

Why the country report by the Netherlands Ministry of Foreign Affairs of 29 February 2000 on the Afghan secret service KhAD and overarching ministry WAD is unreliable and incorrect

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This is the English translation of an article that appeared in the Nederlands Juristen Blad (Netherlands Law Review, further referred to as NJB) of 20 April 2018, NJB 2018/750, issue 16, pp. 1104-1111. The translation has been checked and corrected by the first author. In several places clarifications have been added for those not familiar with the Netherlands legal system. A number of footnotes have also been updated, to lead the reader directly to English translations of source documents originally written in Dutch or to point out more direct access to background documents at abc1f.nl, a website that was not yet available in 2018. The coloured box texts and the illustration are as per the layout of the original article in the NJB.

This article examines the question where the story originated that 'all KhAD and WAD officers and NCOs' were guilty of torture. This is an important question because, based on that conclusion, Unit 1F of the Netherlands immigration service IND applies Article 1F of the Refugee Convention to all those former officers and NCOs in the Netherlands. As alleged war criminals they cannot obtain a residence permit. A more detailed version of this article, with additional detail and substantiation, can be found on the website of the NJB, njb.nl. This more detailed version is further referred to as 'the web article'. Unlike half a dozen key documents, it has not been translated into English.

Introduction

For the past eighteen years, ever since its publication on 29 February 2000, the country report by the Netherlands Ministry of Foreign Affairs, on the Afghan secret service KhAD and its associated ministry WAD under the communist regimes of 1980-1992,² has been very controversial. The problem is the conclusion in that KhAD-WAD report that *all* KhAD and WAD officers and NCOs *personally* participated in torture.³

This article addresses the question of where the conclusion comes from that "all" KhAD and WAD officers and NCOs were guilty of torture. This is an important question because this conclusion is used by the Unit 1F of the Netherlands immigration service IND to apply Article 1F of the Refugee Convention against *all* those former officers and NCOs in the Netherlands. Article 1F states that anyone against whom there is a serious suspicion of having committed war crimes or crimes against humanity does not qualify for refugee status. To be recognised as a significant exception and qualify for a residence permit in spite of their employment history, these former KhAD/WAD employees must demonstrate that most likely they did *not* participate in torture. This is a reversal of the legal burden of proof.

Following an overview of the rejection to date of the criticism of the KhAD-WAD report, (section 1), we explain our new approach to investigating the reliability of the report (section 2). The presentation of the initial dismissive response by Foreign Affairs to JB's rebuttal of the KhAD-

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² Security forces in communist Afghanistan (1978-1992). AGSA, KAM, KhAD and WAD, The Hague, Ministry of Foreign Affairs, 29 Feb 2000. Official English translation. abc1f.nl, under document 1 (retrieved 26 February 2026). Original Dutch version was appendix 1 to web article.

³ *Ibid*, section 2.7, last paragraph.

WAD report in 2016 (section 3) is followed by a discussion of how to react to that government response (section 4). Next we show direct evidence that the conclusions of the report are incorrect (section 5). This is followed by information on the unreliability of the anonymous sources for the conclusions of the KhAD-WAD report, as well as the unreliability of the staff involved at the Embassy in Islamabad and at the Ministries of Foreign Affairs and Justice in The Hague (sections 6-8). We then compare what is known about the creation of the KhAD-WAD report with the exacting requirements for the writing of such expert statements as formulated by the Administrative Law Section of the Council of State (hereafter: the Council of State), the highest court in The Netherlands for refugee law, in the Code of Conduct for Experts in Civil and Administrative Law Proceedings, and in the Netherlands Administrative Law Act (in Dutch *Algemene wet bestuursrecht*, Awb, section 9). This is followed by a discussion and conclusions (section 10). For further information, see the more extensive web article in Dutch accompanying this journal article on the NJB web site.

1. Criticism of the KhAD-WAD report notice has so far been dismissed

What is striking in the KhAD-WAD report is that while the *introductory* sections feature references to books and reports, the *accusatory* sections against all KhAD/WAD officers and NCOs, further on in the report, are based solely on undisclosed statements from anonymous sources. After the appearance of the report, many organisations and internationally recognised experts stated that the report's conclusion, that *all* former KhAD and WAD officers and NCOs personally tortured, was incorrect. Among them UNHCR, the Netherlands Refugee Council, the Netherlands Lawyers Committee for Human Rights, Amnesty International, the Speaker of the Parliament of Afghanistan, Professor Barnett R. Rubin (director of the Center for the Study of Central Asia at Columbia University in New York during 1990-1996) and Dr A. Giustozzi (then Afghanistan expert at the London School of Economics),^{4,5,6} Nevertheless, it is maintained by the foreign and justice ministers, and also by the departments for which they are responsible, that the conclusions of the official report are correct.

