



**Afghanistan Independent Human Rights Commission
(AIHRC)**

From *Arbaki* to Local Police **Today's Challenges and Tomorrow's Concerns**



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Table of Contents

Introduction	3
Executive Summary	5
Methodology	9
Chapter I	10
Background of Local Defense Forces	10
Chapter II	13
Legal Basis for the ALP	13
Chapter III	20
The Performance of the Local Police	20
3.1 The Establishment and Structure of the ALP	21
3.1.1 Influence of Local Commanders and Officials in the Recruitment Process	22
3.1.2 Interference of Foreign Forces in the Recruitment Process	23
3.1.3 Criminal Record in ALP Members and Membership in Illegal Armed Groups	
.....	25
3.1.4 Lack of Ethnic Inclusion	27
3.1.5 High Illiteracy Rate in the ALP	28
3.2 The ALP in Action.....	29
3.2.1 Positive Performance	29
3.2.2 Negative Performance.....	31
Chapter IV	37
The Future of the ALP; Challenges and Concerns	37
4.1 The Future of the ALP; Raising the Concerns.....	37
4.2 Illegal Armed Groups/Arbakis and Militias	41
4.3 Lack of Distinction/Discrimination between the ALP and Illegal Armed Groups.	45
Chapter V	46
Conclusion and Results	46
5.1 Conclusion	46
5.2 Recommendations.....	48

Introduction

The Afghanistan Independent Human Rights Commission (AIHRC) is a national human rights institution that began its work on the basis of the presidential decree in 1381 (2002/03) and was established in accordance with Article 58 of the Afghan Constitution. The AIHRC has been created in order to monitor respect for human rights and promote and protect human rights in Afghanistan.

Pursuant to Article 58 of the Afghan Constitution and Article 21 of the Law on the Mandate, Structure, and Duties of the AIHRC, the Commission monitors the situation of human rights in the country. It monitors the implementation of the provisions of the Afghan Constitution and the performance of the executive and judicial branches and of national and international organizations that have implications for the situation of human rights in the country. Based on the laws, the Commission also monitors the security situation. Therefore, it has paid attention to and studied the establishment, behavior, and performance of the Afghan Local Police (ALP).

The present report on the ALP is the result of interviews with over 70 Afghan security officials, members of provincial councils, members of local councils, local elders, experts, and a number of commanders of international forces. Data from the AIHRC databases has also been used in the production of this report. The information contained in the present report has been collected by the AIHRC monitors as a result of face-to-face interviews with stakeholders in Kabul and in provinces where the ALP has been created.

The present report provides an overview of the establishment and behavior of the ALP and briefly assesses the role of the ALP in stability, security, the rule of law, governance, and respect for human rights. The report explores if the ALP has contributed to stability and security in insecure areas, to what extent local population has participated in and supports the establishment of the ALP, and what role the ALP plays in the rule of law or in violations of laws and abuses of human rights. These questions are specifically explored with regard to the future of the ALP and the existing concerns about it.

The Afghan Government and the international forces are engaged in the creation of the ALP in insecure districts and the ALP structure is yet to be completed. For this purpose, the report takes a look into the future. The present report makes specific recommendations to the Afghan Government and international community concerning the ALP with a view to improving the security situation, strengthening the rule of law, ensuring good governance, and observing human rights.

The AIHRC expresses its gratitude to the Ministry of Interior (MoI) officials, particularly the General Director of the ALP, for agreeing to be interviewed and for sharing information. The Commission also thanks local government authorities who accepted to be interviewed by the AIHRC staff members and who are mostly security officials at the provincial and district levels. It also appreciates military affairs experts, local elders, and local influential figures for participating in the interviews. In addition, the AIHRC thanks the victims of human rights violations for sharing information. The AIHRC also

appreciates the efforts of its staff members who set up interviews and collected data. We also thank Ms. Farnoosh Hashemian, Ph.D. candidate in the University of California (UCLA) and currently an intern in the AIHRC, for assisting the AIHRC in conducting interviews and gathering data. Finally, we thank Mr. Mohammad Hussain Saramad, Assistant Officer of Research Section, Mr. Hussain Moin, Monitoring and Investigation Coordinator, Mr. Alireza Rohani, the AIHRC Senior Advisor, and Mr. Ghulam Nabi Hakkak, the AIHRC Legal Advisor, for their efforts in preparing and drafting the present report.

Afghanistan Independent Human Rights Commission
(AIHRC)

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Executive Summary

The Afghan Local Police (ALP) is a scheme for providing security in areas that face actual security threats from the armed opposition and lack adequate national security forces. The present report assesses the performance of the ALP in providing security in these areas and the ALP future.

The ALP can be effective in providing security in a number of areas in the short run, but there is a concern that in the long run the ALP can itself turn into a challenge for the rule of law and the authority of the government, causing further insecurity and human rights violations in communities.

This report shows that in many cases, the ALP has not been established and its members have not been recruited in accordance with the principles and standards enshrined in the Procedure on the Regulation and Establishment of the Local Police. The recruitment process is hugely influenced by commanders, local authorities, and local influential figures. On the other hand, the US Special Forces have also interfered in the recruitment of the ALP members. Sometimes the ALP has even been established by them in communities. The creation of the ALP under the influence of local commanders, influential figures, and foreign forces without the supervision of the government can make the ALP members disobey the government and legal institutions of the central government. In absence of central government's authority and rule, the ALP members have harassed the public population. This causes disorder, insecurity, and lack of public trust in the government.

This report indicates that a number of individuals who have been thus recruited in the ALP have had membership records in illegal armed groups, *arbakis*, and the Taliban; most of them have been members of hostile groups in the past. Some of them are notorious for having committed criminal acts and people have very bad memories of them. According to a number of officials, there are individuals within the ALP who have bad war records and who are even serial killers. This makes people lose their confidence in the ALP and even in the government. In some areas, the ethnic and tribal balance has not been observed in the ALP composition. As a consequence, people do not support them.

The ALP illiteracy rate is over 90 percent and it is reportedly around 98 percent in some areas and those ALP members who are literate only have primary education. Although the Procedure considers a three-week training course for the ALP members and special training programs have been organized for them in a number of areas, these programs are not sufficiently effective, because their duration is very short for illiterate and inadequately literate individuals and this is not sufficient for learning duties, treatment of the public population, and human rights norms and standards. This seriously challenges the efficiency and effectiveness of the ALP.

The present report demonstrates that the ALP has been able to improve the security situation in some areas. The ALP has had a positive performance particularly in Marjah,

Nad Ali, Nawah, Garmsir, Gereshk, Musa Qala, and Sangin districts of Helmand province and local officials in Kunar, Kunduz, Jawzjan, Sar-e Pul, and Nuristan have expressed their satisfaction with the role and performance of the ALP in providing security for communities.

Nonetheless, many cases of the ALP negative performance have also been reported. Some of these instances of negative performance include infringements upon the ALP legal powers. As mentioned earlier, the Procedure on the Regulation and Establishment of the Local Police has not been observed in recruitment of the ALP members and the recruitment process has been influenced by local commanders, strongmen, and foreign forces. In some areas, including Helmand and Uruzgan, the ALP has gone outside its areas of responsibility and conducted operations in other districts and even provinces, while an ALP area of responsibility is limited to a community and to a district in the maximum and that is subject to approval of and coordination by relevant district security and administrative authorities.

In a number of areas, citizens and local government officials have reported that the ALP interferes in local conflicts among various ethnicities and tribes and is even implicated in conflicts with people, sometimes perpetrating such criminal acts as robbery, destruction of houses, harassment of people, beating, and even murder. Abuse of weapon and uniform and carrying weapons outside the assigned communities and districts, interference in people's family affairs, and attempt to detain and imprison people have also been reported.

In addition, the ALP has been accused of committing human rights violations in a number of areas. Reports indicate that various cases of human rights violations have been perpetrated by the ALP. According to these reports and the AIHRC interviews with people and local government officials in provinces and districts, the ALP has been accused of committing such acts as harassment of people, beating, murder, robbery, abduction, banditry, extortion, forcing people to pay *ushr* tax, poll tax, and the like.

Most of these violations have taken place in areas where local commanders, the Taliban members, and individuals with bad past records have been recruited within the ALP structure or where the ALP has not been able to win public support and satisfaction due to lack of ethnic/tribal balance in its composition or because of its illiteracy and lack of awareness about laws and human rights values. Furthermore, the ALP has committed more human rights violations in areas affected by local and ethnic/tribal conflicts.

Although people, in some cases, have complained against the ALP to pertinent authorities, but people, in most cases, cannot complain against the ALP to pertinent authorities for fear of retaliation. Some officials and strongmen protect the ALP from public complaints. Additionally, lack of people's awareness about their rights and follow-up of cases, corruption in the justice system, and impunity of violators have caused people not to approach courts and other relevant government institutions and refrain from following up their cases. Unfortunately, not only the ALP, but also the Afghan National Police (ANP) has sometimes committed criminal acts that have gone uninvestigated.

Corruption in the government, particularly in the justice system, has reduced public confidence into government institutions in general and in judicial organs in particular. This situation paves the way for infiltration of and recruitment by the Taliban and other armed opposition groups.

All in all, the ALP has won relative public support and has been more successful in performing its duties in areas where it has been established according to the relevant Procedure and people have been consulted about its formation. But the ALP has not been able to win public support and satisfaction and has mostly failed to provide security in areas where its recruitment has been influenced by local commanders and influential figures or it has been established by the US forces. Therefore, the success of the ALP fundamentally depends on public support and satisfaction and public satisfaction is gained when the ALP members are not recruited from among individuals with bad past records or from among former members of hostile groups during the war or from among the Taliban members, since these individuals have been involved in and have spread local disputes and ethnic and tribal conflicts in the communities in the past.

Based on these points, the present report assesses concerns about the future of the ALP. The ALP composition and structure; influence of local commanders, influential figures, and foreign forces in the ALP establishment and recruitment; presence and role of individuals and groups with bad past records; and high illiteracy rate in the ALP have made people apprehensive about the ALP future. Additionally, the ALP is not under the monitoring and control of the government, its members are not adequately disciplined, and there is no organized and regular relationship among different units of the ALP. Also this force is usually established in areas that are insecure where government authority is very weak. This also reduces chances for government monitoring and control.

Although the ALP has been created to provide security for communities, considering these issues, it is likely to be exploited by the armed opposition, narcotics mafia and human trafficking groups, and local commanders with a consequential potential for spreading ethnic/tribal differences and insecurities in communities. There is also the apprehension that the growing power of the ALP in outlying areas without serious government monitoring and control can even turn the ALP into the armed opposition resisting government authority and the rule of law. Therefore, there are three concerns about the future of the ALP: concern over the weakening of national sovereignty as a result of the power of the ALP in communities, concern over spreading violence and increasing insecurity in communities caused by the ALP, and concern over growing crime and mounting human rights violations by the ALP.

Another section of this report assesses the presence of illegal armed groups and *arbakis* in communities. Such groups are currently present in many insecure areas, sometimes clashing with one another or with police forces and/or with the Taliban. They are against any type of monitoring and control and in general, they benefit from lawlessness, disorder, and lack of a central monitoring and accountability authority. Therefore, these groups are not consistent in their behavior and performance with regard to both the Taliban and the government and they are likely to clash with both parties or align with

one party against the other due to their economic interests. Individuals affiliated with such groups commit crime and offence in most areas, are implicated in security incidents, and are sometimes supported by the US forces in the fight against the Taliban. Also *arbakis* and illegal armed groups are, in some cases, supported by a number of provincial and district government officials and even by powerful persons in top government positions. Sometimes prominent and high-ranking government officials illegally arm irresponsible individuals, pay them, and put government facilities at their disposal.

This report shows that *arbakis* have already been present in almost all areas where the ALP has been created and that they have huge infiltration within the ALP structure. In most communities, people do not differentiate between the ALP and *arbakis*. Therefore, they see no difference between the ALP and *arbakis*. It is interesting that sometimes government officials do not make such a distinction either. As a result, acts committed by *arbakis* and irresponsible armed forces in communities can negatively affect the image of the ALP in public opinion. With its existing composition, the ALP cannot win public support and trust in and provide stable and durable security for communities.

Methodology

The present report has been prepared in four chapters. Chapter I provides the historical background of the local police and community defense force, giving its overview in Afghanistan and in some other countries that experienced the creation of the local police. Chapter II presents the legal basis of the ALP in accordance with the applicable laws and the Procedure on the Regulation and Establishment of the Local Police and tries to answer the question whether the establishment of the local police is a lawful act.

Chapter III of the present report studies the local police in practice. This chapter has been divided in several parts. The first part is about the establishment of the local police, its recruitment, and inadequacies related to its establishment. It specifically focuses on the question to what extent these inadequacies have undermined the usefulness and effectiveness of the local police scheme. The second part assesses the positive and negative performance of the ALP.

Chapter IV analyzes the future of the ALP and the concerns about it. In this part, we also look at irresponsible armed forces and lack of differentiation between them and the ALP. The last chapter is devoted to conclusions and recommendations.

The AIHRC written and oral interviews with security affairs authorities, local government officials, and local residents in provinces and districts where the ALP has been established constitute the main source for data and findings in the present report. This report also draws on data obtained through interviews with security affairs experts and analysts. In total, over 70 written and oral interviews were set up with local government officials at provincial and district levels, provincial and district security authorities, members of provincial and local councils, local inhabitants, security and military affairs experts, and some commanders of international forces, many of whom have been directly quoted in this report, but have not been named for security and confidentiality purposes. In addition, the present report draws on data recorded in the AIHRC database. The data has been gathered by the AIHRC monitors in Kabul and in provinces where the ALP has been created. Additionally, we have used reports released by national and international institutions on the ALP to further inform and enrich our findings in this report.

