge of facts, objectivity, reliability as well as a great concern about Afghanistan. In addition our spokespersons -who [words whited out]-are aware of the importance attached to their statements. They can put the Netherlands and western legal developments in the right context, also because of their cosmopolitan attitude, their contacts with the United Nations, other international organisations and their business visits to various western countries.*

*Because of the above our spokespersons are considered from this side to be extremely reliable, knowledgeable and objective.*

**Given this passage, the spokespersons were well-educated (cosmopolitan attitude and able to put legal developments in the right context), most likely Afghani, possibly also Pakistani (only business visits to western countries, not living in western countries).**

p.1, final paragraph to p.2, (annex I, p.28-29):

*"In relation to their expertise concerning KhAD and WAD the following: Our sources belong to [words whited out] and as such have an independent character. Our sources are [words whited out]. Nevertheless our sources are [sentences whited out] in Afghanistan. All our sources, through their political and/or social involvement, have closely followed the developments within the communist repression system (of which the security services were part). In spite of the repression from the side of the communist government, this was not too*

*difficult in Afghanistan. After all, almost all our sources had reliable informers within the ranks of the People's Democratic Party of Afghanistan and/or the KhAD/WAD (relatives, friends acquaintances, neighbours etc.). In spite of their involvement with the communist regime, many of these informers had a double loyalty; in other words, they also had sympathy for the (Islamist) resistance. In addition, our sources have frequently got into touch with people who were mistreated by the KhAD/WAD and, concerning the practices of the KhAD/WAD, they repeatedly posed questions about the KhAD/WAD within Afghan circles in [word whited out] and [word whited out] - where there is a lot of knowledge about Afghanistan. "*

**That all Afghan (and perhaps Pakistani) sources were deemed to be independent, in cultures in which e.g. tribal connections are so important, is worth noting. With their independence, they were apparently not willing to publish their opinions for peer review. Given the remark about the double loyalty of many of informers of the anonymous sources, to the communist regime and to the (Islamist) resistance, many or all of the anonymous sources of the Embassy apparently belonged to that (Islamist) resistance, i.e. to the resistance to the communist regime. Also because they needed informers within the PDPA and KhAD to know what was going on, the anonymous sources of the Embassy were presumably non-PDPA and non-KhAD. It is not clear from the above if the anonymous sources lived in Afghanistan at any time during the time of the KhAD and WAD.**

**It is worth noting that the UN and other international organisations that the spokespersons had contacts with, were not themselves consulted about the KhAD and WAD by the Netherlands Embassy in Islamabad. Also no other western sources were consulted, who could have commented freely as well as publicly. Apparently no Russian sources were included either, that could have commented on how the KGB operated and how the KGB determined how the KhAD and WAD operated.**

**According to the text of the memo, the sources were in any case themselves not mistreated by employees of the KhAD or WAD, or even arrested, and all their information about KhAD and WAD is at least second-hand. Even if the sources consulted by the Embassy acted in good faith -which is very doubtful-, can the same be said about the sources of those sources?**

p.2, paragraph 3-4 (**annex I**, p.29):

*"In addition al our sources were consulted independently of each other and each subject related to the KhAD/WAD was each time laid before many sources. The declarations made by our sources concerning the KhAD/WAD corresponded completely with each other.*

*When we checked we never found sign of our sources being prejudiced or having told untruths out of revulsion with the communist regime."*

**The fact that there was always complete agreement about all aspects of the KhAD/WAD between the various sources makes one think of a story agreed to beforehand by all the sources or planted by one or more of those sources or by an external source. Indeed, in a letter dated 22 May 2008 to the speaker of the Lower House of the Parliament of The Netherlands, Mrs. G. Verbeet, the speaker of the Parliament of Afghanistan, Mr. Mohammad Younis Khan, expressed the opinion of the Parliament of Afghanistan that the information received by the Netherlands Ministry of Foreign Affairs [on the way the KhAD and the WAD operated] came from the Taliban regime and was "released according to the whim and interest of the ISI (Pakistan Intelligence Agency)". The Parliament of Afghanistan therefore considered it "prejudiced and incorrect". See **annex K**.**

**It is not made clear if the anonymous sources spoke English or Urdu (the national languages of Pakistan); or if the writer or writers of the memo spoke Pashto and/or Dari (the two most important languages of Afghanistan) and/or Urdu; or if an interpreter/fixer was required. The latter plays a very important and sometimes independent role, especially when his translations cannot be checked by others present.**