The accusatory parts against all KhAD/WAD officers and NCOs in the KhAD-WAD report are based solely on undisclosed statements from anonymous sources

To date the judiciary far continues to support the KhAD-WAD report. According to the Council of State, one of the arguments for upholding the report is that, where the new statements by third parties on the KhAD-WAD report are concerned, it is insufficiently clear where the information comes from on which these new statements are based.⁷ According to the various foreign ministers, a second argument for maintaining the report is that statements by new sources [about the organisation and operational methods of the KhAD and WAD at the time] may be politically or otherwise motivated; this is because those new sources are already familiar with the conclusions of the KhAD-WAD report and with the Dutch 1F policy based on it with regard to former officers and NCOs of the KhAD/WAD.⁸ "As a result, it is not possible to give an opinion with certainty on the reliability and objectivity of currently consulted knowledgeable sources, including those consulted

⁴ ABRS (Council of State) 24 September 2009, 200901907/1/V1 (in Dutch). abc1f.nl, document 12-3 (retrieved 26 February 2026).

⁵ Z. Bahtiyar, Exclusion clauses of the Refugee Convention in relation to national immigration legislations, European policy and human rights instruments (doctoral thesis Tilburg), Tilburg University, 2016. p.172-174. <https://research.tilburguniversity.edu/en/publications/exclusion-clauses-of-the-refugee-convention-in-relation-to-nation/> (retrieved 26 February 2026).

⁶ Letters from Speaker of Afghan Parliament, Mr M.Y. Qanooni, to Speaker of the House of Representatives, Ms G. Verbeet, dated 5 August 2007 and 22 May 2008 (in English). Appendices 5a and 5b to web article. abc1f.nl, documents 5a and 5b (retrieved 26 February 2026).

⁷ ABRS (Council of State) 24 September 2009, 200901907/1/V1 (in Dutch). abc1f.nl, document 12-3 (retrieved 26 February 2026).

⁸ Parliamentary Papers II, TK 2009-2010, 27925 no 377, section 2 (in Dutch).

in the past. The third argument is that “said consultation with the Embassy in Kabul has shown that archive research is not possible.”⁹

2. A new approach to assessing the accuracy of the report

In order to avoid the above three arguments (lack of clarity, unreliability and unverifiability of contradictory sources), it was decided for the study presented here not to seek new sources of information, but to examine how the compilers of the KhAD-WAD report at the time dealt with the information that was demonstrably available to them during the compilation of the report. And what influence this processing of information had on the content of the report. To this end, we used:

- the sources mentioned in the reference list of the KhAD-WAD report of 29 February 2000;
- previous country reports on Afghanistan and reports on Afghan individuals by the Netherlands Ministry of Foreign Affairs;
- the 1995 book by Professor Kakar, former professor at Kabul University, in which he discusses his five years as a prisoner of the KhAD¹⁰
 - and the correspondence between the Ministry of Foreign Affairs in The Hague and the Netherlands Vice-minister in Islamabad during the preparation and shortly after the publication of the KhAD-WAD report, insofar as this correspondence was released following a Wob request (Freedom of Information request) (see annexes 3a and 3b to the web article).

These are all sources that the compilers of the KhAD-WAD report demonstrably had at their disposal or, in the case of Professor Kakar's book, should have known about by virtue of their supposed expertise regarding the KhAD and the WAD.

Put simply, the ministers defended themselves by asserting that an official report need only contain information that supports its conclusions.

More than 800 hours were spent on this detailed and novel research. In this article, we present a summary of the results.

3. Response of Foreign Affairs and Security & Justice to the rebuttal of the KhAD-WAD official report 2000

On 22 December 2016, we delivered to the Minister of Foreign Affairs and the Vice-minister for Security & Justice a comprehensive rebuttal (50,000 words) to the KhAD-WAD report, based on our re-analysis of the public information already available in 1999, mentioned in the previous section. That rebuttal is summarised in this article. In their response, the ministers avoided a discussion about the rebuttal's content.¹¹ In doing so, the ministers implicitly acknowledged that in the compilation of the accusatory part of the KhAD-WAD report, there was indeed a biased choice of sources and selective presentation of facts. Put simply, the ministers defended themselves by asserting that an official report need only contain information that supports its conclusions., and that anyone who does not know the content of the statements of the confidential sources cannot, by definition, give a proper opinion on the reliability of the official report. The basis for the ministry's own arguments need not be shown. The existence of counterarguments need not be mentioned in the report, and those counterarguments certainly need not be openly refuted. In other words, according to the ministers, it is acceptable if an official report is not impartial, not objective and not transparent. See the box for an overview of the most important conclusions in the KhAD-WAD report of 29 February 2000.

⁹ Letter from Minister of Foreign Affairs to District Court The Hague, location Amsterdam, 6 February 2008 (in Dutch). Appendix 6 to web article. abc1f.nl, document 6 (retrieved 26 February 2026).

¹⁰ Kakar, M. Hassan 1995. *Afghanistan: The Soviet Invasion and the Afghan Response, 1979-1982*. Berkeley: University of California Press. See abc1f.nl, document 29, citations in English (retrieved 26 February 2026).

¹¹ Response to Dr. Brouwer on his rebuttal of the KhAD-WAD report of 29 February 2000, on behalf of the Minister of Foreign Affairs and the Vice-minister for Security and Justice, dated 20 March 2017 (in Dutch). Appendix 2 to web article. abc1f.nl, under document 2, where the rebuttal itself (in English with summaries also in Dutch) can be found as well (retrieved 26 February 2026).

