

8.1: The History of Afghanistan's Police

Summary

This chapter provides a brief history of Afghanistan's police from 1935 to the establishment of the Afghan Interim Administration in 2001.

Introduction

Afghanistan is committed to taking over full responsibility for its own security from international military forces by 2015. The period between now and then is referred to as the Transition Period. The ten years following the Transition Period is referred to as the Decade of Transformation. The Transition Plan was agreed to in 2010 and “started in July 2011 when the first tranche of seven [Afghan] provinces and cities commenced transition to full Afghan responsibility.”¹ The last “tranche” entered the transition process in June 2013.² “Districts in transition pass through several stages that gradually increase the level of Afghan control. Areas that reach the final stage of transition remain at that stage until December 2014 when all provinces and districts in Afghanistan will graduate from transition, regardless of what stage they have achieved.”³ At the end of the Transition Period “140,000 (at their peak) international military forces from 40 countries fighting under a NATO-led coalition” will leave the country and only a small number of troops will remain for the purpose of training and support.⁴ The responsibility for security will fall on the Afghan National Security Forces (ANSF). Afghanistan's security sector includes a number of institutions responsible for maintaining security and enforcing laws including the Afghan National Army (ANA) and the Afghan National Police (ANP). “[T]ransition of security is not merely a reallocation of responsibility from [the International Security Forces Afghanistan (ISAF)] to the Afghan security forces, but also a shift in primacy within the security forces from the military to the police. This is because, as the situation in the country improves, a civilian policing role becomes a more appropriate mechanism for providing security.”⁵

¹ Office of the Special Representative for Afghanistan and Pakistan (SRAP), Status Report: Afghanistan and Pakistan Civilian Engagement, November 2011, p. 8: www.state.gov/documents/organization/176809.pdf. The Transition process was approved at the Kabul Conference 22 July 2010. See The Kabul Process: <http://www.thekabulprocess.gov.af/>.

² U.S. Department of Defense Report on Progress Toward Security and Stability in Afghanistan, November 2013 (hereinafter DOD Progress Report NOV 2013), p. 21: http://www.defense.gov/pubs/October_1230_Report_Master_Nov7.pdf.

³ Ibid, p. 5.

⁴ United States Institute of Peace (USIP), Progress in Peacebuilding, Afghanistan, December 2012: <http://www-previous.usip.org/files/regions/faqs/Afghanistan-PiP-Dec2012.pdf>.

⁵ NATO-ISAF's Mission in Afghanistan, ISAF Mission Evolution: http://www.nato.int/cps/en/SID-81EA0569-2EBFC3EA/natolive/topics_69366.htm.

To understand the challenges facing Afghanistan's police today it is important to understand the history of Afghanistan's police experience. "Throughout its history, [Afghanistan] has never enjoyed a period during which it benefited from a truly capable and effective civilian national police force."⁶ The role of the police has historically been one of a militarized force. Efforts to build a civilian police force today are complicated by the fact that there is no strong historical foundation to build upon.

From King Shah to the Afghan Interim Administration

In the 1935, King Zahir Shah sought to create a national police force and founded the country's first police training institution - The Academy for Police and Gendarmerie.⁷ German technical advisors provided training at the academy until 1941 when they were removed at the request of the Allies.⁸ From 1944 to 1948, the British used the academy as part of their program to train Afghan officers in India.⁹ "[T]he Germans returned in 1953 to train the Afghan police as a junior wing of the armed forces under the regime of Prime Minister Daoud. This program was driven by the desire to counter the Soviet Union's growing influence over the Afghan army and its militarized nature did not represent the advent of a professional civilian police institution."¹⁰

In the 1960s, King Shah modeled the Afghan police force on the European system dividing the force between a civilian police force responsible for traditional police duties and a mobile constabulary force responsible for public order, border patrol, and counter banditry operations.¹¹ "[T]he political upheavals that plagued Afghanistan in the 1970s, [however] led to the militarization of the national police force, and the force ultimately ceased to operate as a civil institution."¹²

The Afghan police experience in the latter half of the 1970s, especially after the Soviet invasion in 1979, is perhaps best characterized by its brutal and highly militarized nature, as well as its abrupt and traumatic departure from the civilian police force originally envisioned in the 1960s. Indeed, by the mid-1980s the police had grown into a 200,000 strong, heavily-armed counterinsurgency force that rivaled the army both in its level of influence and its paramilitary mission.¹³

⁶ Project 2049 Institute, The Police Challenge: Advancing Afghan National Police Training, Afghan National Police Reform Working Group, July 13, 2011 (hereinafter The Police Challenge), p. 5:

http://project2049.net/documents/police_challenge_advancing_afghan_national_police_training.pdf.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid, p. 6.