This report covers the performance of the ALP from its inception to the end of the year 1390 (2011/12). Looking at the future of the ALP, this report endeavors to raise the relevant concerns in light of collected data and information. Therefore, the report discusses the ALP within the overall conditions of the Afghan society in its political, security, and social aspects.

Chapter I

Background of Local Defense Forces

The history of Afghan military forces is not completely clear and there is not a lot of information in this field. But some military experts are of the opinion that Afghanistan had a military force during the reign of Ahmad Shah Durrani that was divided into the three components of cavalry, infantry, and artillery.¹ In that period and after, *khans* and village leaders, who were mostly pro-establishment, took charge of community affairs and some of them had weapons and local soldiers for providing security.

For the first time in its history, Afghanistan acquired a regular army during the reign of Amir Shir Ali Khan that was known as royal soldiers. The Shir Ali Khan's government used to conscript one out of every eight to ten villagers and these groups were called eight- or ten-member groups. This continued until this military force evolved into a *qawmi* or ethnic army followed by the emergence of *arbakis* during the reign of Habibullah Khan. They were armed, but they did not enjoy the government's recognition and pay. They were merely armed and defended the communities.²

In the time of Amir Abdur Rahman Khan, Afghanistan acquired a permanent and regular army. Mir Mohammad Seddiq Farhang wrote in his book *Afghanistan in the Recent Five Centuries*, "... this force that was other than security force (police) and tribal factions constituted the largest permanent and regular army in the history of Afghanistan and the *amir* relied on and used them to bring under the control of the central government the tribal heads, influential clerics, and rebels who had created states within the state."³ A part of Abdur Rahman Khan's forces included individuals who were armed in villages and communities known as tribal factions.

During the time of the People's Democratic Party of Afghanistan (PDPA)-ruled government (Babrak Karmal and Dr. Najibullah), a military group known as militias was formed that defended outlying communities and areas. Gen. Atiqullah Amarkhel, a military expert, claims that the militias were first in the *mujahidin* ranks that fought against the then government, but some of them later joined the government and became famous as militias. According to Gen. Amarkhel, they received military ranks and salaries after a short period of time. Initially they had a merely defensive role, but they went on to play an offensive role as the conflict exacerbated and they even built security checkpoints and military divisions.

Gen. Atiqullah Amarkhel says that the militias were not fully committed to the government and they changed their position as the regime changed. According to him, many of the militias looted public property and were involved in the murder and harassment of innocent people. The militias failed to successfully defend the then

¹ Interview with Gen. Atiqullah Amarkhel, military expert, Kabul, date: Dalw 18, 1390 (February 7, 2012)

² Ibid

³ Mir Mohammad Seddiq Farhang, *Afghanistan in the Recent Five Centuries*, Volume 1, Part 1, p. 430, Bahar-e Pirozi, 1371 (1992/93), Ghom

governments. They were embroiled in the civil war and that is why many people have a negative attitude about them.

In the course of the Soviet-Afghan conflict that deteriorated during the Najibullah's government, many *jihadi* leaders had armed groups that acted more or less like quasi-militia groups. They defended the communities and fought against the Union of Soviet Socialist Republics (USSR) troops and the then Afghan government. After the communist government was toppled, following schism among the *jihadi* leaders, civil war broke out among the *jihadi* groups in 1992, in which every *jihadi* leader had a strong militia group. After the Taliban emerged, who were also called as the Taliban militias, a new round of war broke out between them and the *mujahidin*. After the collapse of the Taliban regime by the end of 2001, a new government led by Hamed Karzai was established following the deployment of international forces in the country. The Afghan Interim and Transitional Authorities took a series of measures to reestablish Afghan National Army and Police. At the same time, the Disarmament, Demobilization, and Reintegration (DDR) process commenced in accordance with the Bonn Agreement. DDR continued for several years and covered almost all of Afghanistan's provinces.

In 2010, the United States (US)-led coalition forces recruited a number of Pashtun militias who were known under different titles, such as Afghan Guard Force (AGF), Afghan Security Guard (ASG), or Afghan Security Force (ASF). In 2004, the declared policy of the US forces was to provisionally enlist some 2,000 people to fight the Taliban insurgency in the south and east. These armed people were expected to be used until the establishment of the Afghan National Army forces.⁴

Given the deteriorating security situation in 2006 and 2007 in Afghanistan's south, southwest, and east, the local defense force and *arbaki* plan gained momentum and in July 2009, armed groups were established by the Combined Forces Special Operations Component Command-Afghanistan (CFSOCC-A) under the Community Defense Initiative (CDI). At almost the same time, these armed men were referred to as the Local Defense Initiative (LDI).⁵ After rounds of discussion and dialogue between the international forces and the Afghan Government, the ALP plan was adopted and ratified by the Afghan Government in June 2010.

The plan to create local defense forces or local police officers was previously implemented by senior US commanders in Iraq, which proved largely effective and contributed to Iraq's security. Some military experts believe that despite similarities between insurgents in Iraq and Afghanistan, Afghanistan's sociopolitical idiosyncrasies and problems are very different from those of Iraq.⁶ What remarkably distinguish the Afghan society from the Iraqi society are the background of a protracted armed conflict in Afghanistan and the lack of a strong central government in its various periods.

⁴ Human Rights Watch, *Just Don't Call It A Militia*, p. 16, September 2011

⁵ Human Rights Watch, *Just Don't Call It A Militia*, p. 16, September 2011

⁶ Islamic State of Afghanistan, Ministry of Interior (MoI), a senior police officer, date of interview: March 18, 2012

The local defense forces in Iraq were created upon the proposal of senior US commanders in 2006. The force started its operation under the title of *Sahwa Al Anbar* (Anbar Awakening) in Al Anbar province. Known as Sons of Iraq, the armed forces were established in unsafe Sunni-inhabited areas, reaching strengths of 80,000 members across Iraq.⁷ In about one year after the creation of Sons of Iraq, Iraq's security situation considerably improved and there was a decrease in al-Qaeda attacks that had peaked by the end of 2006.⁸ There are various factors for the drop in casualties following the establishment of local defense forces (Sons of Iraq) and the present report cannot discuss them due to space considerations, but that there are serious differences between Iraq and Afghanistan is vivid and therefore, it is likely that Iraq's successful experience with local defense forces will not lead to a corresponding success story in Afghanistan.

⁷ Institute of the Study of War, Sons of Iraq and Awakening Forces, Page 2, February 2008.

⁸ *The Middle East Quarterly*, How the Sons of Iraq Stabilized Iraq, Page 5, Fall 2010. Click on the link: <http://www.moforum.org/2788/sons-of-iraq>

Chapter II

Legal Basis for the ALP

It is a fundamental responsibility of the state to defend the country's independence, national sovereignty, and territorial integrity, and ensure law and order. The state has an obligation to employ all facilities at its disposal and all legal mechanisms to provide public security and calm and ensure general and social order.

The national army, national security, and national police are the institutions that legally have the duty to realize the aforementioned goals. Among these institutions, the national police play the key role in providing security and combating crime.

Given the deteriorating security situation in the country and its negative and destructive implications for development planning and given the increasing influence and subversive acts of the armed opposition, it is an undeniable need to develop the police force quantitatively and qualitatively.

To this end, upon a proposal by MoI, the Council of Ministers of the Islamic Republic of Afghanistan approved the establishment of the General Department of Public Safety within MoI structure in accordance with decisions no. 38 dated 20/8/1387 (November 10, 2008) and no. 50 dated 14/11/1387 (February 2, 2009) for the following purposes:

1. Protecting key facilities and vital resources;
2. Protecting international organizations and diplomatic missions;
3. Improving security and stability in communities (villages) for preventing the infiltration of the armed opposition

Afterwards, with regard to purpose three above, the National Security Council chaired by the President in its meeting of Hamal 19, 1389 (April 8, 2010) decided to have the plan for the establishment of the local police prepared by MoI in cooperation with the arms collection and disarmament commission and with the participation of representatives from the Ministry of Defense (MoD), Independent Directorate of Local Governance (IDLG), and National Security Directorate (NSD) and signed by the heads of security institutions, IDLG, and the donor before submission to the President for approval.

Given previous experiences, it was necessary to regulate the local police force in a way that it, unlike its previous experiences, did not cause problems, did not create arbitrary militias in the country, and contributed to disarmament of illegal armed groups.

The draft plan of the assigned security committee was discussed in the meetings of the National Security Council on 10/4/1389 (July 1, 2010), 22/4/1389 (July 13, 2010), and 23/4/1389 (July 14, 2010) and the Council decided to create local police force across the country in communities that faced actual security threats. On this basis, the joint plan of the security institutions on the establishment of the local police force within MoI structure was prepared for the purposes of improving security and stability and it was,

under the signature of the Minister of Interior, submitted to the President for his approval on 11/5/1390 (August 2, 2011). On 25/5/1390 (August 16, 2011) in his Decree no. 3,196, the President approved the plan and assigned MoI to codify the Procedure on the Establishment and Structure of the Local Police and to implement the procedure in communities.

Guided by Article 3 of the Police Law and Decree no. 3,196 of the President, the Procedure of the Local Police was prepared by an assigned commission under Office of Deputy Minister of Interior for Strategy and Policy in eight chapters and 41 articles and it entered into force upon the approval of the Minister of Interior. Afterwards, given some inadequacies in the aforementioned Procedure, the Minister of Interior was requested on 18/10/1389 (January 8, 2011) to agree to have the Procedure reviewed in the assigned commission. Upon the Minister of Interior's assent, the assigned commission made partial amendments in the Procedure and the amended Procedure entered into force upon the Minister of Interior's approval.

According to the Procedure, the local police force is established and operates within the police structure under the direct leadership and supervision of MoI for a provisional period of one to five years after winning the guarantee and support of popular councils and all-encompassing review of crime discovery and intelligence institutions across the country, particularly in areas that face actual security threats from the armed opposition.⁹

The local police force has been established under the Senior Deputy Minister of Interior for Security Affairs that is responsible to regulate, direct, and supervise the local police force in provinces and districts and at the provincial and district levels, provincial security director and platoon commanders and deputy district police chiefs are responsible to directly regulate, supervise, monitor, and control the local police force and the local police force is directed and assigned in accordance with the police hierarchy headed by provincial and district police chiefs. The Minister of Interior has the power to establish, downsize, dissolve, and disarm the local police force.¹⁰

The local police force is created where there is a dire need for the force and where local population is ready for and consents to its establishment. Priority is given to areas that face actual threats from the armed opposition. The need for the establishment of the local police force is determined by provincial security committees headed by provincial governors and is approved by the Minister of Interior.¹¹

A maximum strength of 10,000 local police members has been considered for the whole country.¹² This is not included in the organizational ceiling of 122,000 national police

⁹ MoI, Procedure on the Regulation and Establishment of the Afghan Local Police (ALP), Articles 3 and 13

¹⁰ MoI, Procedure on the Regulation and Establishment of the ALP, Articles 4 and 8

¹¹ MoI, Procedure on the Regulation and Establishment of the ALP, Articles 2, 5, 6, 7, and 13

¹² In Article 1 of the Procedure on the Regulation and Establishment of the ALP, a ceiling number of 10,000 members have been predicted for the ALP, but this was later increased to 30,000 members by MoI and its budget was allocated by the US Special Forces. According to Gen. Ali Shah Ahmadzai, General Director of the ALP, of this total number, around 11,000 members have been officially recruited and the remaining will be recruited (exclusive interview with him on Dalw 29, 1390 (February 18, 2012)).

members that has been agreed to and approved by the Joint Coordination and Monitoring Body (JCMB). Upon termination of service, local police members can be recruited in the national army and/or national police.¹³

Recruitment of local police members should be conducted by the Department of Local Police in accordance with the Local Police Procedure. IDLG will cooperate in the mobilization of persons eligible to serve in the local police force. The local police members are recruited after the local councils' assessment and guarantee. The recruitment contract is for the duration of one year that can be extended at the end of the year.¹⁴

It is prohibited to recruit local police members from one specific group or ethnicity in areas where there is a multiethnic composition. The armed opposition members who join the peace process can be recruited and reintegrated along with persons who have not previously taken any part in armed activities if:

The local council and people guarantee them; MoI intelligence department and other intelligence institutions do not have any reservations against them; and the intelligence agencies of neighboring countries are not involved.¹⁵

Patriotism, loyalty to the development of the country, capacity to distinguish between friend and enemy, Afghan nationality, fitness and health, age group between 19 and 45, and lack of membership in illegal armed groups are the most important requirements for recruiting local police members.¹⁶

Local police members will receive monthly salaries of Afs6,000 to Afs8,250 according to existing categories. In addition, living allowances will be provided to them. The ALP salaries, privileges, and logistics will be provided by donor countries from special grants for building Afghanistan's national army and national police.¹⁷

In order to monitor the performance of the local police and prevent its arbitrariness, the following measures have been adopted in the relevant regulations:

- Department of Local Police and relevant commanders have an obligation to register the weapons and equipment of local police members in the communities. Ammunitions and equipment are distributed under a specific regime as for other units of the national police.
- The local police cannot be used from one district or community to another or cannot move with its arms outside its area of responsibility.
- MoI is responsible to create, downsize, and dissolve the local police force.