The most important conclusions of the KhAD-WAD report of 29 February 2000 are in sections 2.4 and 2.7 of that report. These conclusions are as follows:

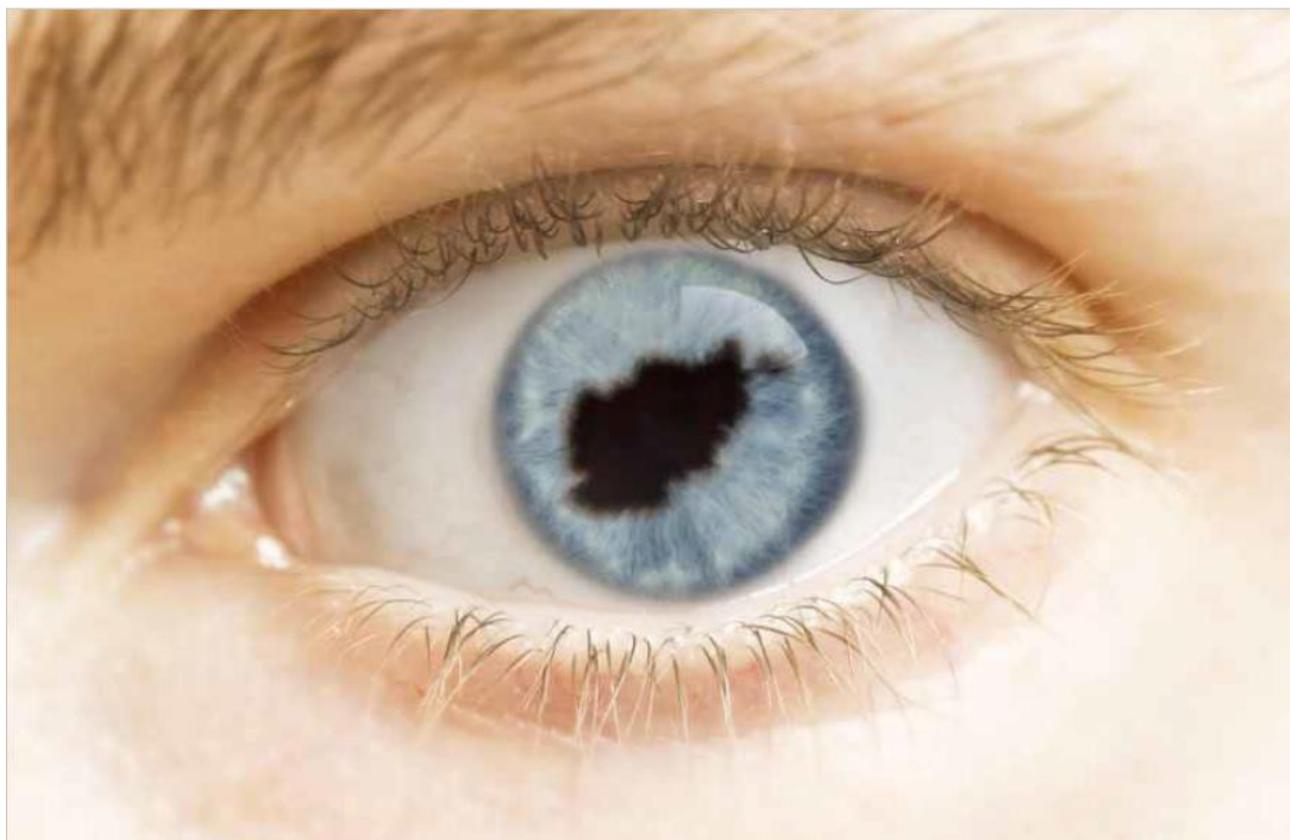
1. 2.4, paragraph 2: "Only PDPA [the communist state party] members who had been found to be very loyal and persons from pro-government families qualified for admission as officer to the KhAD or the WAD."
2. 2.4, paragraphs 3 and 4: "New KhAD and WAD officer recruits received very intensive training, the so-called *Parawachi*. A successful *Parawachi* would be followed by a trial period called *Azmajchi*. ... 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."
3. 2.4, paragraph 5: "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 wished, to alcohol and prostitutes."
4. 2.7, paragraph 2: "As a first assignment, NCOs and officers⁴⁴ 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 in nature⁴⁵ if he had proved his worth sufficiently during an initial assignment or assignments.
⁴⁴ For an overview of ranks within the KhAD and the WAD, see annex on page 32 and 33 of this situation report.
⁴⁵ E.g. The directorate dealing with foreign espionage. Such administrative and technical activities were usually very sensitive and therefore reserved for highly loyal NCOs and officers."
5. 2.7, paragraph 3: "As already stated in section 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 or her period of service was, therefore, involved in arrests, interrogations, torture and even executions."
6. 2.7, paragraph 4: "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."
7. **2.7, paragraph 6: "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."**

4. How do you show that something (in all likelihood) did NOT exist

Given what has been described in the previous section, according to the ministers, anyone wishing to successfully refute the KhAD-WAD ex-officio report would therefore have to show *that it is not true, or unlikely*, that *all* KhAD and WAD officers and NCOs were put to work in a find-arrest-and-

interrogate department as a first posting, and that it is *not* true, or unlikely, that they all changed departments regularly. This can be done in the following ways:

- give one or more examples of not starting in a find-arrest-and-interrogate department and not rotating;
- demonstrate the unreliability of the anonymous sources and/or of the fixer or interpreter of the Netherlands Embassy in Islamabad and/or of the relevant staff of the Netherlands Embassy in Islamabad and/or of the Ministry of Foreign Affairs in The Hague.