“During the Soviet period, the police force was modeled on the two-tiered Soviet system with a powerful and educated officer corps commanding a force composed primarily of uneducated and untrained conscripts performing a compulsory two year service- often as an alternative to service in the army.”¹⁴ After the Soviets departed, the police academy re-opened briefly between 1989 and 1992 until the mujahidin forces discharged all police conscripts.¹⁵ “The continuing civil war between factionalized militia units resulted in a power vacuum at the central government level, and police and other government institutions ceased to exist altogether. The ensuing lawlessness contributed to the emergence of the Taliban, and facilitated its capture of Kabul in 1996. The Taliban eschewed the establishment of a civilian police force, and instead developed an extremist Islamic police modeled on Saudi Arabia’s ‘Vice and Virtue Police.’”¹⁶

As discussed in Chapter 2.5, the criminal justice system dramatically changed for the first time since 1964 when the Taliban seized power.¹⁷ All courts became *shari’a* courts and applied *shari’a* law as interpreted by the Taliban through edicts.¹⁸ All other laws, including customary law, were considered invalid.¹⁹ The Taliban interfered with the traditional way of forming village *jirgas* for resolving disputes.²⁰ Instead, “[s]hari’a courts in each village and town adjudicated cases when the police brought criminals to them.”²¹ The police, now extremist Islamic moral police, “announced the evidence, and the *ulema* rendered his decision.”²²

When the Taliban regime was removed the country was left with a “scant foundation upon which to build a new police force... This was equally the case in terms of institutions and human capital, as both had long since ceased to exist in any way meaningful to the construction of a civilian police force. It had been decades since Afghanistan had known even a fledgling civilian national police force, and whatever gains had been made in the 1960s and 1970s had long been reversed by incessant wars and civil strife.”²³ The Bonn Agreement did “not prescribe any role for the United Nations in the area of policing.”²⁴ Responsibility for providing security

¹⁴ Ibid, pp. 5-6.

¹⁵ Ibid, p. 6.

¹⁶ Ibid.

¹⁷ See Chapter 2.5: Legal Traditions and the Afghan Model; see also An Introduction to the Criminal Law of Afghanistan, Afghanistan Legal Education Project (ALEP), Stanford Law School (hereinafter ALEP Criminal Law), p. 19: <http://alep.stanford.edu/wp-content/uploads/2011/02/ALEP-CRIMINAL-1ST-EDITION.pdf>.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ See Chapter 2.2: Traditional Dispute Resolution in Afghanistan.

²¹ ALEP Criminal Law, *supra* note 17, p. 19.

²² Ibid.

²³ The Police Challenge, *supra* note 6, p. 6.

²⁴ The Situation in Afghanistan and its Implications for International Peace and Security, UN Security Council, Report of the Secretary-General, Fifty-sixth session of the General Assembly, agenda item 43, 18 Mar. 2002, A/56/875-S/2002/278 (hereinafter UN Security Council Report A/56/875-S/2002/278), p. 11, para. 72: <http://www.afghanistan-un.org/wp-content/uploads/2010/11/S20022781.pdf>.

throughout the country resided with the Afghans.²⁵ The starting point for a civilian police force under the Afghan Interim Administration has been described as follows:²⁶

At the beginning of the reconstruction period in 2002, there were 50–70,000 police, consisting of some professional police trained before the civil war and a vast number of untrained and largely illiterate mujahideen and conscripted soldiers. They lacked discipline, formal policies and procedures, facilities, equipment, uniforms and public trust. There was also an ethnic imbalance since [sic] most of the senior police posts were held by Tajik Afghans. Provincial and local police commanders owed allegiances to local military commanders, and central control was virtually non-existent. Moreover, there was no clear chain of command to the Minister of Interior. In March 2003, an Amnesty International investigator reported that it was unclear who was responsible for the direction of the police, since at least five senior ranking officials appeared to claim overall leadership responsibility.

The jihad against the former Soviet Union and the civil war had exacerbated ethnic tensions and encouraged the rise of many regional commanders with their own militias. These became a powerful counterweight to centralized government and remained a source of continuing instability. Many of the police, including provincial police chiefs, were more loyal to the militia commanders than they were to the Interior Ministry, not least because the warlords had access to more money than the government. Pay for the lower ranks equivalent to US\$16–24 a month (money that well into 2003 was not paid regularly), encouraged corruption, secondary employment and the sale of loyalty at all levels. In the south and the north-east many local commanders remained engaged in poppy and opium production, often to finance the continuation of their opposition to the central government or for factional fighting. This meant that there were strong factional, criminal and corrupt elements intermingled among the police at all levels. Such was the state of the police which the Afghan Interim Authority inherited after the fall of the Taliban.

In January 2002, the Afghan Interim Administration requested Germany lead a bilateral and multilateral police assistance effort.²⁷ The major international police assistance missions post-

²⁵ Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions (Bonn Agreement), Annex I, para.1:

<http://www.afhangovernment.com/AfghanAgreementBonn.htm>.

²⁶ Police-building in Afghanistan: A Case Study of Civil Security Reform, by Tonita Murray, International Peacekeeping, Vol. 14, Issue 1, February 2007, p. 110: <http://saint-claire.org/resources/Police%20Building%20in%20Afghanistan.pdf>.

²⁷ UN Security Council Report A/56/875–S/2002/278, *supra* note 24, p. 11, para. 67.

2001 are discussed in Chapter 8.5. Despite the decades of international support, the Afghan National Police face historic challenges including a militarized force, a largely illiterate force, and patronage networks with questionable allegiance to the central government. These challenges, and others, are discussed in Chapter 8.6.

Resources

- Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions (Bonn Agreement):
<http://www.afghangovernment.com/AfghanAgreementBonn.htm>.
- The Situation in Afghanistan and its Implications for International Peace and Security, UN Security Council, Report of the Secretary-General, Fifty-sixth session of the General Assembly, agenda item 43, 18 Mar. 2002, A/56/875–S/2002/278:
<http://www.afghanistan-un.org/wp-content/uploads/2010/11/S20022781.pdf>.
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- The Kabul Process: <http://www.thekabulprocess.gov.af/>.