¹³ MoI, Procedure on the Regulation and Establishment of the ALP, Articles 1 and 34

¹⁴ Ibid, Article 17

¹⁵ Ibid, Article 17

¹⁶ Ibid, Article 9

¹⁷ Ibid, Articles 18 and 19

- The local police force is responsible to perform security duties and cannot perform the duties of law enforcement police, unless anti-crime police asks for its help or when it faces instances of actual violence.
- The NSD assists the local police force in the areas of monitoring, operative control, and intelligence, and locates its intelligence personnel in areas where the local police force is established.
- The establishment of any arbitrary security units outside the local police structure by any security institution, including international forces, is prohibited.

Given the fact that the Afghan Constitution enshrines such basic principles and rules as democracy, the rule of law, separation of powers, respect for human rights, and protection of fundamental rights and freedoms of citizens as principles agreed to by the people of Afghanistan, not only assuming any position and creating any institution should be based on the law and reliant on the determination of people, but every act should also be within the legal framework and committed for the protection of the rights and freedoms of citizens.

Therefore, the abovementioned standards should be taken into account when establishing any institution and organization and answer the question whether these institutions have been lawfully created. Have these institutions been created for protecting the rights and freedoms of citizens or not? Most importantly, will the establishment and reinforcement of such institutions contribute to the fulfillment, promotion, and protection of the civil rights of the citizens and human rights of people or will their performance result in further violations of citizen rights and human rights of persons?

In order to answer the aforesaid questions, it is necessary to analyze and assess the problem accurately and fairly. We should find answers to the first question in the rules and regulations and see if the local police force has been created based on or contrary to them. But for answering the other questions, we should assess, on the one hand, the measures taken to establish, recruit, and supervise the local police and we should, on the other hand, study and assess the performance of the local police. (The police performance is investigated in later sections of this report.)

Pursuant to the Afghan Constitution, the state has a fundamental obligation to implement the laws; defend the independence, national sovereignty, and territorial integrity of the country; and ensure security and defensive capability.¹⁸ The Constitution also regards defense of homeland as a duty of all citizens of Afghanistan.¹⁹ Ensuring public order and security is a duty of the executive or the government.²⁰

On the basis of the Afghan Constitution and given the provisions contained in Articles 56, 75 (Paragraph 3), and 104 of the Constitution, the latest Police Law was approved by the Parliament in four chapters and 34 articles on 28/2/1388 (May 18, 2009). According to Articles 2, 3, and 4 of the Law, police includes officer, *satanman*, and *satonki*, which

¹⁸ Government of the Islamic Republic of Afghanistan, Constitution, Article 5

¹⁹ Ibid, Article 55

²⁰ Ibid, Article 75

are recruited within MoI structure and which operate to ensure public order and safety in accordance with the provisions of law. The police perform its duties in the center under the leadership of the Minister of Interior and in the provinces and districts under the supervision of the provincial and district governors in accordance with the law and pursuant to its organizational hierarchy.

Based on the Police Law, MoI has the power to upsize and downsize the local police structure given the country's circumstances in accordance with the provisions of the law.²¹ MoI also can design and implement rules and regulations for improving the enforcement of the provisions of the law.²²

Therefore, one can say that the very principle of the establishment and creation of a structure called the local police within the Afghan national police force is not against the law. Initially, given the situation in the country, the General Department of Public Safety was established within the MoI framework upon the proposal of MoI and under decisions no. 38 dated 20/8/1387 (November 10, 2008) and no. 50 dated 14/11/1387 (February 2, 2009) of the Council of Ministers of the Islamic Republic of Afghanistan. Protecting key facilities and vital resources, protecting international organizations and diplomatic missions, and improving security and stability in communities (villages) to prevent the infiltration of the armed opposition are the three general goals for the establishment of the General Department. In order to realize the third goal, the proposal for the establishment of the local police was discussed in the meetings of the National Security Council, which decided on the creation of the local police in communities that face actual security threats across the country. The proposal was, under the signature of the Minister of Interior, submitted to the President for his approval on 11/5/1390 (August 2, 2011) and, on 25/5/1390 (August 16, 2011) in his Decree no. 3,196, the President approved the plan and assigned MoI to codify the Procedure on the Establishment and Structure of the Local Police and to implement the procedure in communities.

Ensuring the necessary confidence about the commitment and loyalty of the local police members, implementation of the assigned responsibilities, determination of objective and ascertainable conditions for local police recruitment, accurate monitoring on local police performance, their accountability for their actions, and executive guarantee for ensuring accountability are six important indicators that, if not properly taken into account and not properly implemented, not only the establishment of the local police will not contribute to security, calm, and people's citizen and human rights and freedoms, but it may also exacerbate insecurity and disorder and lead to human rights violations in communities. It should be said that these indicators have not been duly considered in the proposal for the establishment of the local police and in the procedure on the establishment and regulation of the local police.

With regard to the first indicator, the signature or fingerprint of recruits has been deemed sufficient in the local police affidavit (Paragraph 8 of Article 9 of the Procedure). Other

²¹ Government of the Islamic Republic of Afghanistan, Ministry of Justice (MoJ), Police Law, Article 3.

²² Ibid, Article 32.

existing conditions cannot guarantee the loyalty and commitment of the recruits towards the system, the country, and the assigned duties.

Concerning the second indicator, many conditions contained in Articles 9 and 17 of the Procedure on the Establishment and Structure of the Local Police are not objective, ascertainable, and guaranteeing. For example, some articles mention that local councils, elders, influential figures, and public people will participate in mobilizing, nominating, and guaranteeing the recruits. On this basis, it is first and foremost not clear which authority will nominate and guarantee the recruits: provincial council or district council or local council or influential figures or local population? Second, what is meant by the local council? Local councils that are regulated by Article 149 of the Constitution are for districts and villages that will be elected by local population as a result of free, general, secret, and direct elections for a period of three years. Some village councils have been created by the Ministry of Rural Rehabilitation and Development and IDLG. All in all, the Procedure on the Establishment and Structure of the Local Police does not make clear what it means by popular or local councils.

Third, in case of disagreements among these councils, which council will act as the final council? In addition, what is the legal nature of the guarantee provided by these councils or influential figures? If these persons commit crime, how and on what basis can they act as authorities to guarantee punishment? In the Procedure on the Establishment and Structure of the Local Police, it is not clear how offenders belonging to the local police force are to be legally prosecuted.

Another requirement for local police recruitment is the possession of Afghan national identification cards. Given the country's current context in which foreigners are among the ranks of the armed opposition and it is possible for them to obtain Afghan national identification cards, this requirement has not been carefully considered either.

With respect to the third indicator, one should say that in accordance with Article 11 of the procedure on the local police, the local police is responsible for security functions in the communities and cannot perform the duties of law enforcement police or interfere in their functions. It should be said that security functions are a generic term that has not been specifically elaborated. For this reason, it is practically possible for the local police to interfere consciously and unconsciously in areas that fall outside their mandate and this can cause problems that have not been previously thought of. In other words, according to the Police Law, the police are responsible for 24 functions.²³ However, based on the procedure on the local police, it is not clear if the mandate of this police force includes any of these 24 functions or does not include any of them at all.

In connection with the fifth and sixth indicators, namely accurate monitoring of the local police performance and its accountability, although measures have been taken in different articles of the procedure, for example articles 25, 26, and 27 of the procedure on the local

²³ Government of the Islamic Republic of Afghanistan, MoJ, Official Gazette, Law on the Afghan National Police, Article 5.

police, these measures lack necessary and adequate executive guarantee and do not create adequate guarantee for the proper performance of the local police force.

In conclusion, in response to the three main questions raised in this section, one can say that the principle of the establishment of the local police is based on the law and legal framework, but, given the assessment of the indicators raised in answer to question two, one should say that there is no guarantee and assurance that the establishment of this police force will contribute to the protection of people's rights and freedoms, but, on the contrary, it is likely to lead to further human rights violations in communities. It seems that the local police force has not been created to fulfill and defend the citizen and human rights of people, but it pursues security and defense objectives that draw on armed groups in unsafe communities to counter the infiltration of the armed opposition in the communities and clear their presence in these communities. On the one hand, it can assist the expansion of state authority and, on the other hand, it may undermine the rule of law and human rights standards.

Chapter III

The Performance of the Local Police

The local police are a phased and interim measure to provide security in communities that face actual security threats and dangers. In these communities, national security forces do not have adequate presence and access to provide security or are not familiar with these communities. In these communities, the armed opposition has greater presence and power. The local police consist of members who are recruited from among these communities. The areas of their responsibility have been specified and they are only responsible for providing security for and defending their communities. They cannot even carry their weapons outside their communities. Their largest area of responsibility is the district and they can help other communities and fight the enemy in the district only after permitted to do so by the district authorities.²⁴ MoI has the authority to establish the local police whose affairs are regulated, enforced, and monitored by the General Department of Local Police in accordance with the Procedure on the Regulation and Establishment of the Local Police of 1389 (2010/11).

The local police establishment proposal was fraught with many concerns from the beginning and there were many questions whether they will contribute to security and defense in communities against the Taliban and other groups that are fighting the Afghan Government and lead to stable and lasting peace. Will it not result in the rearming of people who have war records and have harassed people in the past? What is the mechanism to supervise and control these people in unsafe and mostly outlying areas where state authority is very weak? The concern was further exacerbated if the local police recruits were likely to be more committed and loyal to local commanders and other influential figures than to the central government, greatly reducing the space for controlling and monitoring the local police. The concern was raised by some domestic and international organizations and several reports were published in this regard. Nevertheless, MoI recruited and formed the local police in cooperation with foreign forces. The number of the local police members will reach to 30,000 and so far around 11,000 have been recruited in around 60 communities in the country's unsafe areas since the last year.²⁵

In this section of the report, we assess the Afghan Local Police (ALP) in practice and try to show the practical results of the ALP in communities and answer the abovementioned concerns and questions. This section will comprise several key issues: we first discuss the creation and establishment of the ALP and deficiencies and shortcomings in its recruitment and we then assess the positive and negative performance of the ALP. These are followed by a discussion on the future of the ALP and concerns about it and finally a discussion of *arbakis* and illegal armed forces and lack of discrimination between them and the ALP.

²⁴ MoI of the Islamic Republic of Afghanistan, interview with Gen. Ali Shah Ahmadzai, General Director of Local Police, date: Dalw 29, 1390 (February 18, 2012)

²⁵ Ibid

3.1 The Establishment and Structure of the ALP

Providing security and preventing the influence of the armed opposition in areas that face actual security threats are the objectives for the creation of the ALP. According to Procedure on the Regulation and Establishment of the ALP, this police force “is created where there is a dire need for its existence and local people are prepared for and consent to its establishment.”²⁶

It is also a goal of the ALP to ensure public trust in and support for the Government and governmental institutions so that people assist the security authorities in providing security in their communities. Therefore, the ALP should be fully supported by the local population. To ensure this public support, a number of provisions have been considered in the ALP recruitment:

- The need for the ALP should be recommended and established by provincial security committees led by provincial governors and only after its need is justified and the biometric examinations are conducted, the ALP can be created.²⁷
- Recruitment for the ALP should be carried out in consultation with provincial and district councils and the recruits should be guaranteed by these councils.²⁸
- Ethnic inclusion, or the fact that “the establishment of the ALP should be inclusive and should not lead to ethnic and local divisions,”²⁹ the ALP members “cannot be recruited from one specific ethnic group,”³⁰ and it should comprise all ethnic groups residing in the area.

In addition, several specific requirements have been considered with regard to the ALP recruits, which include the following:

- Their “criminal responsibility or lack of criminal responsibility should be certified by the local crime detection institutions, such as national security, intelligence, criminal investigation, and anti-terrorism departments.”³¹
- They “should have decent reputation and public trust in their place of residence and should not have been convicted of any crime by a court of law.”³²
- They “should not be a member of any irresponsible armed group that is linked with acts disrupting security in the related area.”³³
- “Priority should be given to the recruitment of literate persons.”³⁴

²⁶ Procedure on the Regulation and Establishment of Local Police (1389 (2010/11)), Article 7

²⁷ Ibid, Articles 5 and 16

²⁸ Ibid, Article 9, Paragraph 1

²⁹ Ibid, Article 16, Paragraph (d)

³⁰ Ibid, Article 17, Paragraph (e)

³¹ Ibid, Article 9, Paragraph 9

³² Ibid, Article 9, Paragraph 11

³³ Ibid, Article 9, Paragraph 13

³⁴ Ibid, Article 9, Paragraph 10

Additionally, the Procedure has set certain conditions regarding the health, lack of drug addition, possession of national identification cards, and a set of behavioral and ethical standards, including patriotism, discipline, loyalty to the country's progress, capacity to distinguish between the friends and enemies of the homeland, and readiness to sacrifice for homeland's sake, which should be respected in the course of recruitment, but which can be regarded as ethical recommendations that are not easily and simply measurable and ascertainable.

In any case, these requirements and characteristics have been taken into account to make sure that the ALP is enabled to fulfill its responsibilities in the best possible manner and to command public support for and cooperation in combating the armed opposition.

Unfortunately, in many cases, these conditions, or some of these conditions, have not been respected in the ALP recruitment and local people and even governmental officials view it with a negative attitude.