C. Five years earlier, Afghanistan expert Dr. A. Giustozzi (see section 10 above), in a letter to Dutch asylum lawyer P. Bogaers dated 1 August 2003, had also written:

***" Having had a look at the text [from the OR], I believe it is based on information coming from former members of the mujahidin opposition. Much of what the text says is true, but on the whole is quite inaccurate and on a number of points it defies logic. I would make the point that in the context of a civil war, relying on a side in order to gain information on the other side is not a reliable way of proceeding."***

No information is given on how those involved at the Embassy in Islamabad checked for signs of prejudice among their sources.

p.2, paragraph 5 (**annex I**, p.29):

***"2. Ex-employees of the Afghan state security services***

*Within our network of experts concerning Afghanistan there is no-one who worked within the KhAD/WAD. It is said, however, that in [name whited out] and [name whited out], there are a great many people who in the past worked for the KhAD/WAD. Reliable sources recommended that, for security reasons, we do not try to contact these people. In addition one can rightfully doubt the objectivity of ex-staff of the Afghan security service. Consulting these people is therefore not an option."*

According to this statement in the memo of 14 April 2000, none of the sources for the OR had worked for the KhAD or WAD. And the Embassy was discouraged from talking to people who did work for the KhAD or WAD. In other words, there was no verification by the Embassy in Islamabad, with people who did work for the KhAD/WAD -or with people who had been detained by the KhAD/WAD-, of what was said about the KhAD and WAD by anonymous people who had no first-hand experience of the KhAD and WAD.

p.3, paragraph 1 (**annex I**, p.30):

***"In spite of the fact that the information collected by us is extremely detailed, our findings and conclusions de facto do not differ from what was noted earlier about the practices of the Afghan state security services by the Special Rapporteur for the Human Rights Committee of the United Nations, the US State Department, Amnesty International, Helsinki Watch, Human Rights Watch, as well as leading academics (among others Barnett J.[sic] Rubin and Henry Bradsher). See the literature list in my memorandum [word or words whited out] dated 2 March 2000."***

This statement by the staff member at the Embassy in Islamabad, that ***"our findings and conclusions de facto do not differ from what was noted earlier about the practices of the Afghan state security services by etc."***, is misleading and incorrect. Apparently these published sources stated nothing that supported the statements in the KhAD/WAD OR and its underlying memoranda about the pre-requisite of extreme PDAP loyalty and membership; required training and trial periods Parawachi and Azmajchi; required first assignments for all NCOs and officers working for the KhAD or WAD; required job rotation within KhAD and WAD; and non-interrogational duties, and promotion, being only available as a reward for proven loyalty (through interrogation and torture). If there had been any support for these statements in those publications, surely that would have been mentioned in this and earlier memoranda, and in the OR itself. The publications referred to in this memo and in the OR itself, that we were able to check, indeed contained not one such supporting statement: Amnesty International (1986, 1988, 1991), Human Rights Watch (1991), Bradsher (1999), Nyrop & Seekins (1986), Rubin (1995), UN Special Rapporteur (1984, 1985, 1986, 1987a, 1987b, 1988, 1989, 1990, 1991, 1992).

It is not as if these organisations and leading academics could not be contacted. For instance, less than a month earlier, on 3 August 1999, the Department of Crisis Control and Humanitarian Aid (DCH) sent a memo to the Department of Asylum and Migration Affairs (DPC/AM), drawing attention to a presentation by Barnett Rubin six weeks earlier at a meeting of the Afghanistan

Support Group in Stockholm (**annex R**). Both departments involved are part of the Ministry of Foreign Affairs in The Hague.

**What is more, in some of the publications mentioned, one can find statements that are in opposition to the aforementioned OR statements about the KhAD and WAD. See section 12.5 above, in which are listed multiple passages in Bradsher (1999) and Rubin (1995) that contradict or undermine the conclusions in the OR.**





### **13. The influence of the KGB on the KhAD and WAD and what that probably meant for their operational methods**

**Summary** There is no doubt that the KhAD and WAD were greatly influenced by the Soviet secret service KGB. They were even modeled on the KGB. This is also mentioned in the OR itself. **It is therefore remarkable that the compilers of the OR did not check what they were told by their anonymous sources about the ways of operating of the KhAD and WAD, against what they could find out about the ways of operating of the KGB itself.**

A number of sources make clear that the KGB, like the CIA and all other secret services, had operational units as well as non-operational units that were *not* involved in interrogation and torture. The compilers of the OR fail to explain why the KhAD and WAD would be different from other secret services in this respect.