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5. Examples of NOT starting in a find-arrest-and-interrogate department and NOT rotating

The conclusions in the official report that *all* KhAD and WAD officers and NCOs started in a find-arrest-and-interrogate unit and rotated regularly, and thus were all guilty of torturing prisoners, are refuted:

- by reliable information on how secret services work,^{12,13,14} including the Soviet KGB of which the KhAD and WAD were an extension:¹⁵ the departments that have nothing to do with interrogation and possibly torture are in vast majority;¹⁶

¹² https://en.wikipedia.org/wiki/Organizational_structure_of_the_Central_Intelligence_Agency#Directorate_of_Support. (retrieved 26 February 2026).

¹³ Mitrokhin, V. 2002, updated 2009. KGB in Afghanistan. Woodrow Wilson International Center for Scholars. Working paper no. 40. Washington DC. p.135 first paragraph. Vasiliy Mitrokhin was a former KGB archivist who defected to Britain in 1992. <https://www.wilsoncenter.org/publication/the-kgb-afghanistan> (retrieved 26 February 2026).

¹⁴ <https://en.wikipedia.org/wiki/KGB>. (retrieved 26 February 2026).

¹⁵ Security forces in communist Afghanistan (1978-1992). AGSA, KAM, KhAD and WAD, The Hague, Ministry of Foreign Affairs, 29 February 2000, section 2.3 last paragraph. Official English translation. abc1f.nl, under document 1 (retrieved 26 February 2026).

- by the testimony of historian Professor M. Hassan Kakar; his 1995 book contains the only known published account of what it means to be a prisoner of the KhAD and speaks of 'my interrogator' by name -which contradicts the rotation of interrogators; he also otherwise contradicts in his book the conclusions of the KhAD-WAD report against all KhAD/WAD officers and NCOs;¹⁷
- by the Justice Department's acknowledgement in practice of the existence of 'significant exceptions' who did not torture after all;¹⁸ in this way the KhAD-WAD report's categorical conclusion regarding 'all KhAD/WAD officers and NCOs' has also been deemed incorrect by the Justice Department itself;
- and by a decision of the IND recognising that Mr S., refugee number 200.605.7009, a former client of lawyer P. Bogaers, who had worked in the KhAD from the beginning and for many years, had also been promoted there as an officer, and thus did not meet any condition to be recognised as a significant exception, was not responsible for crimes against humanity or war crimes.¹⁹

6. Background and conduct of the anonymous sources and/or their informants and/or the fixer/interpreter of the Netherlands Vice-minister

The unreliability of the anonymous sources and/or their informants and/or the fixer/interpreter of the Netherlands Vice-minister in Islamabad, and the unreliability of their statements on which the conclusions of the KhAD-WAD official report rest, is evident from:

- those anonymous sources saying nothing on this subject for at least six months²⁰ and then suddenly all coming out with the same accusations within a few days of each other²¹, including the same distortion of a US diplomat's statement;²² this has all the hallmarks of a pre-orchestrated attempt to influence the Netherlands Embassy official;

One incompetent or malicious, unchecked fixer or interpreter, and the Vice-minister is stuck with statements that exactly match each other and are therefore not reliable

¹⁶ See also the statement of KGB expert Dr Ben de Jong on p. 7 of the web article (in Dutch) at abc1f.nl, under Brouwer & Bogaers 2018 at the top (retrieved 26 February 2026).

¹⁷ Kakar, M. Hassan 1995. *Afghanistan: The Soviet Invasion and the Afghan Response, 1979-1982*. Berkeley: University of California Press. For details, see Box 2 (citations in English) on p. 9-10 of the web article at abc1f.nl, under Brouwer & Bogaers 2018 at the top. The same information from Kakar is also available at abc1f.nl, document 29 (in English, both documents retrieved 26 February 2026).

¹⁸ Letter from Minister for Immigration, Integration and Asylum to House of Representatives dated 1 June 2012, under the heading (*Special*) *1F policy based on country report 2000* (in Dutch). Parliamentary paper 19 637, no. 1547. <https://zoek.officielebekendmakingen.nl/kst-19637-1547.html> (retrieved 26 February 2026).

¹⁹ For details on the case of Mr. S. (in Dutch), see p.11 of the web article at abc1f.nl, under Brouwer & Bogaers 2018 at the top (retrieved 26 February 2026).

²⁰ Memorandum Embassy Islamabad to Ministry of Foreign Affairs The Hague dated 1 September 1999, p.1, last paragraph (in Dutch). Appendix 3b to the web article, abc1f.nl, document 3b (retrieved 26 February 2026).

²¹ 24-26 August 1999: see memorandum Embassy Islamabad to Ministry of Foreign Affairs The Hague, dated 1 September 1999, p.1 par. 2 (in Dutch). Appendix 3b to the web article, abc1f.nl, document 3b (retrieved 26 February 2026).

²² See Box 3 on p. 14-15 of the web article (in Dutch) at abc1f.nl, under Brouwer & Bogaers 2018 at the top (retrieved 26 February 2026).