3.1.1 Influence of Local Commanders and Officials in the Recruitment Process

In many cases, influential figures, commanders, and even provincial and district authorities influence the ALP recruitment process and place their favored persons within this structure. A security authority in Shindand district in Herat says, "Unfortunately the recruitment process is not transparent and that influential figures and gun-lords are involved in the recruitment of these people or even some of them are recruited by the foreign forces."³⁵ One senior police official in this district says, "Initially a number of local commanders who had built, in one way or another, ties with the foreign forces to capture local power made these recommendations for the creation of the local police."³⁶ Local councils that should nominate the recruits were either never consulted or were influenced by influential and powerful figures. A high-ranking district authority in Shindand says, "Local and popular councils had no role in the selection of these people and there were never any consultations in this respect."³⁷ An ALP member, around 25, in Maidan Wardak province, stated, "I was not nominated by the local council, but by the mayor."³⁸

Influential and powerful figures even influence the composition of local councils. A senior district authority in Shindand says, "Around 40-46 people are members of the district local councils who are mostly affiliated with the authorities, receive the council membership on an annual contractual basis, and in general around 60 percent of council members are the relatives of the district governor, judge, prosecutor, and others who conduct public business in the relevant institutions and charge commissions in return."³⁹

³⁵ Interview with a national security authority in Shindand district of Herat province, date: Saratan 20

³⁶ Ibid

³⁷ Ibid

³⁸ Interview with an ALP soldier in Maidan Wardak province, date: Saratan 25, 1390 (July 16, 2011)

³⁹ Interview with a district security authority in Shindand, date: Saratan 20, 1390 (July 11, 2011)

An influential figure in Sayyedabad district of Maidan Wardak province: “The local police in Sayyedabad have not been guaranteed by the people’s representatives and they have not been consulted either. They may be selected by the ethnic council, but the ethnic council does not have legitimacy in this district and cannot represent the people, because they have not been elected by the people. The members of the Sayyedabad ethnic council have been appointed by the district governor.”⁴⁰

Sometimes conflict over influence on the ALP recruitment causes differences among the local influential figures that can even result in clashes and insecurity. In Kejrán district of Daikundi province, a member of the provincial council (affiliated to Hezb-e Harakat-e Islami (Party of Islamic Movement)) has exerted the greatest influence on the provincial ALP structure given his cordial relations with the American Special Forces, which has met with opposition from two other members of the provincial council (affiliated to Hezb-e Wahdat-e Islamiye Mardom-e Afghanistan (Party of Islamic Unity of Afghanistan People)). Although the two eventually reached a relative agreement, according to a high-ranking provincial authority in Daikundi and other sources, individuals related to Harakat-e Islami have greater influence on the provincial ALP given the weight of the member of the provincial council.⁴¹

3.1.2 Interference of Foreign Forces in the Recruitment Process

The role of foreign forces and the US Special Forces is to provide financial support, professional training, and equipment for the establishment of the ALP in the communities. They should not themselves take action to recruit and assign ALP members and arm them independently without coordination and control of the Ministry of Interior (MoI). This has been made clear in the Procedure on the Regulation and Establishment of the ALP: “No security institution, including the international forces, can create arbitrary armed units outside the ALP structure.”⁴² The ALP salaries should also be paid by the ALP Department of MoI.

Nevertheless, there are many cases in which the US Special Forces have directly recruited and armed individuals as ALP members. They also pay the salaries of these individuals and the Government has no command and control over them. A senior police official in Shindand district of Herat province says that the Americans have selected and recruited ALP members, popular councils and security institutions have had no role in this regard, and no one has been consulted in this respect.⁴³ They are not selected by popular councils, but by foreign troops.⁴⁴ A senior government official in Kunduz province says, “I was at the head of Kunduz provincial ALP selection council. Our list on

⁴⁰ Interview with an influential figure in Sayyedabad district, Maidan Wardak, Saratan 25, 1390 (July 16, 2011)

⁴¹ Afghanistan Independent Human Rights Commission (AIHRC), Daikundi provincial office, report of monitoring and investigation unit, date: Saratan 21, 1390 (July 12, 2011)

⁴² Procedure on the Regulation and Establishment of Local Police (1389 (2010/11)), Article 16, Paragraph (e)

⁴³ Interview with a senior police official in Shindand district of Herat province, date: Saratan 20, 1390 (July 11, 2011)

⁴⁴ Interview with a senior police official in Herat province, date: Saratan 22, 1390 (July 13, 2011)

the selection and recruitment of ALP was not taken into account and none of the current ALP members is in that list. The Americans themselves recruited those people, while they are only responsible for equipping and training them.”⁴⁵

An influential figure in Gereshk district of Helmand province told the AIHRC in an interview that elections were held for Gereshk district council and 35 members were elected for the council. He said that the council requested the establishment of the ALP in this district, but it had no role in the selection of the ALP members. He expressed his satisfaction with the role of the ALP in providing security in the district, but added that he is not sure if the ALP is not involved in trafficking narcotics.

Sometimes local commanders and powerful figures recommend the US Special Forces to establish ALP in their areas and the American forces recruit and finance them and their men as ALP members. A senior police official in Shindand district says, “Initially, a number of local commanders, who had, in one way or another, found connections in the foreign forces, proposed the creation of ALP in insecure areas in this district so as to maintain and buttress their power in those areas. The local and popular council had no say in the selection of these people and it was never consulted in this regard. The council members have also not been elected by the people.”⁴⁶

The interference of the American forces or their independent action to recruit and create ALP causes disorder, growing insecurity, and lack of public confidence in the Government, because the Government has no command and control over it; as a result, these people, who are mostly members of former armed groups, harass and persecute the local population. Badghis provincial council members say that the Americans consulted no one in the creation of the ALP in Morghab district of Badghis province, whose arms and salaries are directly provided by them.⁴⁷ Individuals who are such recruited in the ALP mostly lack positive track records and people are pessimistic about them. For instance, the Americans have built a 20-member group under Saleh Bik, an irresponsible armed individual, in Moghor district of Badghis province. These individuals belong to a special tribe. Another group under the command of Besmellah Daizangi has been built in Abkamari district of this province that is accused of robbery and public harassment.⁴⁸

Foreign forces’ influence and recruitment of ALP without the participation of the Government has caused ALP members not to obey and respect the Government and its legal authorities. It means that the Government’s authority and rule is undermined in the regions. A security authority in Shindand district says, “The contacts between the ALP and the relevant authorities, such as MoI and police chiefs, are very weak and most of them obey the foreign forces rather than the pertinent officials.”⁴⁹ Their rise to power

⁴⁵ Kunduz province, interview with a senior government official, date: Saratan 16, 1390 (July 7, 2011)

⁴⁶ Interview with a senior police official in Shindand district of Herat province, date: Saratan 20, 1390 (July 11, 2011)

⁴⁷ Interview with two members of provincial council, Badghis province, date: Saratan 29, 1390 (July 20, 2011)

⁴⁸ Ibid

⁴⁹ Interview with a senior police official in Shindand district of Herat province, date: Saratan 20, 1390 (July 11, 2011)

undermines the rule of law and the authority of the Government in the communities with potential to cause further insecurity and more violations of laws and human rights in the long run.

An influential figure in Kunduz province states, “Honest and socially reputable persons are not recruited in the local police structure. Rather local commanders and powerful figures nominate these recruits from among people close to them. These include the criminals. People are in no way satisfied with them. They harass people.”

Although the Procedure sets out that individuals recruited in the ALP should be guaranteed by local councils, it is clear that given the influence of local commanders and powerful figures and the interference of the American forces in the ALP recruitment and structure in the communities, the local councils are not able to guarantee the ALP members, who have not been nominated by them and with their support. On the other hand, such influence and interference can cause public pessimism towards and mistrust in the ALP so that they cease supporting it. At the same time, there is the question about the capacity of local councils to guarantee the behavior and action of the ALP members in insecure areas and in time of war.

Another important issue is that most ALP members in some areas have been gang-recruited. They were previously under the instruction of local commanders who were armed and supported by the American Special Forces as *arbaki* forces to combat the Taliban. They were later registered as ALP members by MoI.⁵⁰ If ALP structure is such designed, there is no determining role for local councils in the selection of prospective ALP members and for MoI to lead and regulate the recruitment process. Contrary to this, the role and influence of former local commanders increase and ethnic/tribal representation is not taken into account in the ALP composition, because armed groups that are assimilated in the ALP were formerly created on an ethnic/tribal line. As a result, the ALP loses the support of the people.

3.1.3 Criminal Record in ALP Members and Membership in Illegal Armed Groups

As mentioned earlier, persons who are recruited in the ALP should not have been convicted for crime or should not have been members of illegal armed groups that disrupt security at the community level. According to the AIHRC reports on police performance monitoring and remarks by government authorities and people’s representatives at the provincial and district levels, a large number of the ALP recruits have been formerly affiliated with civil-war-era commanders, arbitrary armed individuals, and *arbakis*. According to government authorities and community influential figures and people, *arbakis* and individuals affiliated with commanders have been recruited within the ALP structure in most areas. They have perpetrated violations of law and abuses of human rights in the past, including armed robbery, harassment of people, banditry, murder, abduction, and civil war, and people do not have a favorable memory of them. Although they may not have been convicted by any court of law (as no court has dealt with crimes

⁵⁰ Ministry of Interior (MoI) of the Islamic Republic of Afghanistan, a high-ranking Afghan National Police (ANP) officer, Hout 28, 1390 (March 18, 2012)

committed by these individuals) and although they may not currently have the membership of illegal armed groups, there are specific cases that demonstrate lack of public trust in and support for them. Additionally, though they have not been tried, a number of these individuals are notorious for criminal acts and people have a highly unfavorable memory of them. According to some authorities, among the ALP membership are people who have bad war records⁵¹ and are even people who are serial killers and have committed several acts of murder.⁵²

According to authorities in Herat province and Shindand district,⁵³ a number of ALP members have been previously affiliated with illegal armed groups and militias and they have been implicated in such crimes as robbery, murder, kidnapping, and intimidation of people in Shindand district of Herat province. Hence, people do have a favorable memory of them.⁵⁴ Based on remarks by a senior government official in Herat province, it was mostly armed people who were recruited within the ALP structure and most of them have links with *mujahidin* factions. He said, “Over 80 percent of ALP members belong to such groups.”⁵⁵ Likewise, Herat deputy provincial police chief states that around 50 percent of local ALP members are *arbakis* who have perpetrated various crimes against humanity in the past.⁵⁶ An authority in prosecutor’s office in Maidan Wardak province says that the problem of the ALP is that they are mostly not under effective command and control. They are armed in their communities and they are mostly unprofessional and unemployed people. Most of them have been ex-combatants and involved in the civil war.⁵⁷ The same issue exists in a number of other provinces, such as Kunduz, Badghis, Faryab, Uruzgan, Kandahar, Helmand... Some local authorities mention that only their name has been changed into ALP. For example, an elder from Garmsir district told the AIHRC in an interview that there are about 80 active *arbaki* members in Garmsir that were later incorporated within the ALP structure.

In some cases, the Taliban members who have joined the peace process have been recruited in the ALP. These people also do not command public consent and support due to their criminal record and persecution of the public people. In Badghis province, a Taliban commander named Mullah Esfandyar recently joined the government with his 20

⁵¹ Interview with a national security authority in Kunduz province, date: Saratan 15, 1390 (July 6, 2011)

⁵² Interview with a government authority in Kunduz province, date: Saratan 16, 1390 (July 7, 2011)

⁵³ It is noteworthy that although a senior police commander and a security authority in Shindand district and a provincial police official in Herat talk about the presence of forces affiliated with former commanders, illegal and arbitrary armed individuals, *arbakis*, and even the Taliban within the ALP structure, a senior government authority in Shindand district not only has a positive outlook at the ALP, but he also rejects the infiltration of commanders and *arbakis* in the ALP and denies the presence of *arbaki* forces and arbitrary armed individuals in this district. (Interview with a high-ranking official in Shindand district of Herat province)

⁵⁴ Interview with a police commander in Shindand district of Herat province; and interview with a national security authority Shindand district of Herat province, date: Saratan 20, 1390 (July 11, 2011)

⁵⁵ Interview with a high-ranking government official in Herat province, date: Saratan 23, 1390 (July 14, 2011)

⁵⁶ Interview with a police commander in Herat office of provincial police chief, date: Saratan 20, 1390 (July 11, 2011)

⁵⁷ Interview with an official in prosecutor’s office in Maidan Wardak province, date: Saratan 25, 1390 (July 16, 2011)

men, who were later, according to the provincial authorities, incorporated in the ALP, while they had stoned a woman to death and were implicated in a series of beheadings in the past.⁵⁸ In Sangin district of Helmand province, “a number of Taliban commanders who had got tired of the war joined the government, but did not surrender their arms. Eventually it was decided that they should provide security for their community. The government built security checkpoints for them. They are now set to become part of the ALP in Sangin district.”⁵⁹ The presence of such individuals within the ALP structure eliminates possibilities of public support for the ALP and even raises public concerns about security in the communities. According to two members of Badghis provincial council, people have “fear and concern” about the presence of such individuals in their communities and “a number of people believe that such individuals will join the Taliban through opportunistic behavior.”⁶⁰ On the basis of reports by police monitoring unit in the AIHRC Herat regional office, the people of Badghis province have concerns over the establishment of the ALP in this province. According to a number of plaintiffs from Balamorghab, Abkamari, and Qades districts, the majority of the ALP recruits not only lack favorable track records, but they also have committed crimes against people’s life, property, and honor. Several plaintiffs stated that such individuals, on the one hand, have links with the Taliban and, on the other hand, are connected with the government, and they can disrupt the security situation at any moment.⁶¹

Using their links with the Taliban, some ALP members can behave opportunistically and rejoin the Taliban when under pressure. Or the Taliban may infiltrate the ALP as a tactic and commit anti-government and terrorist acts. This concern exists in most communities. A police commander in Uruzgan province says, “A number of ALP members have links with the Taliban and we have witnessed some people who have surrendered to the Taliban. For instance, in Jangalak village of Chahrchina district, some ALP members surrendered with all their equipment and only a vehicle remained under the government control.”⁶²

3.1.4 Lack of Ethnic Inclusion

Ethnic inclusiveness is an important requirement for ALP recruitment, because this will ensure that the different ethnic and tribal groups will trust in and support the ALP at the community level. Given the rooted and long-run ethnic and tribal divisions in Afghanistan, ethnic and tribal groups tend to lose their trust in governance institutions if they are not represented in the institutions and even these institutions can be grounds for disputes and conflicts. This is of particular significance with regard to the ALP, because the ALP is created in communities where there are already existing security- and war-related issues and the government opposition can abuse an ethnically exclusive ALP to

⁵⁸ Interview with a high-ranking official in Badghis province

⁵⁹ Interview with a high-ranking authority in Helmand province, date: Saratan 28, 1390 (July 19, 2011)

⁶⁰ Badghis provincial council, interview with two members of the provincial council, date: Saratan 29, 1390 (July 20, 2011)

⁶¹ AIHRC, Herat regional office, police monitoring unit, date: Jaddi 24-30, 1390 (January 14-20, 2012)

⁶² AIHRC, report from Uruzgan provincial office.

their advantage and sow schisms among the various ethnic and tribal groups over support for the ALP.

