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ATTN: Mr. Javier Leon-Diaz

PHR/IFP Forensic Director: Stefan Schmitt, MS
PHR/IFP Case #'s: AFGASM20070721, AFGCTM20070724, AFGPLC20070725, AFGWAK20070805, and AFGKTK20070808

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**Executive Summary**

This report refers to the forensic assistance provided in Afghanistan from July 21 through August 11, 2007 by Physicians for Human Rights International Forensic Program (PHR/IFP) Director and Senior Forensic Consultant William Haglund, Ph.D. The report is a result of a request by the Chief Human Rights Officer, Richard Bennett, of the United Nations Office of the High Commissioner for Human Rights in Geneva, Switzerland. Per the Terms of Reference, the ultimate objective of the Afghanistan Support Project (Project Number: AFG/06/HC-AH/03) is to establish accountability for serious war crimes and crimes against humanity with a view to ending impunity and to establish the truth of what happened in the past. An expected outcome is to undertake forensic investigations relating to mass graves.

Per the Terms of Reference, the objectives of the forensic assessments were to:

a. To provide technical training to the Criminal Investigation Division (CID) of the Ministry of Interior (MoI) and Investigators of the Afghan Independent Human Rights Commission (AIHRC)

b. To conduct a panel discussion on the subject of mass graves and the missing in Afghanistan with participation of various civil sector and governmental representatives.

c. In support of MoI CID, to document and secure evidence from the mass grave sites located at Dasht-i-Chimtallah (PHR/IFP Case #AFGCMT20070724) and Pul-i-Charkhi (PHR/IFP Case #AFGPLC20070725).

d. To advise on how to address the objectives of Action Plan on Peace, Reconciliation and Justice in Afghanistan in reference to forensic investigations of mass graves.
General Findings (referred to in detail in attached report PHR/IPF #AFGASM20070721)

The findings from our report (PHR/IPF#: AFGASM060615) last year continue to hold true. One difference now is that victims have started coming forward with demands for truth, justice, and psychosocial support regarding missing persons.

To summarize:

1. There is no local capacity to conduct forensic investigations in Afghanistan, according to accepted international standards. Therefore, exhumations of mass grave sites in Afghanistan need to be undertaken with the support of experienced international experts, in order to be able to secure evidence in a manner that can support prosecutions, identifications, and repatriation of remains.
2. There is no coherent functioning judicial system in Afghanistan that meets international standards. Hence domestic prosecutions in the near term, based on forensic exhumations and evidence collection, are unrealistic.
3. Family and victim support for exhumations at the present time will only be possible in those graves that would be considered by the Afghan public as improper burials inconsistent with local religious practices.
4. In some instances one individual, such as a village elder, will testify on behalf of several different victims. The content of such representative hearsay witness accounts is often elaborated in collaboration with the victims. These accounts are considered factual representation of events by the Afghan public and generally are not distinguished as such from eyewitness accounts.
5. To this date there is no systematic investigative approach to documenting and securing physical evidence of mass graves in Afghanistan. Such an effort needs to be based on the documentation of the physical existence of these graves, utilizing photography, measuring and sketching of sites, GPS plotting, and eyewitness testimony in reference to their creation.
6. One reason victims may have not come forward in Afghanistan is a lack of trust in the Afghan government and its international supporting agencies. There is also little opportunity for victims in Afghanistan to receive psychosocial, legal, or forensic support.
7. There is demand for the recognition of the plight of victims through construction of monuments.
8. Currently there is no clear mandate for Afghanistan and the international community regarding the investigation of Afghanistan’s past. This would include addressing mass graves and its victims. A result has been the uncontrolled destructive exhumations of mass graves, as well as the public declaration of unverified accounts of circumstances surrounding these graves.
9. The erection of memorial monuments within the current context of uncontrolled and destructive exhumations of mass graves and public declarations of unverified accounts surrounding these endangers any future coordinated truth finding process based on eyewitness accounts and the documentation of physical evidence.
10. In regards to: Human Rights Research and Advocacy Consortium (HRRAC):
An initial effort in providing psychosocial support for surviving victims is currently being addressed by the HRRAC. The number of survivors asking for psychological support has steadily increased to the point where the organization will be soon be overwhelmed.
   a. The AIHRC stated that rigorous data protection and security mechanisms were implemented last year. This could not be assessed.
b. An AIHRC effort to establish a gravesite registry in Afghanistan is now equipped with GPS units. Unfortunately, the recommendation of establishing a separate list of gravesites based on the forms and the training provided in last year’s ‘June 24 & 25, 2006 workshop has not been implemented. Per communication with Commissioner Nader Nadery, gravesite information is added to their conflict mapping database. However only some gravesites have been verified through the use of GPS mapping.

c. The information on four mass grave sites received from AIHRC and reviewed was incomplete. Only some had GPS locations recorded, and only one had been photographed. It was also not clear whether the information about these mass grave sites was based on eyewitness (i.e. witness who were present and witnessed the events in question in person) or on representative hearsay witness accounts.

Forensic Site Assessment – Afghan National Army Dasht-i-Chimtallah Ammunition Bunker Base – Findings (referred to in detail in attached report PHR/IPF #AFGCM20070724)

1. At this time, no eyewitness accounts into the circumstances leading to the deaths and burial of the victims at the three caves inspected at Afghan National Army Dasht-i-Chimtallah Ammunition Bunker Base were available.
2. The three caves assessed consist of manually-dug underground shelters. They are relatively small in size, measuring between 2.50m by 4.00m and 2.87m by 4.71m, measuring at a maximum 1.65m in height.
3. Determination of a date on which the death and burial of the victims at the three manually-dug underground shelters occurred is not possible at this time. Dating these sites can only be achieved with archaeological methods, such as dates determined from associated artifacts and comparison of archaeologically documented circumstances with testimonial accounts.
4. At minimum, the remains of seventeen individuals are present in the skeletal remains inspected at the site and those that had been removed and turned over to Kabul University’s Forensic Medicine Department by Afghan authorities at the beginning of July, 2007.
5. A total of six skulls exhibited evidence of gunshot wounds with entry wounds in the area of the left ear, three of which also exhibited exit wounds. An additional five skulls exhibited defects to the skull which are consistent with gunshot wounds.