- the fact that the statements of eight²³, 12²⁴, or perhaps even 29²⁵, anonymous sources were in *complete* agreement with each other²⁶, not just to a significant extent; according to refereed legal psychological publications, this complete agreement also indicates prior coordination^{27,28,29}
- the apparent lack of expertise of the anonymous sources on the many tasks of secret services other than interrogating prisoners, tasks implicitly acknowledged even by the compilers of the official report;³⁰
- their apparent unawareness of then already publicly available information on the functioning of the KhAD-WAD (see Professor Kakar's book in section 5 above and what is mentioned in section 7 below);
- the fact, not refuted by Foreign Affairs, that the anonymous sources presumably knew each other^{31,32}
- the also unrefuted finding that the anonymous sources (and/or the fixer or interpreter) were presumably under the influence of the Taliban,³³ and perhaps also of the also strongly anti-Communist Pakistani intelligence agency ISI;^{34,35}

²³ Memorandum Embassy Islamabad to Ministry of Foreign Affairs The Hague dated 1 September 1999, p.1 (in Dutch). Appendix 3b to the web article. abc1f.nl, document 3b (retrieved 26 February 2026). For details, see the web article at abc1f.nl, under Brouwer & Bogaers 2018 at the top (retrieved 26 February 2026).

²⁴ Memorandum Embassy Islamabad to Ministry of Foreign Affairs The Hague dated 7 February 2000, p.1-2 (in Dutch). Appendix 3b to the web article, abc1f.nl, document 3b (retrieved 26 February 2026). For details, see web article.

²⁵ Memorandum Embassy Islamabad to Ministry of Foreign Affairs The Hague dated 2 March 2000, p.1-5 (in Dutch). Appendix 3b to the web article, abc1f.nl, document 3b (retrieved 26 February 2026). For details, see web article.

²⁶ Memorandum Embassy Islamabad to Ministry of Foreign Affairs The Hague dated 14 April 2000, p.2 par. 2 (first short paragraph) (in Dutch). Appendix 3b to the web article, abc1f.nl, document 3b (retrieved 26 February 2026).

²⁷ Wagenaar, W. A., & Dalderop, A. (1994). Remembering the zoo: A comparison of true and false stories told by pairs of witnesses. Unpublished manuscript. Department of Experimental Psychology, Leiden University, The Netherlands. Summarised in Vredeveldt & Wagenaar 2013, *Applied Cognitive Psychology*, 27, 406-411 (in English). doi: 10.1002/acp.2921.

²⁸ Granhag, P. A., & Strömwall, L. A. (1999). Repeated interrogations - Stretching the deception detection paradigm. *Expert Evidence*, 7(3), 163-174. doi: 10.1023/a:1008993326434. Summarised in Vredeveldt & Wagenaar 2013, *Applied Cognitive Psychology*, 27, 406-411 (in English). doi: 10.1002/acp.2921.

²⁹ Granhag, P. A., Strömwall, L. A., & Jonsson, A.-C. (2003). Partners in crime: How liars in collusion betray themselves. *Journal of Applied Social Psychology*, 33(4), 848-868. doi: 10.1111/j.1559-1816.2003.tb01928.x. Summarised in Vredeveldt & Wagenaar 2013, *Applied Cognitive Psychology*, 27, 406-411 (in English). doi: 10.1002/acp.2921.

³⁰ Security forces in communist Afghanistan (1978-1992). AGSA, KAM, KhAD and WAD, The Hague, Ministry of Foreign Affairs, 29 Feb 2000, section 2.8 par. 1. Official English translation. abc1f.nl, document 3b (retrieved 26 February 2026). For details, see web article (in Dutch).

³¹ J. Brouwer 2016. Rebuttal of the Foreign Ministry's official report on the Afghan secret services KhAD and WAD of 29 February 2000. Evidence of concealment of unwelcome information, biased choice of sources, misrepresentation of facts and possible fraud, based on the same sources used by the compilers of the official report (in English, with summaries also in Dutch). December 2016. Now (January 2026) available at abc1f.nl, document 2 (retrieved 26 February 2026).

³² Response to Dr. Brouwer on his rebuttal of the KhAD-WAD report 2000 by the Minister of Foreign Affairs and the Secretary of State for Security and Justice dated 20 March 2017 (in Dutch). abc1f.nl, under document 2 (retrieved 26 February 2026).

³³ J. Brouwer 2016. Rebuttal of the Foreign Ministry's official report on the Afghan secret services KhAD and WAD of 29 February 2000 (in English, with summaries also in Dutch). Full reference in note 31.

³⁴ Brigadier Mohammad Yousaf, major Mark Adkin, *The Bear Trap. Afghanistan's untold story*, London, Leo Cooper, 1992, foreword. Brigadier-General Yousaf was in charge of the Afghanistan Bureau of Pakistan's Inter-Services Intelligence ISI from 1983 to 1987.

³⁵ Response to Dr. Brouwer on his rebuttal of the KhAD-WAD report 2000 by the Minister of Foreign Affairs and the Secretary of State for Security and Justice dated 20 March 2017 (in Dutch). Appendix 2 to the web article, abc1f.nl, under document 2 (retrieved 26 February 2026).