Unfortunately this principle has not been observed in the ALP composition in some communities. According to a police commander in Herat province, political considerations have affected the ALP composition and chain of command and individuals affiliated to the ruling group have been recruited in the ALP.⁶³ A high-ranking police authority in Shindand district states, “There are 325 members in the ALP composition, in which ethnic balance has not been taken into account, because overall one ethnic group comprises the ALP and rarely one can see ALP members who are from other ethnicities.”⁶⁴ This can undermine public support for the ALP and even exacerbate ethnic and tribal divisions. One reason is that the ALP selection and recruitment process is not under the control of the government and the US forces have themselves created and armed ALP members in some areas. For example, a 20-member group was armed by the Americans in Moghor district of Badghis province, who are commanded by a person called Saleh Bik and all of them hail from a specific ethnic/tribal group.⁶⁵

Sometimes security threats by the Taliban have caused the non-observance of ethnic and tribal inclusiveness within the ALP structure in some areas. For instance, in Kejran district of Daikundi province, the local government officials have for several times asked Pashtun communities in the district to introduce and nominate individuals for the district ALP force, but they have refused to do so, given their fear of reprisal by the Taliban.⁶⁶

3.1.5 High Illiteracy Rate in the ALP

A very high majority of ALP members are not literate and those who are literate only have primary literacy. Although there is a high level of illiteracy in the Afghan National Police (ANP), it is much higher in the ALP in almost all areas—over 90 percent. Local government officials say that the illiteracy rate is even higher than 90 percent in some regions. A senior police commander in Herat province says that there is a 98 percent level of illiteracy among the ALP members and there are rare ALP members who have gone through primary education.⁶⁷ This was corroborated by a senior police commander and a national security authority in Shindand district.⁶⁸ The training duration considered for ALP members is extremely limited and negligible. Article 22 of the Procedure on the Regulation and Establishment of the ALP incorporates training programs of two to three weeks for ALP members. It is easily understandable that this is a very short period and cannot be adequately effective. This is particularly short and negligible with regard to human rights training that is a categorical imperative for ALP training.

⁶³ Interview with a senior police commander in Herat province, date: Saratan 22, 1390 (July 13, 2011)

⁶⁴ Office of police chief of Shindand district of Herat province, interview with a senior police commander, date: Saratan 20, 1390 (July 11, 2011)

⁶⁵ Badghis provincial council, interview with two members of the provincial council, date: Saratan 29, 1390 (July 20, 2011)

⁶⁶ AIHRC, report of Daikundi provincial office.

⁶⁷ Interview with a senior police commander in Herat province, data: Saratan 22, 1390 (July 13, 2011)

⁶⁸ Interview with a senior police commander and a national security authority in Shindand district, Herat province, date: Saratan 20, 1390 (July 11, 2011)

We should also note that the illiterate have weaker learning and memory capacities and as a result, this short training course cannot familiarize ALP members with their competencies, duties, and responsibilities, and lawful and human rights-based treatment of public people. However, in places where the training has been provided, the training has had some impact on the behavior of ALP members. For example, the training was provided for ALP members in Kunduz province and this was useful for improving their treatment of public people and the fulfillment of their obligations. But in most areas, ALP members have not gone through the training program. Specifically, due attention has not been paid to human rights training.

Nonetheless, MoI states that special training programs have been considered with regard to the ALP literacy and that around 180 teachers have been assigned in 60 areas and training has commenced in a number of areas,⁶⁹ but it is reported that the ALP members are not interested in training and education.⁷⁰

3.2 The ALP in Action

Pursuant to the Procedure on the Regulation and Establishment of the ALP, the ALP is responsible to provide security in insecure communities and prevent enemy infiltration in those communities.⁷¹ The ALP is created in those communities where there is a dire need for it, where the communities face actual security threats, and where the communities are ready for and fully consent to the establishment of the ALP.⁷²

3.2.1 Positive Performance

The ALP has had different experiences in different areas. In some areas, the ALP has been effective to provide security for the communities. Local government authorities have also evaluated the ALP work as relatively effective and the local population has also expressed its satisfaction about the ALP performance. The ALP has been established in Marjah, Nad Ali, Nawah, Garmsir, Gereshk, Musa Qala, and Sangin districts of Helmand province (although its organizational structure is yet to be completed) and has had positive performance in providing security and so far no serious complaints have been recorded on the ALP harassing the local population and/or perpetrating acts of a criminal nature. Specifically people in Marjah and Nad Ali districts of the province have expressed their satisfaction with the work of the ALP and have reported that the ALP has played a good role in providing security in their communities. Despite all problems, the ALP has been able to contribute to security in communities in Shindand district of Herat province.⁷³ In some other regions, including Kunar province, Imam Saheb, Chahr Dara, and Dasht-e Archi districts of Kunduz province, Darzab and Ghush Tapa districts of

⁶⁹ MoI, Islamic Republic of Afghanistan, interview with Gen. Ali Shah Ahmadzai, ALP General Director, date: Dalw 29, 1390 (February 18, 2012)

⁷⁰ Interview with an authority in the office of Herat provincial police chief, date: Saratan 22, 1390 (July 13, 2011)

⁷¹ Procedure on the Regulation and Establishment of Local Police (1389 (2010/11)), Articles 11 and 12

⁷² Ibid, Articles 6 and 7

⁷³ Interview with a national security authority in Herat province, date: Saratan 25, 1390 (July 16, 2011)

Jawzjan province, Sayyad and Kohestanat districts of Sare- Pul province, Barg-e Matal and Kamdish districts of Nuristan province, local government officials have expressed their satisfaction with the ALP role and performance in providing security in communities, although complaints against the ALP have been recorded in these regions. For instance, a case relevant to four ALP members has been recorded in Sar-e Pul provincial attorney's office, including separate and individual charges, meaning that their acts have not been organized. The charges for two of them are more serious, one relating to rape and the other pertaining to entry to a person's house without the landlord's leave. The charges for the other two are concerning lack of awareness about the ALP duties and lack of awareness about the military code of conduct.⁷⁴

Reports by police monitoring units in the AIHRC regional and provincial offices and interviews with local government officials and people about the ALP performance generally indicate that the ALP has been able to command public support and more effectively fulfill its community security responsibilities in most areas where the ALP has been created in accordance with the Procedure on the Regulation and Establishment of Local Police with the consent of the local population. On the other hand, the ALP has not been able to win public consent and support and has not succeeded its fulfilling its responsibilities in areas where it has been recruited under influence of local commanders and powerful figures or directly created by the US forces. Therefore, one can say that the success of the ALP hinges fundamentally on community consent and support and this consent is winnable when the ALP is not recruited from among individuals with bad track records, civil-war-era hostile groups, or the Taliban, because these individuals were implicated in past conflicts and ethnic and tribal confrontations in communities.

Another important point is that initially people remembered the ALP with a bad memory and feared and worried about their performance. They justified it by referring to the ALP illiteracy, influence of local commanders and individuals affiliated to the Taliban, and lack of central government's command and control. There have been many cases in which the ALP has abused its legal competencies and was accused of such crimes as murder, robbery, looting, kidnapping, banditry, insecurity, extortion, and harassment of public people. But the ALP has relatively improved its performance and has been more successful in fulfilling its responsibilities where its members have been trained, have operated under effective command and control, and its criminal acts have been prosecuted. Naturally public trust has also been won. For instance, in Kunduz province, this concern was initially gravely expressed by local government authorities and people in the time of the establishment of the ALP, but recent interviews indicate relative satisfaction of local government officials with the ALP in the province. Local government officials specifically emphasized the selection of persons with good reputation and training.

In general, one can say that the ALP has been able to play a positive and effective role in security in some areas and has even increased public hope and public trust in and support for the central government. But given the fact that ALP is a scattered force, mostly

⁷⁴ AIHRC, Mazar-e Sharif regional office, report of the police monitoring unit, date: Dalw 30, 1390 (February 19, 2012)

untrained, illiterate, and not under the effective command and control of the government, the ALP itself has been the cause for several problems.

3.2.2 Negative Performance

Unfortunately there have been cases in which the ALP has overstepped its powers and committed illegal acts. There have also been cases, indicating that the ALP members have perpetrated such crimes as harassment of public people, murder, robbery, and the like and the ALP itself has become part of conflict and insecurity at the community level. Therefore, there are two categories of ALP negative performance: violations of its legal powers and abuses of human rights.

3.2.2.1 Violations of Legal Powers

As mentioned earlier, the ALP is only responsible for security and does not have the right to interfere in the ANP as the law enforcement police, unless it is asked to do so by the anti-crime police or in circumstances of actual violence.⁷⁵ The ALP geographical area is the communities to which they have been assigned. The ALP can never be used from one district or community to another or they should never move with their arms outside their areas of responsibility.⁷⁶ The largest area of responsibility for the ALP is a district and under conditions of need and the supervision of district security authorities, the ALP can move from one community to another within the district.⁷⁷ MoI is responsible for the ALP structure and no other security institutions, including international forces, can establish arbitrary armed forces outside the ALP organizational structure.⁷⁸

Based on reports received by the AIHRC, there are cases in which the ALP has been established and has acted in contravention of its legally specified powers and standards. As previously mentioned, in a number of cases, the US Special Forces have themselves created and armed ALP members, as admitted and criticized by MoI.⁷⁹ But the issue is that these groups act as the ALP and MoI is responsible to supervise them.

In addition, in some cases, the ALP members have overstepped their areas of responsibility and even conducted operations in another province. According to a senior government official in Daikundi province, Kejran district ALP members have attacked some villages in Charhchino district of Uruzgan province and Boghran of Helmand province under the support of the US Special Forces and without coordination with the provincial governor and police chief. These attacks have resulted in robbery of several

⁷⁵ Procedure on the Regulation and Establishment of Local Police (1389 (2010/11)), Article 26, Paragraph (g)

⁷⁶ Procedure on the Regulation and Establishment of Local Police (1389 (2010/11)), Article 26, Paragraph (b)

⁷⁷ MoI, Islamic Republic of Afghanistan, General Department of Local Police, interview with Gen. Ali Shah Ahmadzai, ALP General Director, date: Dalw 29, 1390 (February 18, 2012)

⁷⁸ Procedure on the Regulation and Establishment of Local Police (1389 (2010/11)), Article 26, Paragraphs (d) and (o)

⁷⁹ MoI, Islamic Republic of Afghanistan, General Department of Local Police, interview with Gen. Ali Shah Ahmadzai, ALP General Director, date: Dalw 29, 1390 (February 18, 2012)

shops and these were prevented as soon as Daikundi provincial authorities were informed about it.⁸⁰

Interference in local disputes constitutes another part of illegal acts committed by the ALP. In some areas, citizens and government authorities have reported that the ALP has been interfering in local conflicts among different ethnic and tribal groups and it is itself involved in disputes with people by sometimes committing such criminal acts as robbery, destruction of property, harassment of people, beating, and even murder.