Secret services are also known for their use of the 'need to know' principle: what you don't know you cannot pass on to people who mustn't know, therefore you are only told what you need to know to do your job properly. **The statements in the OR about all KhAD and WAD NCO's and officers regularly rotating jobs, and always starting in a post that requires the interrogation and torture of prisoners, are completely at odds with the 'need to know' principle that guides the operational methods of other secret services. The compilers of the OR fail to explain why the KhAD and WAD management would *not* have followed this 'need to know' principle.**

**A.** That the Russian secret service KGB had a very large influence on the functioning of the Afghan secret service, throughout the existence of the KhAD and the WAD, is not at issue. **According to the official report on Afghanistan by the Netherlands Ministry of Foreign Affairs itself of 4 March 1998, two years before the appearance of this OR (annex D, p.34, first paragraph):**

***"The KhAD formed an integral part of the Afghan state and was founded on the KGB model and by KGB advisers."***

And on p. 33, note 88 (annex D):

***"The KhAD was founded in 1980 modelled on the KGB."***

This is repeated in the official report of the Netherlands Ministry of Foreign Affairs itself of 16 September 1999 (annex U-3, p.54, first paragraph):

***"The KGB was an extension of the KGB. Many cadres were supported in their daily work by Soviet officials."***

The KGB virtually ran the KhAD and WAD during the duration of the Soviet invasion. See e.g. OR sources Nyrop & Seekins (1986, p.328, final paragraph):

***"It [the KhAD] was, however, under de facto control of the Soviet secret police, the KGB."***

Bradsher (1999, p.137, paragraph 2):

***"It [the KhAD] was controlled by the KGB.";***

and Rubin (1995, p.133, paragraph 4):

***"Each KhAD official had one or more KGB advisers"***

M. Hassan Kakar, the former University of Kabul professor and for five years a prisoner of the KhAD and WAD, confirms the influence of the KGB on the KhAD (Kakar 1995, ch.9, paragraph 7, annex B; or p.155, paragraph 2).

**In the OR itself it is also stated, at the end of paragraph 2.3:**

***"The KhAD and the WAD maintained very good relations with both the general intelligence service (KGB) and the military intelligence service (GRU) of the Soviet Union. The KGB had a strong influence on the operation of the KhAD and the WAD. In fact, the KhAD and the WAD were an extension of the KGB."***<sup>22</sup> *Many senior officials were assisted in their daily activities by Soviet staff. Soviet support enabled the KhAD and the WAD to develop into extremely efficient, ruthless and smoothly operating security services. Even after the last Soviet troops had pulled out of Afghanistan in February 1989, the WAD continued to receive financial and material support from the Soviet Union."*

And at the beginning of paragraph 2.6:

"Detainees and prisoners were systematically tortured in the interrogation and detention centres of the KhAD and the WAD. Soviet personnel were often present during these interrogations. These Soviets, probably KGB agents, led the interrogation from the background. They sometimes actively participated in the interrogation. However, they usually left physical torture to the members of the KhAD or the WAD present at interrogation. Many of these Afghan agents had learned the interrogation techniques they applied from their Communist allies, either during a three to six-month course in the Soviet Union or at a school which the Soviets had set up for that purpose near Kabul. <sup>37"</sup>

But in the key paragraphs 2.4 and 2.7, based entirely on anonymous sources, the KGB, the Soviet Union and Russians are not mentioned at all. Were the anonymous sources not asked about the role of the KGB? And why no attempt by the Netherlands Ministry of Foreign Affairs to find out more, from experts on the KGB, on how the KGB influenced how the KhAD and WAD operated, to have a public cross-check on their anonymous sources?

**C/A.** According to the wikipedia article on the KGB at <https://en.wikipedia.org/wiki/KGB>, ***The KGB was a military service and was governed by army laws and regulations, similar to the Soviet Army or MVD Internal Troops. While most of the KGB archives remain classified, two online documentary sources are available.<sup>[1][2]</sup> Its main functions were foreign intelligence, counterintelligence, operative-investigatory activities, guarding the State Border of the USSR, guarding the leadership of the Central Committee of the Communist Party and the Soviet Government, organization and ensuring of government communications as well as combating nationalism, dissent, and anti-Soviet activities.***

In other words, the KGB had many non-interrogational duties. Further on in the same wikipedia article thirteen operational directorates of the KGB are mentioned, many of which had nothing to do with interrogational duties:

- *First Chief Directorate (Foreign Operations) – foreign espionage. (now the Foreign Intelligence Service or SVR in Russian)*
- *Second Chief Directorate – counter-intelligence, internal political control.*
- *Third Chief Directorate (Armed Forces) – military counter-intelligence and armed forces political surveillance.*
- *Fourth Directorate (Transportation security)*
- *Fifth Chief Directorate – censorship and internal security against artistic, political, and religious dissension; renamed "Directorate Z", protecting the Constitutional order, in 1989.*
- *Sixth Directorate (Economic Counter-intelligence, industrial security)*
- *Seventh Directorate (Surveillance) – of Soviet nationals and foreigners.*
- *Eighth Chief Directorate – monitored-managed national, foreign, and overseas communications, cryptologic equipment, and research and development.*
- *Ninth Directorate (Guards and KGB Protection Service) – The 40,000-man uniformed bodyguard for the CPSU leaders and families, guarded critical government installations (nuclear weapons, etc.), operated the Moscow VIP subway, and secure Government–Party telephony. Pres. Yeltsin transformed it to the Federal Protective Service (FPS).*
- *Fifteenth Directorate (Security of Government Installations)*
- *Sixteenth Directorate (SIGINT and communications interception) – operated the national and government telephone and telegraph systems.*
- *Border Guards Directorate responsible for the USSR's border troops.*
- *Operations and Technology Directorate – research laboratories for recording devices and Laboratory 12 for poisons and drugs.*

Other units of the KGB included (<https://en.wikipedia.org/wiki/KGB>)

- **KGB Personnel Department**
- **Secretariat of the KGB**
- **KGB Technical Support Staff**
- **KGB Finance Department**
- **KGB Archives**
- **KGB Irregulars**
- **Administration Department of the KGB, and**
- **The CPSU Committee.**
- **KGB Spetsnaz (special operations) units such as:**

- Alpha Group
- Vega Group
- Zenith Group
- Kremlin Guard Force for the Presidium, *et al.*, then became the FPS.

**All the units in bold are non-operational KGB units.**

If this is how the KGB was structured, and if the KhAD and WAD were modelled on the KGB, as mentioned in the OR, why did the compilers of the OR not discuss the existence of non-operational sections, and of many non-interrogational operational sections, in the KhAD and WAD? That such sections did exist within the KhAD and WAD is shown in **sections 2 and 7.2** above.

**C/A.** Vasiliy Mitrokhin was a former KGB archivist who defected to Britain in 1992, taking with him six cases of notes on the workings of the KGB. In these cases were details of the operations of the KGB and other Soviet intelligence gathering organizations going back to 1918, including their operations in Afghanistan during the communist regimes in that country and in the years leading up to those regimes. His book on the KGB in Afghanistan only appeared after the OR was published (Mitrokhin 2002), but the more general information could also have been obtained during the preparation of the OR in 1999-2000. **Ex-KGB archivist Mitrokhin, too, mentioned a large number of non-operational support services for the KhAD** (Mitrokhin 2002, p.135, paragraph 1):

**"THE OFFSPRING OF THE CHEKA**

***The security organs zealously absorbed KGB training. They were restructured in 1980 along the same lines. Departments of the State Information Service (Khad) functioned in all 29 provinces, administrative units, and kholosts. The staff was increased from 700 in January 1980 to 16,650 in 1982. 56% were members of the PDPA and 28% members of the Democratic Youth Organization. They belonged to 63 party cells. They underwent operational training in the USSR and in the Kabul training center. The State Information Service, consisted of 11 operational sections, a political directorate, a personnel directorate and 11 support services."***

Thus Mitrokhin, too, confirms what we concluded in **sections 2 and 7.2**, that there were operational as well as non-operational sections of the KhAD.

**C/A.** The Amercian intelligence service CIA also has a Directorate of Support, that "provides necessary "housekeeping" administration functions, but in a manner consistent with the need to keep their details protected. These functions include personnel, security, communications, and financial operations."