- the failure to verify the statements of the anonymous sources/informants/fixer/interpreter with former KhAD and WAD staff,³⁶ on the advice of an unknown person (the same fixer responsible for the statements of the anonymous sources?) who may also have been influenced by the ISI;
- the complete lack of information about the fixer and/or translator of the anonymous statements and about whether those translations were checked or not: one incompetent or malicious, unchecked fixer or interpreter, whether directed by the ISI or not, and the Vice-minister is stuck with statements that exactly match each other and are therefore not reliable.

7. The conduct of the relevant Vice-minister employee(s) in Islamabad - and possibly also of the sources and/or the Netherlands Vice-minister's fixer or interpreter

In the memorandum of 1 September 1999, the Vice-minister official said that his anonymous sources had themselves been victims of the KhAD/WAD.³⁷ According to the 14 April 2000 memorandum, those sources only *knew* people who had been victims of KhAD/WAD or had worked there. Their information, originally presented as first-hand, turned out *not* to be first-hand after publication of the KhAD-WAD report.³⁸ It is not clear who of the Vice-minister staff, interpreter/fixer and anonymous sources was or were responsible for this.

Questions on 21 January 2000 from The Hague, for further information regarding crucial aspects (e.g.: Did the human rights violations change after the policy of national reconciliation was announced? And did KhAD/WAD staff working in technical and administrative departments also participate in the human rights violations?)³⁹ seem to have gone unanswered by the Netherlands Vice-minister in Islamabad.⁴⁰ Even on 16 March 2000, *after* publication of the KhAD-WAD report, the ministry in The Hague asked for confirmation of the expertise and objectivity of the Afghan sources in Pakistan in relation to their allegations against *all* KhAD/WAD officers and NCOs.⁴¹ Three weeks after Cabinet had approved the report, the Vice-minister official in Islamabad replied without mentioning any traceable sources.⁴² This response therefore amounts to "trust me, I trust my sources".

To reinforce his reply, the Vice-minister official also said that the findings and conclusions [against *all* KhAD/WAD officers and NCOs] were in fact no different from what had been found by a number of international organisations and experts.⁴³ 'Just search on the keywords KhAD and WAD' he had said earlier.^{44,45} However, if you search the publications of those sources and experts mentioned in the report for the keywords KhAD and WAD, you won't find any support for the conclusions of the report, but you will find about ten passages that contradict those conclusions. Twelve passages in five previous country reports and six passages in the 1995 book by former KhAD prisoner Prof M.

³⁶ Memorandum Embassy Islamabad to Ministry of Foreign Affairs The Hague dated 14 April 2000, p.2 last paragraph (in Dutch). Appendix 3b to the web article, abc1f.nl, document 3b (retrieved 26 February 2026).

³⁷ Memorandum Embassy Islamabad to Ministry of Foreign Affairs The Hague dated 1 September 1999, p.2 last paragraph (in Dutch). Appendix 3b to the web article, abc1f.nl, document 3b (retrieved 26 February 2026).

³⁸ Memorandum Embassy Islamabad to Ministry of Foreign Affairs The Hague dated 14 April 2000, p.3 par. 1 (in Dutch). Appendix 3b to the web article, abc1f.nl, document 3b (retrieved 26 February 2026).

³⁹ Memorandum Ministry of Foreign Affairs The Hague to Embassy Islamabad dated 12 January 2000 (in Dutch). Appendix 3b to the web article, abc1f.nl, document 3b (retrieved 26 February 2026).

⁴⁰ Memorandum Embassy Islamabad to Ministry of Foreign Affairs The Hague dated 7 February 2000 (in Dutch). Appendix 3b to the web article, abc1f.nl, document 3b (retrieved 26 February 2026).

⁴¹ Memorandum Embassy Islamabad to Ministry of Foreign Affairs The Hague dated 16 March 2000, p.2 par. 2 (in Dutch). Appendix 3b to the web article, abc1f.nl, document 3b (retrieved 26 February 2026).

⁴² Memorandum Embassy Islamabad to Ministry of Foreign Affairs The Hague dated 14 April 2000 (in Dutch). Appendix 3b to the web article, abc1f.nl, document 3b (retrieved 26 February 2026).

⁴³ *Ibid.*, p.3

⁴⁴ Memorandum Embassy Islamabad to Ministry of Foreign Affairs The Hague dated 7 February 2000, p.2, under bibliography (the alleged sources are all in English). Appendix 3b to the web article, abc1f.nl, document 3b (retrieved 26 February 2026).

⁴⁵ Memorandum Embassy Islamabad to Ministry of Foreign Affairs The Hague dated 2 March 2000, last page, below bibliography (in Dutch). Appendix 3b to the web article, abc1f.nl, document 3b (retrieved 26 February 2026).

Hassan Kakar (see section 5 above and Box 2 in the web article) also contradict those conclusions.⁴⁶ No further comment necessary.