In another instance in Uruzgan province, on Sunbula 22, 1390 (September 13, 201), men affiliated with Commander Lalai, an ANP commander, under aerial support of the coalition forces, launched an ambush attack on ANP security checkpoints in Tamzan area in Daikundi province. The local ALP also entered the fighting. As a result, two men affiliated to Mullah Hassan Gul, who were responsible to provide security for the local road construction project, were killed, seven Daikundi ANP members were hurt and one of them died en route to Bamyan, two civilians including one child and one man were harmed, and some 150 households from Tamzan and Wagir villages of Gizab district of Uruzgan province were displaced to Sangmum, Ghoroj, Koh Agha Hussain, Wonok, and Nili villages in Daikundi province, some of whom remained as internally displaced persons in Nili and Wagir under cold conditions until the month of Aqrab (October/November), based on a survey by the department of repatriation and refugees, local Afghan red crescent office, and provincial council. Additionally, the local market was closed for a period, a number of shops and residential homes were looted, and some houses near the market were used as a military checkpoint. Local people were forced to guard their life and property for several nights. Men affiliated to Commander Lalai even captured the local health clinic in Tamzan, used it as a military checkpoint for several days, and looted its facilities. Also four schools, in which 880 girls and boys used to study, were closed for several months and some schools relocated to other areas.⁸¹

In connection with this incident, Gen. Ali Shah Ahmadzai says that Commander Lalai has used and directed the ALP members in this skirmish and we ordered and investigation into this incident and the violators should be brought to justice.⁸²

The ALP members have committed illegal acts in other areas as well. Using and carrying arms outside the ALP areas of responsibility has been witnessed in several regions. For instance, in Shindand district of Herat province, the ALP members move with their arms outside their districts and even commit crime outside their districts. Using their uniforms and arms, they even interfere in and influence people's family and private issues, such as marriage of girls, and make money illegally. They should not use force against people,

⁸⁰ Afghanistan Independent Human Rights Commission (AIHRC), Daikundi provincial office, report of monitoring and investigation unit.

⁸¹ AIHRC, Daikundi provincial office, report of monitoring and investigation unit.

⁸² MoI, Islamic Republic of Afghanistan, interview with Gen. Ali Shah Ahmadzai, ALP General Director, date: Dalw 29, 1390 (February 18, 2012)

but this has actually happened. In some cases, the ALP members have detained and imprisoned the local population.⁸³

As mentioned earlier, high illiteracy rate is a major problem facing the ALP. According to the ALP procedure, the ALP members should undergo a training and education program of two to three weeks.⁸⁴ But many reports indicate that this training has not taken place in many areas. In specific terms, human rights training has not received due attention. Also as mentioned earlier, in areas where training has been provided, local authorities and people have reported a relative improvement in the ALP behavior and performance.

Although the ALP has been effective to provide security in some areas, it has itself become cause for public fear and concern in many other areas. In most areas, local population has expressed fear and concern at the ALP performance.

3.2.2.2 Human Rights Violations

Human rights violations mean violations that have been officially prohibited in human rights instruments and Afghan law, including such acts as murder, banditry, abduction, looting, beating, public harassment, and the like.

Unfortunately the ALP has been accused of human rights violations in some areas. Reports indicate that various human rights violations have been committed by the ALP. Sometimes several human rights violations have been perpetrated in a single case. Most of these violations have taken place in areas where local commanders, Taliban members, or individuals with bad track records have been recruited within the ALP structure or the ALP has not been able to win public satisfaction due to lack of ethnic/tribal balance in its composition or the ALP has committed such acts because of its illiteracy and lack of awareness about laws and human rights values. Also the ALP has committed more human rights violations in areas that have experienced local and ethnic/tribal disputes.

In Uruzgan province, Roi Mohammad, Shojaee, Khial Gul, Saz Gul, and Fazl-ur-Rabbi, who are all ALP commanders, have perpetrated crimes and human rights violations for several times, which are discussed below.

During the past two years in which they have dominated us, over 15 innocent people have been killed and people's estate and property have been looted and set afire, of which the houses of Mohammad Barat's sons, Khan Mohammad's sons, and Obaidullah's sons have been burnt.

Raz Mohammad, Mohammadullah, Rahmatullah, and Jamal Gul have been forced to flee due to oppression and the ALP forces have plundered their houses. They also have forced

⁸³ Interview with a senior police commander in Herat, and interview with a senior government official in Herat, date: Saratan 22, 1390 (July 13, 2011)

⁸⁴ Procedure on the Regulation and Establishment of Local Police (1389 (2010/11)), Article 22, Paragraph (b)

people to give them tax in the form of timber many times per month and they also have made people do forced labor.

People who have been killed by the police include two university students who had come from Ghazni to Khas district of Uruzgan. Haji Saheb Khan, resident of Lorgai village, was killed by Roi Mohammad in the public bazaar. Sadu Khan son of Mohammad Asef, Hayatullah son of Ekhtiar Mohammad, and Abdul Khaleq's son were also murdered by them.

Haji Malek Saheb Khan and Maruf who were among the elders were abducted by Commander Fazl-ur-Rabbi in the bazaar and so far no one knows about their whereabouts and whether they are dead or still alive.

Also these individuals have given inaccurate reports full of personal enmity about the connection of some local residents with the Taliban and due to these reports, a large number of innocent people have been incarcerated in Bagram detention center.

This case has been corroborated and testified by local elders.⁸⁵ A meeting was held with the provincial governor and police chief in this regard, they confirmed the existence of these problems, and added that Commander Roi Mohammad has been arrested in this connection and other perpetrators have escaped, but the police are looking for them. Uruzgan provincial police chief said that the ALP in Khas district is not under their control and that it operates under the direct command of coalition forces.⁸⁶

Also in Imam Saheb district of Kunduz province, a provincial influential figure says, "The ALP and *arbakis* kidnapped one of the members of my friend's family and demanded ransom for his release. The ALP member, who was later arrested, had been officially recruited by MoI. The ALP and *arbakis* are thieves and criminals. Please raise our voice for the world."⁸⁷

According to the AIHRC reports and the AIHRC interviews with local population and local government officials in various provinces and districts, it was mentioned in almost all interviews that the ALP members have been accused of perpetrating such acts as public harassment, beating, murder, robbery, abduction, banditry, extortion, and forcing populace to pay tithes, poll taxes, and the like. In some cases, the violators have been arrested and prosecuted. Ali Shah Ahmadzai, ALP General Director, mentioned cases in which the violators had been tried and punished. He mentioned Sayyed Qudus, ALP commander in Baghlan, the bodyguards of another ALP commander named Hafiz in Kunduz province, two other people in Zir Koh area of Shindand, Roi Mohammad, ALP commander in Khas Uruzgan, and Sayyed Mahdi in Ghazni, who were arrested and

⁸⁵ Names of people who confirmed the story remain confidential in the report of the AIHRC regional office.

⁸⁶ AIHRC, Uruzgan provincial office, date: Asad 20, 1390 (August 11, 2011)

⁸⁷ Interview with an influential figure in Kunduz province, date: Saratan 13, 1390 (July 4, 2011)

imprisoned for committing such crimes as murder, extortion, threatening people, and abuse of arms.⁸⁸

A report by Human Rights Watch (HRW) documented 46 cases of human rights violations by the ALP, which were later investigated by NATO forces in Afghanistan. NATO forces learned that around seven cases of human rights violations had been committed by the ALP and 15 other cases were partially true. The report of the NATO forces indicates that 10 other cases were untrue and 14 other cases have not been investigated.⁸⁹ About human rights violations by the ALP as documented in HRW report, Gen. Ali Shah Ahmadzai, General Director of the ALP, says that seven cases of human rights violations as confirmed by NATO were not all related to the ALP, but some had been committed by the ANP and ANA. He says that 15 other cases have been committed by *arbakis* and arbitrary militias.⁹⁰

Nevertheless, in many cases, people cannot approach the responsible authorities due to fear from reprisals by the ALP. It is even said that some of the officials, powerful figures, and members of provincial councils protect the ALP from complaints by the people. In addition, people have little awareness about their human rights at the community level and most of them do not know which authorities to approach and lodge and follow up their complaints in. Likewise, corruption in the justice sector and impunity for violators has discouraged people from approaching courts and other responsible authorities and from following up their complaints.

In Shindand district of Herat province, Ahmad Shah, an ALP group leader, was arrested on charge of murder, banditry, robbery, forgery, and beating, but he continues his job in the ALP after powerful figures, some of them at the level of ministries and departments, intervened and influenced the judicial process. He was acquitted in a few days' time due to corruption in the justice system. His brother had also been harmed and arrested during the robbery, but was protected by Ahmad Shah.⁹¹ Therefore, according to a police official in Shindand district, people are 100 percent afraid of the local council and ALP and given their experiences, they cannot complain to the government, because they will be threatened by the ALP and the councils are the ALP supporters.⁹²

Unfortunately, not only the ALP but also the ANP has committed criminal acts that are not prosecuted. Corruption in the administration, especially in the judiciary, has decreased public trust in the government and the judicial authorities. This can further deteriorate the security situation, because public people will get pessimistic about and disillusioned in the government and its institutions, particularly the security sector, and

⁸⁸ MoI, Islamic Republic of Afghanistan, interview with Gen. Ali Shah Ahmadzai, ALP General Director, date: Dalw 29, 1390 (February 18, 2012)

⁸⁹ *The New York Times*, click on the link: <file:///D:/LPI/nato-report-finds-abuses-by-afghan-local-police.html>

⁹⁰ MoI, Islamic Republic of Afghanistan, interview with Gen. Ali Shah Ahmadzai, ALP General Director, date: Dalw 29, 1390 (February 18, 2012)

⁹¹ Interview with a national security authority and a senior police official of Shindand district, date: Saratan 20, 1390 (July 11, 2011)

⁹² Interview with a senior police official of Shindand district, date: Saratan 20, 1390 (July 11, 2011)

will not support them. It is obvious that the present state of affairs can pave the way for the infiltration of Taliban and other armed opposition groups and their recruitment processes.

The AIHRC Herat regional office reports that in a monitoring mission to Badghis province, an old man aged over 60, approached the monitoring mission after he heard that the AIHRC mission has come to the office of the provincial police chief and told the mission that he was raped several months ago and that his film was distributed in mobile phones. He claimed that he has complained to the police several times, but the police have taken no actions yet. The AIHRC mission also mentioned a young woman who was in a shelter. The woman says that she was raped and that the rapist was arrested. She claimed that the rapist was released by the office of the prosecutor. But she is not allowed to return to her home, while her family is ready to receive her and to protect her. The report also says that a young boy was raped by an ALP member, but the ALP member has been sent from Badghis province to the Police Academy in Kabul for training and the case has been covered up.⁹³

⁹³ AIHRC, Herat regional office, police monitoring unit, date: Dalw 24-30, 1390 (February 13-19, 2012)

Chapter IV

The Future of the ALP; Challenges and Concerns

The ALP is a phased and short-term plan to provide security in unsafe communities that will operate for a maximum number of five years⁹⁴ and it will then be reintegrated into the ANP and/or ANA, given its record, capability, and satisfaction level. The idea is to recruit people from among communities to provide security in those communities that face actual security threats, because the number of national security forces is low in these communities and they do not have the capacity to provide security. On the other hand, it is said that the ALP can play a more effective role, given its familiarity with the communities. In addition, the ALP is familiar with the local population, is selected from among the population in consultation with community elders, and it can, hence, win public empathy and support.⁹⁵

4.1 The Future of the ALP; Raising the Concerns

Although the ALP has contributed to security in a number of communities, there are also many negative aspects in the structure and functioning of the ALP. These negative aspects have caused the local population and local government authorities to adopt a doubtful and worrisome attitude to the future of the ALP. Comparing the performance of the ANP and the ALP, they gave a more positive and assured assessment of the role of the ANP in providing security and stability and the state should reinforce the ANP, instead of the ALP, in unsafe communities and areas. They have expressed more hope for the role and performance of the ANP in the long run and stated that it was better if the ANP was strengthened in unsafe communities.

These concerns have also been shared by a number of security and military affairs experts. Gen. Atiqullah Amarkhel says that the ALP is the same as ex-militias in its characteristics and behavioral patterns, in which the ALP abuses its power and weapon, illegally expropriates people's lands, and commits acts of robbery and rape. This type of force did not have positive results for the government in the past, has proved counterproductive in some cases, and has weakened the authority of the central government, because they are not committed to the government and do not have it as their goal to strengthen its authority, as Najibullah-era militias weakened the central government. There is the concern that in case of the weakening of the authority of the central government, the ALP too will turn into an antigovernment force.⁹⁶

As mentioned earlier, there are people in the ALP composition that have bad track records in the public view and are probably members of illegal armed groups, affiliated to civil-war-era commanders, militias, *arbakis*, and the Taliban. Additionally, the ALP recruitment has not been conducted on the basis of the ALP procedure and has been

⁹⁴ Procedure on the Regulation and Establishment of Local Police (1389 (2010/11)), Article 3

⁹⁵ MoI, interview with Gen. Ali Shah Ahmadzai, ALP General Director, date: June 11, 2011

⁹⁶ Interview with Gen. Atiqullah Amarkhel, military and security affairs expert, Kabul, date: Dalw 18, 1390 (February 7, 2012)

influenced by the US Special Forces, commanders, local influential figures, and local government officials, who have ensured the entry of their favored individuals in the ALP. An ALP that is thus constituted will firstly not command public support, because people do not have a good memory of these individuals and the establishment and recruitment processes of the ALP will not lead to their contentment and satisfaction. Second, these ALP members cannot contribute to the strengthening of the state's national sovereignty and the ensuring of stability and security, because they are less committed and loyal to the central government and are influenced by local commanders and armed groups that prey on the lack of government presence and instability in communities. It is likely that the ALP members will themselves undermine security and cause local and ethnic/tribal disputes.