([https://en.wikipedia.org/wiki/Organizational\\_structure\\_of\\_the\\_Central\\_Intelligence\\_Agency#Directorate\\_of\\_Support](https://en.wikipedia.org/wiki/Organizational_structure_of_the_Central_Intelligence_Agency#Directorate_of_Support)). No doubt the situation is similar in all other secret services in the world. Like any other government department or larger enterprise, a secret service cannot do without support staff. **That includes the KhAD and WAD.**

**C/A.** Also important in the statement about the CIA quoted in the preceding paragraph, is "*the need to keep their details protected*". **Secret services are not about openness. They are about providing information on a 'need to know' basis.** If you don't need to know something to carry out your official duties, you don't get told, particularly in military and espionage organisations ([https://en.wikipedia.org/wiki/Need\\_to\\_know](https://en.wikipedia.org/wiki/Need_to_know)). See also the article by Bart de Koning in De Correspondent on why secret services will always miss some terrorists <https://decorrespondent.nl/4334/Waarom-geheime-diensten-altijd-terroristen-over-het-hoofd-zullen-blijven-zien/1046177611644-3c84f508> :

***... Lesson 6 ... The age-old principle involved is need to know: people only get the information that they need to do their job. It is essentially a matter of common sense: what you don't know you cannot pass on. This to prevent an Edward Snowden, Chelsea Manning or Panama Papers leak from occurring.***

*... Lesson 8 Intelligence services are also made up of people. ... Another former employee of an intelligence service confirms this impression: 'There is only one word: trust. You have to be able to trust the other person blindly. If I can't? Then you get nothing.'*

**The statements in the OR about all NCO's and officers regularly rotating jobs (at least once a year), and always starting in a post that requires the interrogation and torture of prisoners, are completely at odds with this 'need to know' principle applied in all secret services: keep people in positions and departments that they are familiar with, so that the particular knowledge required for those positions doesn't get spread throughout the organisation and beyond. The arguments in the OR for the KhAD and WAD management allegedly *not* conforming to this principle that governs secret services around the world, are insufficient.**

**B/C.** Prof. Barnett R. Rubin, acknowledged as an expert on the KhAD and WAD by the compilers of the OR, and the author of one of the books used as a reference for the OR, similarly stated in a letter to Dutch refugee lawyer Marieke van Eik dated 26 March 2007 (**annex J**):

*"... Like any intelligence agency, only a portion of the employees of KhAD/WAD were directly engaged in interrogation and detention, where torture and other human rights violations occurred."*

**C.** And as another Afghanistan expert, dr. A. Giustozzi, stated in a letter to the Dutch courts in 2003 (annex T, p.3, first paragraph)

**" Generally speaking there is no reason to believe that most violations of human rights were carried out by others than specialized "interrogators", as they exist in all intelligence services. Their methods were brutal, but it appears highly unrealistic to assert that every officer in KhAD/WAD was involved in such activities."**

From the above it is clear that, while it is acknowledged that the KhAD was modelled on the KGB, its alleged structure and operational methods as presented in the OR are very different from those of the KGB at that time. It must be concluded that this information on the KGB confirms what was shown in the other sections of this analysis: the structure and operational methods of the KhAD and WAD as described in the OR are incorrect.

## **14. Conclusions**

A summary of the full analysis is given in English on pp. iii-ix, and in Dutch on pp.xi-xviii. Boxed section or subsection summaries are given at the beginning of each section or subsection. There is no need to repeat those summaries here.

**In this analysis proof is presented of multiple counts of selective use of evidence, biased choice of sources, misrepresentation of facts and possible fraud, by the writers/compiler of the official report (OR) by the Netherlands Ministry of Foreign Affairs of 29 February 2000, on the Afghan secret services KhAD and WAD. To put it succinctly, the conclusions in the OR, against *all* KhAD and WAD officers and NCOs, are apparently based solely on statements by anonymous sources of dubious background. At the same time these conclusions are all contradicted by books and reports that were used for the introductory parts of the OR itself; by earlier documents of the Ministry of Foreign Affairs itself; and even by the intra-ministerial correspondence during the preparation of the OR. All this is not mentioned in the OR. One problem, but not the only problem, is that in many places in the OR, 'KhAD' (or WAD) should have read 'elements of the KhAD' (or of the WAD).**

**We have to conclude that the conclusions of the OR are untenable. The immigration service IND, ministers, Cabinet, Parliament and the courts have been fundamentally misled by the writers/compiler of the OR and/or other people. A proper individual assessment without reference to the OR is required to determine if a particular ex-employee of the KhAD or WAD may be considered likely to have been responsible or co-responsible for crimes against humanity during his or her period of employment by the KhAD and WAD.**

**This means that all past asylum-related government and court decisions against former ex-KhAD and ex-WAD officers and NCOs in the Netherlands, that are to a significant extent or wholly based on the OR of 29 February 2000, must be re-examined. Until that is done, all such ex-KhAD and WAD officers must be assumed to be innocent of crimes against humanity, and their residence status in The Netherlands must be retrospectively adjusted accordingly.**

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