8. Some aspects of how Foreign Affairs and Justice dealt with the KhAD-WAD report

The Ministry of Foreign Affairs also has some explaining to do. Why did it not intervene when it turned out that the anonymous sources did not have first-hand experience with the KhAD after all, and when requests to the Vice-minister in Islamabad for more information did not get proper answers? Why was there no check in the publications in question when the Vice-minister official said 'for support just search those publications on the keywords KhAD and WAD'? Why did Foreign Affairs change the originally relatively nuanced statements of the Afghan sources⁴⁷ into much more absolute accusations,⁴⁸ apparently without any supporting evidence?⁴⁹ And why did Foreign Affairs inform the Ministry of Justice, the intended user of the official report, at the very beginning about the anonymous statements from Pakistan⁵⁰ and did it even allow the Ministry of Justice to collaborate in the formulation of the KhAD-WAD report?⁵¹ Now that Justice was allowed to observe and influence the content of the report, without that being mentioned in the report (in violation of art. 3.3 paragraph 3 and art. 3.4 of the Code of Conduct for Experts in Civil and Administrative Law Proceedings),⁵² the KhAD-WAD report of 2000 cannot be considered to be an independent and impartial report that the Vice-minister of Justice may assume to be correct. The Vice-minister of Justice was also negligent in carrying out his duty of due diligence, i.e. the requirement to verify that the accusations in the KhAD-WAD report were correct, in violation of art. 3:9 of the General Administrative Law Act Awb. If he had been diligent, this article would not have been necessary.

Furthermore, the Ministry of Justice, like the Ministry of Foreign Affairs, has refused to really test the conclusions in the KhAD-WAD report based on the anonymous Afghan sources of dubious background that were coordinated by an unknown third party, against what was raised against those conclusion by not only ex-KhAD/WAD staff but also, to date, by UNHCR, Amnesty International, the aforementioned internationally recognised experts Professor Barnett R. Rubin and Dr Antonio Giustozzi, and the Afghan Parliament.^{53,54,55} In this, the Ministry of Justice was supported by the Administrative Law Section of the Council of State.⁵⁶ However, in view of the

⁴⁶ Ten passages in the books by Nyrop & Seekins (1986), Bradsher (1999) and Rubin (1995) (in English). See p.18 (section 7 Box 4) and appendix 4 of web article. abc1f.nl, document 4 (retrieved 26 February 2026).

⁴⁷ Memorandum Embassy Islamabad to Ministry of Foreign Affairs The Hague dated 1 September 1999, p.2-5 (in Dutch). Appendix 3b to the web article, abc1f.nl, document 3b (retrieved 26 February 2026).

⁴⁸ Security forces in communist Afghanistan (1978-1992). AGSA, KAM, KhAD and WAD, The Hague, Ministry of Foreign Affairs, 29 Feb 2000. Official English translation, sections 2.4 and 2.7. abc1f.nl, under document 1 (retrieved 26 February 2026). Original Dutch version appendix 1 to web article.

⁴⁹ Memoranda from Embassy in Islamabad to Ministry of Foreign Affairs The Hague dated 20 December 1999 and 7 February, 2 March and 14 April 2000 (in Dutch). Appendix 3b to the web article, abc1f.nl, document 3b (retrieved 26 February 2026).

⁵⁰ Memorandum Embassy Islamabad to Ministry of Foreign Affairs The Hague dated 1 September 1999 (in Dutch): 'IND/Land Desk Afghanistan, NOVO team' is in the cc: field. Appendix 3b to the web article, abc1f.nl, document 3b (retrieved 26 February 2026).

⁵¹ Memorandum Ministry of Foreign Affairs The Hague to Islamabad Embassy dated 21 January 2000, p.1 point 1, p.2 point 2, p.4 point e (in Dutch). Appendix 3b to the web article, abc1f.nl, document 3b (retrieved 26 February 2026).

⁵² <https://www.rechtspraak.nl/SiteCollectionDocuments/Gedragscode-voor-gerechtigd-deskundigen-in-civielrechtelijke-en-bestuursrechtelijke-zaken.pdf> (in Dutch, retrieved 26 February 2026).

⁵³ ABRs (Council of State) 24 September 2009, 200901907/1/V1 (in Dutch).

⁵⁴ Z. Bahtiyar, Exclusion clauses of the Refugee Convention in relation to national immigration legislations, European policy and human rights instruments (diss. Tilburg), Tilburg University, 2016. p.172-174. <https://research.tilburguniversity.edu/en/publications/exclusion-clauses-of-the-refugee-convention-in-relation-to-nation/> (retrieved 26 February 2026).

⁵⁵ Letters from Speaker of Afghan Parliament, Mr M.Y. Qanooni, to Speaker of the House of Representatives, Ms G. Verbeet, dated 5 August 2007 and 22 May 2008 (in English). Appendices 5a and 5b to web article, abc1f.nl, documents 5a and 5b (retrieved 26 February 2026).

⁵⁶ ABRs (Council of State) 24 September 2009, 200901907/1/V1 (in Dutch).

above, the Council of State, too, had been inadequately and incorrectly informed by Foreign Affairs and Justice when it gave this support.

9. A formal assessment of the KhAD-WAD report: have the relevant rules been followed?

Given all that has been put forward in this article, the KhAD-WAD report does not meet the criteria of the Council of State for an expert opinion:⁵⁷

the report is not transparent with, among other things, conclusions based on a modified summary of translations of the statements of anonymous sources who themselves had no direct experience with the KhAD and/or WAD: in other words, at least fourth-hand information;

the report is not impartial, due to, among other things, undisclosed Ministry of Justice involvement in its wording and its relying solely on statements from sources who were presumably all under the influence of the Taliban and/or Pakistani secret service ISI, without those statements being verified elsewhere;

the report is not objective, given, among others, the misleading presentation of the facts regarding international support for the conclusions of the report [which support did not in fact exist] and given its ignoring of all kinds of information already publicly available at the time that contradicts the conclusions of the report

in addition there are dozens of concrete reasons to doubt the accuracy or completeness of the report: see this entire article.