Also as mentioned previously, as a result of such influence, ethnic/tribal balance has not been respected in the ALP formation. This issue also challenges the success of the ALP in the long run. The important point is that the Afghan society is characterized by an ethnic/tribal structure and such a leaning has a very significant impact on public mentality, judgment, and direction regarding various issues, including the role and performance of the ALP. Therefore, the ALP can become a factor in negative grudges, competitions, and even ethnic/tribal conflicts, given this structure and context.⁹⁷

The ALP is mainly created in unsafe areas that are mostly located in the south. As a result, some groups are armed as the ALP in these areas of the country, raising concerns and apprehensions for other ethnic groups with possible long-term challenges to stability and security.⁹⁸ This causes other ethnic groups in the neighborhood of these areas to illegally purchase arms and clandestinely arm for protecting their security and their areas.

This problem even exists within tribes and clans in these areas. In many areas, ALP men belong to a certain tribal group, causing fear for other tribes and intertribal schism and conflict. In Musa Qala district of Helmand province, supporters of Shir Mohammad Akhond comprise the majority of ALP members who belong to Alizai tribe. This issue has caused other tribes to lose their trust in and become pessimistic towards the ALP.⁹⁹ In addition to these, there is little space for the central government to effectively control and monitor the ALP, because first, the ALP is created in areas that face actual security threats where government authority is already weak and the armed opposition and local commanders have more influence and domination; second, these areas are mostly far from urban centers and are less accessible; third, as mentioned previously, the ALP is under the influence of local commanders, influential figures, and probably the Taliban in many areas and has incoherent structure and composition; and fourth, the ALP members have been recruited from among *arbakis* and armed militias, have been armed by the US Special Forces, and are paid and equipped directly by the Americans. These people will not obey the central government and as a consequence, the authority of the central

⁹⁷ Interview with Gen. Atiqullah Amarkhel, military and security affairs expert, Kabul, date: Dalw 18, 1390 (February 7, 2012)

⁹⁸ Ministry of Interior (MoI) of the Islamic Republic of Afghanistan, a high-ranking Afghan National Police (ANP) officer, Hout 28, 1390 (March 18, 2012)

⁹⁹ Ibid

government will weaken in areas controlled by them. This issue can *per se* have negative and unfavorable implications for stability and security in communities in the long run.

Besides, the ALP members have very little familiarity with police discipline, are mostly not subject to police discipline and order on duty, and act unprofessionally. For this reason, it is much more difficult to manage and control them compared to the ANP.¹⁰⁰

High illiteracy rate can itself challenge the role of the ALP in the long run. As previously mentioned, over 90 percent of the ALP men are illiterate and the remaining ALP members have primary literacy. There is only a three-week training program for them, which is categorically very short, given the high illiteracy rate and which cannot be effectively adequate. Given the illiteracy rate and issues raised with regard to the ALP structure and composition, it is remote from reality that the three-week training program can familiarize them with their duties, especially with human rights values and standards. Although Gen. Ali Shah Ahmadzai, General Director of the ALP, emphasizes the “intellectual and attitudinal training and education” of the ALP and talks about hiring around 180 literacy teachers for the ALP members,¹⁰¹ it takes much more time and difficulty to implement an effective literacy program for them in order to bring about “attitudinal reform.” According to Gen. Ahmadzai, the program has been launched in a few areas.¹⁰² All in all, in the view of experts, the ALP with its current structure and composition cannot cause long-term stability and security, because many of them have war records, it is difficult to control them, and they can potentially cause violations of human rights and infringements of the rule of law.¹⁰³ This concern will, particularly after the withdrawal of foreign forces, deteriorate, because “forces that are not seriously controlled, are unfamiliar with the law, and have ethnic/tribal agendas, will act arbitrarily after the withdrawal of foreign forces and cause civil wars.”¹⁰⁴

The ALP reportedly has links with the economic mafia and drugs traders in the country’s south and southwest and it has links with local commanders in the north.¹⁰⁵ Given the issues raised above, there is the concern that if the ALP assumes power in unsafe and outlying areas, the national sovereignty of the government will weaken in communities and given the ALP affiliation and belonging to local commanders, it is likely that the ALP will turn into an antigovernment rebellious force after the withdrawal of foreign troops from the country, contributing to the role of local commanders and arbitrary armed individuals and creating local governments in parallel to the central government. Besides, without continued and effective monitoring by the central government, these people are likely to collaborate with narcotics and human trafficking mafia groups and banditry outfits, spreading these crimes in unsafe communities.

¹⁰⁰ Interview with an appellate prosecutorial official in Maidan Wardak province, date: Saratan 25, 1390 (July 16, 2011)

¹⁰¹ MoI of the Islamic Republic of Afghanistan, interview with Gen. Ali Shah Ahmadzai, General Director of Local Police, date: Dalw 29, 1390 (February 18, 2012)

¹⁰² Ibid

¹⁰³ Ministry of Interior (MoI) of the Islamic Republic of Afghanistan, a high-ranking Afghan National Police (ANP) officer, Hout 28, 1390 (March 18, 2012)

¹⁰⁴ Ibid

¹⁰⁵ Ibid

Given the fact that the ALP is influenced by local powerful figures and commanders in many areas, most ALP recruits have been affiliated to *arbakis*, arbitrary armed groups, local commanders, and the Taliban, and there is a high rate of illiteracy among them, can we have hope in their effective role in providing lasting security? People and a number of local authorities have expressed their concerns about the future of the ALP, given the ALP structure and its behavior and performance and that the ALP is reportedly responsible for reprisals, because its members are implicated in personal enmities.¹⁰⁶

Without the serious monitoring and control of the government, the ALP has given the chance to individuals previously involved in intergroup, interethnic, and intertribal divisions and disputes who are now ALP members to settle scores and perpetrate acts of vengeance. A senior national security official in Badghis province says, “People are really afraid of reprisals by some ALP members.”¹⁰⁷ In his view, this issue can have negative ramifications for security and make people lose their confidence in and satisfaction with the government and its institutions: “The security situation is deteriorating day by day and public trust in the government is going down. I should not say these things as I am myself a national security authority in the province, but this is a reality.”¹⁰⁸

Shahmahmood Miakhel, the United States Institute of Peace (USIP) chief of party for Afghanistan, believes that after the disengagement of foreign forces from Afghanistan, the ANP and ANA will not be able to control the country, given a lack of capability and resources and in that case, the ALP will cause civil wars using its weapons. He says that governance is not possible with local police. To reach stability and peace, Afghanistan needs grand and long-term policies and plans. The government should strengthen its authority through ensuring justice, transparency, and accountability, and reinforce systems.¹⁰⁹

Lack of coordination and control of the ALP is another point that has caused concern for many people and experts about the future of the ALP. Many ALP men do not know the security system, are not very interested in law and order, and are not practically structured in a coherent system. Hence, the ALP creation will not produce results in providing security for communities.¹¹⁰ It is even likely that the ALP will be a trouble for the government in the future, even though it is presently effective and cooperates with the government.¹¹¹

¹⁰⁶ Disbandment of Illegal Armed Groups (DIAG), Maidan Wardak province, interview with a DIAG officer, date: Saratan 25, 1390 (July 16, 2011)

¹⁰⁷ Badghis provincial national security directorate, interview with a national security official, date: Saratan 25, 1390 (July 16, 2011)

¹⁰⁸ Badghis provincial national security directorate, interview with a national security official, date: Saratan 25, 1390 (July 16, 2011)

¹⁰⁹ United States Institute of Peace (USIP), interview with Shahmahmood Miakhel, USIP chief of party, date: June 19, 2011

¹¹⁰ DIAG, Maidan Wardak province, interview with a DIAG officer, date: Saratan 25, 1390 (July 16, 2011)

¹¹¹ Interview with a prosecutorial official in Maidan Wardak province, date: Saratan 25, 1390 (July 16, 2011)

There is also the concern that an incoherent structure and composition and lack of monitoring and control will give the Taliban and other armed opposition groups the chance to abuse the ALP, penetrate it, or even recruit from among it. Given the fact that former Taliban members have been recruited within the ALP structure, the return of the Taliban is always likely, because these ALP members are less committed and loyal to the government. The head of Badghis provincial council says that the ALP men “do not have a relationship with and do not obey the government and even people are concerned that these groups are likely to join the Taliban whenever they wish so.”¹¹²

Therefore, although the ALP has been currently able to improve security in some areas, it may be counterproductive in the long term and is likely to cause mistrust among different ethnic and tribal groups, spread local divisions and conflicts, dissatisfy people, and exacerbate the security situation in communities.

In brief, concerns about the future of the ALP fall into three major categories:

- Concern at the weakening of the state’s national sovereignty as a result of the ALP assuming power in communities;
- Concern at the increase in violence and insecurity in communities;
- Concern at growing crime and human rights violations by the ALP.

Issues related to the structure and composition of the ALP, lack of effective coordination and monitoring and control, and the ALP behavior and performance have given rise to potentiality to the abovementioned concerns and their occurrence.

Gen. Ali Shah Ahmadzai, General Director of the ALP, justified the existence of the ALP by mentioning poverty and unemployment as reasons for insecurity in communities and that the ALP provides employment opportunities in communities and it, therefore, can win people’s trust and ensure security at the community level.¹¹³ But, first, employment creation is not the main objective of the ALP, but it is to defend communities and prevent the penetration of the armed opportunity and that the establishment of the ALP should be justified by its effectiveness in these areas.

4.2 Illegal Armed Groups/Arbakis and Militias

As we know, most areas in Afghanistan witnessed local armed groups under the instruction of local commanders during war years. Although most of these groups were affiliated with parties, they operated with extensive powers in the areas under their domination; they were under no monitoring and control. Though these groups lost their influence during the reign of the Taliban, they were reactivated in the wake of the Taliban collapse. A number of them were supported by the international forces under the title of

¹¹² Badghis provincial council, interview with with members of the provincial council, date: Dalw 29, 1390 (February 18, 2012)

¹¹³ MoI of the Islamic Republic of Afghanistan, interview with Gen. Ali Shah Ahmadzai, General Director of Local Police, date: Dalw 29, 1390 (February 18, 2012)

arbakis so that they fight the Taliban and they were even paid by local government security authorities in some areas. For example, Kunduz provincial national security directorate made salary payments to *arbakis* in 1388 (2009/10) and 1389 (2010/11), but these payments halted after the establishment of the ALP.¹¹⁴

Arbakis were very successful in defeating the Taliban in some areas. It appears that their war record and experience coupled with their seriousness and intrepidity helped them act so in the battlefield.

Historically, the People's Democratic Party of Afghanistan (PDPA)-era militias are considered as the predecessor of *arbakis* and these former militias even comprise a large number of *arbakis*. They, both militias and *arbakis*, were not subject to the authority of the central government, did not give in to its determination, and consequentially played a major role in weakening state authority, causing insecurity and disorder, and harassing public people in areas under their control; they even fought the central government.

These groups are still present in many unsafe areas, engaging sometimes in intergroup skirmishes and sometimes in conflicts with the ANP or the Taliban. The most important trait of these groups is that they act in a scattered and sporadic fashion, lack unified command, and some of these people act under the instruction of a single commander, and that commander obeys no one else in his area of influence and acts autonomously. Therefore, we are not faced with organized and coherent militia or *arbaki* forces, but with scattered and relatively small groups that obey various commanders who are probably affiliated to former parties or have personal friendships with them. In addition, as referred to in the above, these groups and men are not subject to the authority of the central government and consequentially the government does not command and control them. Hence, if they gain power, this *ipso facto* weakens government authority and leads to chaos, disorder, local disputes and conflicts, and harassment of public people in areas under their control.

Strategically, they are against any form of command and control and they generally view lawlessness, disorder, and lack of government authority as profitable and an environment conducive to their operation. Therefore, they are not consistent in their behavior both towards the Taliban and the government, meaning that they can switch sides, given their economic interests, opposing both of them or aligning with one of them against the other. However, the AIHRC has not come across a specific case in which *arbakis* have aligned with the Taliban to fight the government. That is because *arbakis* mostly emanate ethnically from the country's north, northwest, and west, and also have some tribal base in the south. They were suppressed during the Taliban regime and later fought the Taliban; therefore, given the record of enmity between them, there has been no lasting alliance between *arbakis* and the Taliban. Nevertheless, government security officials in some areas have confirmed that they have links with the Taliban and the armed opposition. First deputy head of Kunduz provincial national security directorate says,

¹¹⁴ Kunduz counterterrorism department, interview with a senior official of the department, date: Saratan 15, 1390 (July 6, 2011)

“Many security incidents are caused by irresponsible armed forces and some of them have links with the rebels and we have documentation and evidence in this respect.”¹¹⁵

Arbakis are particularly powerful in Kunduz province and possess very heavy weapons, which are mostly unrecorded. They are around 2,000 people in this province, much more than the number of the ALP force. From the point of view of arms, they are stronger than the ALP and possess such heavy weaponry as cannon 82, mortar, medium mortar, BM1, and *agest*, which the ALP is equipped with only Kalashnikovs and RPGs. Of all of them, the weapons of only 100 men have been recorded. In Khanabad district of this province, the district police chief cannot control them either.¹¹⁶ According to a local resident of Khanabad district, an *arbaki* commander had threatened the district police chief.¹¹⁷ These forces sometimes clash with security forces and the security forces, including the ALP, cannot dominate them. As already mentioned, *arbakis* and illegal armed groups naturally are implicated in security incidents, such as public harassment, banditry, kidnapping, murder, drugs smuggling, extortion, and so on, and they are responsible for insecurity in most areas, particularly in Kunduz province. In Kunduz, around 70 percent of security incidents are caused by these forces.¹¹⁸