Forensic Site Assessment – Afghan National CTX Base at Pul-i-Charkhi - Findings (referred to in detail in attached report PHR/IPF #AFGPLC20070725)

1. At this time, no eyewitness accounts into the circumstances surrounding the deaths and burial of the human remains located at the Afghan National CTX Base at Pul-i-Charkhi were available.
2. Human skeletal remains were discovered during the construction of a trench close to the military base in 2006. Subsequently the site was surrounded by barbed wire and a tent was placed over the area human remains had been found at.
3. At this time, it is not possible to determine the date on which the death and burial of the skeletal remains observed at the Afghan National CTX Base at Pul-i-Charkhi occurred. Dating can only be achieved through archaeological methods, such as dates determined from associated artifacts and comparison of documented circumstances with testimonial accounts.
4. Evidence of scattered human skeletal remains, representing at a minimum one individual was documented.
5. Without exploratory excavations it is not possible to determine the presence or possible dimensions of mass graves at this location.
Forensic Site Assessment – Wazir Akbar Khan Cemetery – Findings
(referred to in detail in attached report PHR/IFP #AFGWAK20070805)

1. No eyewitness accounts into the circumstances leading to alleged mass graves at the Wazir Akbar Khan cemetery were available.
2. Surface human skeletal remains were observed, which also might be the result of erosion of formal burial sites.
3. It is not possible to determine the presence, nor possible dimensions of mass graves at this location without exploratory excavations.

Forensic Site Assessment – Kata Khana, Yakawlang District – Findings
(referred to in detail in attached report PHR/IFP #AFGKTK20070808)

1. A mass grave was visited at the cemetery of Kata Khana, in Yakawlang District. According to eyewitness accounts, the grave contains the bodies of 26 men, executed by the Taliban on January 8, 2001. They were buried by the village elders eight days later. The incident was initially documented by the Afghan Justice Project published in 2005. (Casting Shadows: War Crimes and Crimes against Humanity: 1978-2001).
2. This grave is considered by the village elders as a burial site consistent with local religious practices. Their demand consisted of funding for a memorial monument.

RECOMMENDATIONS:
1. Considering the tendency in Afghanistan to accept hearsay witness accounts as factual representation of events, a gravesite registry would focus efforts on collecting verifiable data based on mass gravesite locations, rather than hearsay accounts alone. A gravesite registry should contain at a minimum the following information:
   a. GPS coordinates for the alleged gravesite location, thus documenting not only the location of the site but also the fact that an investigator visited the site.
   b. A physical description of the site, which includes documentary photographs, as well as a sketch with measurements. This would help establish physical features (e.g. presence of disturbed earth, presence of surface skeletal remains, surface irregularities, presence of markers, such as martyr flags, etc.) as observed by an investigator.
   c. Information gathered from eyewitnesses (i.e. witness who were present and witnessed the events in question in person), which would provide a verifiable context to the site, i.e. date of occurrence, number of victims, possible identities of victims, location of surviving family members, etc.
2. The data collected for such a gravesite registry should be coordinated through, and collected at a secure central location.
3. Considering victim demands and government offers to fund monuments in recognition of the plight of victims, a gravesite registry effort could be presented in Afghanistan as an initial step towards cataloging such gravesites not only for an organized approach towards erecting monuments, but also for the historical effort, and possibly future judicial purposes.
4. Two criminal investigators, Mr. Fareed Mulajel and Mr. Mohamad Hameed under Chief of the Criminal Investigations Division, General Nikzad, received over 40 hours of practical training in documenting the Dash-i-Chimtallah (#AFGCMT20070724) and Pul-i-Charkhi (#AFGPLC20070725) sites between July 23 and August 5, 2007. The Ministry of Interior should designate them to head a team which would document and secure gravesites that are discovered in the future in Afghanistan in an effort to prevent future gravesite disturbances and loss of evidence. In the short term, such work by such a MoI team should be supervised in upcoming instances by qualified forensic experts.
5. This team should be equipped with and trained on professional camera kits in forensic photography.
6. Background investigations into the gravesite at Dasht-i-Chimtallah (#AFGCMT20070724), and the potential gravesites at Pul-i-Charkhi (#AFGPLC20070725) and Wazir Akbar Khan (#AFGWAK20070805) should be conducted in an effort to collect eyewitness accounts into the factual circumstances leading to the deaths and the burial of human remains located at these sites. Such investigations need to be carried out prior to any further exhumation efforts of these sites.

7. A workshop should be conducted in response to concerns raised by the civil sector organizations present at the UNAMA led Panel Discussion of August 8, 2007. This workshop should include participants from the civil sector, the religious sector, as well as government entities, and forensic experts. This would enable the discussion of a possible mandate for Afghanistan as well as the international community in addressing the need to register and investigate mass graves and past abuses in Afghanistan. It would acknowledge the fate of the dead, the plight of their loved ones, the anguish surrounding the missing, and those improperly buried.

Remarks:

Attached, are the detailed forensic reports referred to in this Executive Summary and respective appendices, and the original Digital Video Disks (DVD’s) bearing the master archives of the photographs. Copies of these reports, as well as of the photographs are kept on file at Physicians for Human Rights International Forensic Program.