The Code of Conduct for Experts in Civil and Administrative Law Proceedings is no more than an elaboration of Article 8:34 of the Netherlands General Administrative Law Act Awb. The Code is therefore also relevant to compilers of country reports, which, in principle, may be seen as expert opinions. It has already been demonstrated in section 8 of this article that the compilers of the KhAD-WAD report did not comply with two of articles of the Code of Conduct. Full comparison with the Code of Conduct of the evidence in this article and in the web article, shows that the compilers of the KhAD-WAD report did not comply with almost all the articles of the Code of Conduct.

Comparison of the evidence in this article with the General Administrative Law Act Awb shows that the compilers and users of the report did not (and still do not) comply with Articles 2:4, 3:2, 3:8, 3:9, 3:46, 3:49 and 8:34 Awb.

For more details regarding all these points, see the web article.

10. Discussion and conclusions

In the response of 20 March 2017, on behalf of the Ministers of Foreign Affairs and Security & Justice, to JB's rebuttal of the KhAD-WAD report, it was stated at the end of p.3: "If independently consulted sources had made different statements on the same subject, this would be grounds for doubting the information." As has been clearly demonstrated in this article, in 1999 there were already independent public sources that had made statements on the subject of the KhAD-WAD report that differed from the statements by the anonymous sources on which the compilers of the KhAD-WAD report blindly relied (see sections 5 and 7 above).

Part of the problem seems to lie in different views of what and who are meant when the abbreviation 'KhAD' is used: the secret service in the narrow sense (the interrogation units) or the service that also provided e.g. ideological training and education, with all the support departments such a service needs to be able to perform its primary tasks. This difference of opinion was already warned about in the official report of 4 March 1998.⁵⁸ Moreover, even within groups that are notorious for violating human rights, there may be people who do not participate in such crimes.⁵⁹

⁵⁷ ABRS (Council of State) 12 October 2001, 200103977/1, par. 2.3.4 (in Dutch).

⁵⁸ Country report Afghanistan. DPC/AM 67526. The Hague, Ministry of Foreign Affairs, 4 March 1998, p.34, par. 1 (in Dutch).

⁵⁹ See, e.g., historian Geraldien von Frijtag Drabbe Künzel's monograph on Kamp Amersfoort during the German occupation, in which she tells of an SS man who was part of the guard staff, but never mistreated and was known for it favourably even among the prisoners. G.G. von Frijtag Drabbe Künzel, *Kamp Amersfoort*, Amsterdam, Mets and Schilt 2016 (in Dutch). Example Willy Engbrocks, p.40 par. 4 - p.41 par. 2; p.59 par. 2; and on (friendship) ties between prisoners and guards in a more general sense p. 89 par. 2.

In our view, the problems with evidence in the KhAD-WAD report cannot be separated from the problems with evidence in official reports by the Ministry of Foreign Affairs on individuals, as identified by the National Ombudsman in 1998 and again in 2007.^{60,61} A related problem concerns the checking or verifying of the work of the fixer/interpreter at the Embassy in Islamabad. Regarding the writing of reports on individuals, the National Ombudsman stressed as early as 1998 that it was very important to have more than one fixer/interpreter per country, allowing one to monitor the other.⁶² Foreign Affairs did not provide evidence in any way that there was more than one fixer/translator on post in Islamabad post the following year [when the information surfaced that formed the core the KhAD-WAD report, JB 2026].

Conclusions

However it came about, in this article we have shown that the KhAD-WAD report of 2000 is based on:

- a biased choice of sources;
- selective use of evidence;
- distortion of facts: not only the distortion of a statement by a US diplomat, all conclusions regarding all KhAD and WAD officers and NCOs are a distortion of the truth;
- and what can be seen as fraud regarding the alleged international support for the conclusions of the official report.

As such, the KhAD-WAD report does not comply, in terms of both content and form, with what is expected of an expert report and its preparation by the Council of State, by the Code of Conduct for Experts in Civil and Administrative Law Proceedings, and by the General Administrative Law Act. The report may therefore not be used in assessing residence applications of former KhAD/WAD officers and NCOs in the Netherlands. This applies retroactively from 29 February 2000.

In writing this, we note that the evidence against the former officers and NCOs of the KhAD and WAD is incorrect and secret, while the exculpatory evidence that was already publicly available in 1999, has been, and continues to be, ignored. No one who wants to uphold the rule of law in The Netherlands should accept that.

⁶⁰ National Ombudsman report 1998/350, on the creation of reports by Foreign Affairs about individuals (in Dutch).

⁶¹ National Ombudsman, *The credibility of official reports. How asylum stories are confirmed or debunked*, Report 2007/200, The Hague, 27 September 2007 (in Dutch).

⁶² National Ombudsman, Report following an own-initiative enquiry into the creation and use of individual reports in asylum cases by the Ministry of Foreign Affairs and the IND, Report 98/350, The Hague, 1998, p.205 section 4.4.14, p.206 section 4.4.15 and the resulting recommendation A3 on p.245 (in Dutch).