A resident of Kunduz province says, “*Arbakis* shot my cousin, because he refused to pay *ushr* tax and he was injured. He was transferred to the hospital and those who shot at him were chased. *Arbakis* made a scene and claimed that that person had been arrested while possessing mines and bombs. I approached the provincial governor. He said that he is not powerful enough and cannot do anything in this regard.”¹¹⁹

A principal of a school in the center of Kunduz says, “I was teaching when *arbakis* entered the school and beat me without saying anything. They insulted the government and said that their government was their gun. They accused me that I have complained against them to the provincial police chief. Commander Qadir Tajeri gave them the order to batter me and he was present there with Commander Amanullah and Commander Faiz. They also beat one of the female teachers. From Jawza 18 to this day (date of interview), the school has been closed and around 500 students are out of study.”¹²⁰

A 55-year-old farmer in Arghandab district says that fifty-five men have been recruited to defend their village, but they harass people. He says that a businessman from Lakokhel in Zherai district was detained and incarcerated by these forces. Another man aged 47 said that the dead body of the businessman was found after a while. The killed person wanted to go to Helmand province to buy sheep. He had Afs500,000 on him, which was taken

¹¹⁵ Kunduz provincial national security directorate, interview with a national security official, date: Saratan 15, 1390 (July 6, 2011)

¹¹⁶ Office of district police chief, Khanabad district, Kunduz province, interview with a senior police commander, date: Saratan 16, 1390 (July 7, 2011)

¹¹⁷ Interview with a resident of Khanabad district, date: Saratan 16, 1390 (July 7, 2011)

¹¹⁸ Kunduz provincial national security directorate, interview with a national security official, date: Saratan 15, 1390 (July 6, 2011)

¹¹⁹ Interview with a resident of Kunduz province, date: Saratan 13, 1390 (July 4, 2011)

¹²⁰ Interview with a principle of girl’s school in Kunduz provincial center, date: Saratan 13, 1390 (July 4, 2011)

away by these forces.¹²¹ The HRW report shows that HRW has received several complaints on human rights violations by *arbakis* in Kunduz. The report states that *arbakis* have been involved in such cases as murder, sexual assault, beating, and extortion, and that the government has not taken any measures to address these.¹²²

There are also illegal armed groups in some other areas of the country that are known by different names. People affiliated with these groups have committed crimes and offences, are implicated in insecurity, and are supported by the American forces to fight the Taliban. In Abkamari and Moghor districts of Badghis province, there are two or three irresponsible armed groups that have perpetrated criminal acts repeatedly and have closed roads between some of the districts in this province for one year.¹²³ According to Badghis provincial authorities, the government has been requested to create the ALP to provide security for these roads. But the ALP has been established only in Balamorghab district and in other places, if there are any ALP members, they are all irresponsible and arbitrary forces.¹²⁴

A resident of Daulatabad district center of Faryab province who is a teacher in one of the schools in the province disappeared on Mizan 21, 1390 (October 13, 2011) and his dead body was found the following day from below the ground. Mualim Khudai Rahim, the father of the killed person, claimed that *arbakis* are responsible for this murder. Five *arbakis* were arrested in connection with this case and are held under detention in Faryab provincial prison and the case has been sent to the military prosecutor's office.¹²⁵

Arbakis and irresponsible armed forces have, in some cases, been supported by a number of provincial and district government officials, even by powerful persons at the leadership of government institutions and they are still being supported by them. Sometimes senior government officials have been illegally involved in arming irresponsible people, paying them salaries, equipping them, and putting state facilities at their disposal. Therefore, local government authorities have been unable to monitor and control these groups and have avoided clashing with them.

A senior official of Badakhshan provincial police chief office says, "So far the ALP has not been established in this province. Only some 15 members of disgruntled opposition who joined the peace process in Khambak area of Tagab district of this province have been provided with boarding and lodging based on oral instruction from the Minister of Interior and they are armed, given their personal security status." But a provincial police official who requested not to be named stated, "So far the ALP has not been established in this province. But some 120 members of disgruntled opposition commanded by Maulawi Abdul Hadi from Draim district and some 35 members commanded by Nazok Mir from Khambak area of Tagab district of this province who had joined the peace

¹²¹ <http://www.dailyindia.com/show/446440.php>

¹²² Human Rights Watch, *Just Don't Call It A Militia*, page 2, September 2011

¹²³ Badghis province, interview with Haji Abdul Ghani, deputy provincial governor, date: Jaddi 29, 1390 (January 19, 2012)

¹²⁴ Ibid

¹²⁵ AIHRC, Faryab provincial office, monitoring and investigation unit.

process are mostly armed in the area, have created a checkpoint in some areas in the said districts, and are provided with boarding and lodging based on oral instruction from the Minister of Interior. Besides, Maulawi Abdul Hadi travels in the area in the police vehicle with his armed men.” He added, “The existence of these people have a negative impact on the rule of law and good governance in the area, causing public fear and concern and increasing public mistrust in and disappointment with the government.”¹²⁶

In Ghor province too, armed individuals and groups that are part of the police structure are mostly affiliated to hostile groups, irresponsible armed commanders, and even senior officials in the government and parliament who are the remnants of the civil war era, create many troubles, cannot maintain their impartiality as police force, harass people, and commit crime.¹²⁷ The data and information gathered by the AIHRC indicates that *arbakis* have been already present in almost all areas where the ALP has been established and as mentioned previously, they have extensively penetrated into the ALP structure. With such personnel, the ALP will not be able to win public trust and support and provide stable and lasting security.

4.3 Lack of Distinction/Discrimination between the ALP and Illegal Armed Groups

As already mentioned, *arbakis* and illegal armed forces have massively infiltrated into the ALP structure and composition and in some cases, *arbaki* groups have been armed by foreign Special Forces to fight the Taliban and then registered as the ALP by MoI. Likewise, there is no serious and accurate monitoring and control on the ALP recruitment and performance by the Afghan Government. *Arbakis* and illegal armed groups are also present in communities, causing sometimes conflicts in communities. One of the major problems is that in most communities, people cannot distinguish between the ALP and *arbakis*. Hence, they think that the ALP and *arbakis* are the same. As a result, acts committed by *arbakis* and arbitrary armed forces can negatively affect the reputation of the ALP from the point of view of public people.

This lack of discrimination between the ALP and *arbakis*/illegal armed forces even exists among some local government authorities. In most districts of Faryab province, particularly in Daulatabad, Shirin Tagab, Almar, Belcheraq, and Pashtun Kot, there are quasi-*arbaki* armed men that are called as *arbaki* forces by people and some local government officials. Elders in Shirin Tagab district call these forces as illegal armed men, but the district governor and security director of office of provincial police chief regard these forces as part of the ALP structure and stated that they are the ALP members who have official ranks and receive salaries. The interesting point is that these forces are called *arbakis* by people and wear local clothes.¹²⁸

¹²⁶ AIHRC, Badakhshan provincial office, monitoring and investigation unit, date: Dalw 29, 1390 (February 18, 2012)

¹²⁷ AIHRC, Ghor provincial office, monitoring and investigation unit, date: Dalw 26, 1390 (February 15, 2012)

¹²⁸ AIHRC, Faryab provincial office, monitoring and investigation unit, date...

Chapter V

Conclusion and Results

5.1 Conclusion

This report indicates that the ALP has been able to play a relatively positive role in some areas and prevent the penetration of the Taliban and other armed opposition groups in these areas. But their role has not been positive in all respects. These forces are not fully under government control and monitoring and have sometimes overstepped their powers and committed acts against the Procedure on the Regulation and Establishment of the Local Police, such as intervention in local conflicts, interference in people's private and family affairs, detaining and imprisoning people, and carrying out attacks outside their assigned areas and districts—all violations under the applicable law. Also ALP members have, in many cases, been accused of perpetrating such acts as public harassment, abuse of arms and uniforms, extortion from the public, robbery, banditry, abduction, and murder.

The ALP has less commitment to and dependence on the government, because most of its members were formerly affiliated to irresponsible armed groups that did not obey the government and regarded the authority and sovereignty of the government against their interests. They have a very low level of literacy and little awareness about their code of conduct. Professionally they are less committed to and dependent on the government; although they receive salaries, first, these salaries are very little compared to the profits they make illegally through extortion and second, their salaries are still being paid by foreign Special Forces in some areas. On the other hand, lack of continued and vigorous government control reduces their commitment and loyalty to the government.

Additionally, the ALP recruitment process leads to lack of their loyalty to the central government, because the process is influenced by local commanders and influential figures that are in key positions of power. Also in many areas, the ALP comprises *arbakis* who have been armed by the US Special Forces and then registered and licensed by the Afghan Government as ALP. They are less committed and loyal to the government than their personal patrons or foreign troops.

In general, overall outlook on the future of the ALP is pessimistic. In almost all interviews done with experts, local government officials in provinces and districts, and local population, the ANP was preferred to the ALP and concerns were raised about the future of the ALP. Almost all of them recommended that instead of the establishment of the ALP, the government should reinforce national security forces.

In light of the above, major concerns on the future of the ALP fall into three categories:

- Concern at the weakening of the state's national sovereignty as a result of the ALP assuming power in communities;
- Concern at the increase in violence and insecurity in communities;

- Concern at growing crime and human rights violations by the ALP.

Potential reasons and contexts for these concerns are generally the following:

- The presence and influence of *arbakis* and illegal armed forces in the ALP and the bad track records of most of them in the public view;
- Very high illiteracy rate among the ALP members and their lack of awareness about their code of conduct and human rights values and very short training for them;
- Lack of coordination among them from one community to another or from one district to another;
- Their lack of belonging and commitment to the government as a result of influence by local commanders and influential figures and interference of foreign forces in their recruitment and establishment;
- Lack of effective control and monitoring of the central government over them due to their affiliation with influential figures and foreign forces and their assignment in unsafe and outlying areas.

If these forces are not under serious monitoring and control of the government, they can, with their existing composition and structure, contribute to the reinforcement of the role and power of local commanders and arbitrary persons and they are even likely to turn into rebellion and opposition against the government, weakening security and the rule of law in at the community level. Also, these men, if they are not under monitoring and control, are likely to be influenced and exploited by mafia groups related to drugs trafficking, human trafficking, and the like.

As already mentioned, the ALP should command public consent and support. Otherwise, it cannot play its role well in communities. We know that public satisfaction with the government is a key point in ensuring security at the community level. If people are satisfied with the central government and have trust and confidence in it, they will themselves prevent the infiltration of the Taliban and other armed opposition groups in their communities. In interviews conducted by the AIHRC, public dissatisfaction with the central government, growing corruption in state apparatus, and lack of implementation of law and justice are the major causal factors for insecurity. People have a lot of complaints about increasing corruption in governmental institutions and over 94 percent of people assess the government performance in anti-corruption as weak and ineffective.¹²⁹ This dissatisfaction is increasing day by day, as in the year 1389 (2010/11), around 92 percent of people had assessed the government performance in anti-corruption as ineffective.¹³⁰

¹²⁹ AIHRC, Report on the Situation of Public Awareness about Human Rights in 1390 (2011/12) (unpublished report)

¹³⁰ AIHRC, Survey on Public Awareness about Human Rights in 1390 (2011/12), year of publication 1390 (2011/12), p. 35

According to the report of the Transparency International, Afghanistan is among the countries with the highest levels of corruption in the world and things have even worsened in Afghanistan.¹³¹ Growing corruption in government institutions is a major reason why people are disappointed with the government.

Public dissatisfaction with the ALP can increase public dissatisfaction with the government, because the ALP is considered a government force in communities, representing the authority of the government. It is vivid that rising public dissatisfaction with the government provides opportunities for the Taliban and other armed opposition groups to recruit members and further disrupt security in communities.

5.2 Recommendations

In light of the findings in this report, the AIHRC makes the following recommendations to the international forces and to the Ministry of Interior to address inadequacies, shortcomings, and future concerns:

1. The duration of training for the ALP should increase to at least three months. Human rights and applicable national laws should be on the top of the training program.
2. Practical mechanisms should be designed and implemented for controlling and monitoring the ALP performance.
3. Literacy should be given importance as a condition for ALP recruitment.
4. The ALP members should be seriously vetted by the NSD, the AIHRC offices, Attorney-General's Office, and local people before their recruitment. This should be a principled rule in all recruitments.
5. Under no circumstances should individuals formerly affiliated with illegal armed groups, *arbakis*, militias, or the armed opposition be recruited in the ALP.
6. The role of local councils should be strengthened with regard to the selection of the ALP members and there should be increased efforts to ensure public trust in and support for the ALP.
7. Measures should be taken now to conscript the ALP members in the ANP structure through increasing training programs with a view to eventually incorporating the ALP into the ANP by 2014.

¹³¹ Transparency International: The Global Coalition Against Corruption, at: <http://www.transparency.org>. taken from AIHRC, Report on the Situation of Economic and Social Rights, Fifth Report, 1388-1389 (2009/10-2010/11), year of publication 1390 (2011/12), p. 80

8. DIAG program should be supported and weapons should be collected from all irresponsible and illegal armed groups and disarmament process should be completed.
9. Individuals in the ALP, *arbakis*, or militias who commit crimes, violations, and human rights abuses should be prosecuted and tried.
10. Local strongmen, narcotic drugs mafia, and individuals with bad war records should not be allowed to select the ALP members and more role and power should be entrusted with local people and local councils in the selection of the ALP members.
11. The necessary coordination should be established among local institutions and the Ministry of Interior with regard to the establishment and recruitment of the ALP.
12. Employment, training, equipment and direct funding of local police by other national and international institution should be avoided.

+++The End+++