

## KONTEKST:

Potrebno utvrditi slobodu kretanja u Avganistanu, u cilju analize i donošenja odluke u konkretnom slučaju, a povodom zahteva za azil lica poreklom iz Avganistana, prema izjavi iznetoj na zahtevu za azil i usmenoj raspravi;

## PITANJE: Sloboda kretanja u Avganistanu

## ODGOVOR:

Jedan od glavnih razloga ograničavanja slobode kretanja unutar Avganistana je nedostatak bezbednosti u nekim delovima zemlje, pa Vlada ponekad civilima ograničava slobodu kretanja iz sigurnosnih razloga.<sup>1</sup> U mnogim oblastima Avganistana usled postojanja pobunjeničkog nasilja, razbojništva, postavljenih mina i improvizovanih eksplozivnih naprava sloboda kretanja je ograničena, posebno noću.<sup>2 3</sup>

Pobunjeničke grupe (Talibani, ali i pripadnici drugih oružanih grupa u Avganistanu kao što su Islamistička unija džihada, Islamiski pokret Uzbekistana, Pokret Haqqani) redovno ograničavaju slobodu kretanja civila u predelima koje oni kontrolišu.<sup>4 5 6 7</sup> Oni postavljaju stalne ili povremene improvizovane kontrolne punktove, uvode konkretne zabrane kretanja na određeno vreme ili uvode takse koje putnici moraju da plate.<sup>8 9 10</sup>

Pobunjeničke grupe su aktivne u južnim, jugoistočnim i istočnim regijama Avganistana.<sup>11</sup> Provincije Paktija i Khost koje se nalaze na jugoistoku zemlje su pod potpunom kontrolom pobunjeničkih grupa.<sup>12</sup> Prisustvo pobunjenički grupa primećeno je i

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<sup>1</sup>UK Homme Office. Country background:Afganistan, 10.jun 2012.- <http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/afghanistan.pdf?view=Binary> , str 5

<sup>2</sup>UK Homme Office. Country background:Afganistan, 10.jun 2012.- <http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/afghanistan.pdf?view=Binary> , str 5

<sup>3</sup> US DOS:Country report on human rights/freedom of movement, internally displaced persons, protection of refugees, and stateless persons,24.maj 2012.- <http://www.unhcr.org/refworld/topic.4565c2252c.4565c25f377.4fc75ac3c.0...AFG.html>

<sup>4</sup>UNAMA: Afagnistan / Mid-year report 2012. Protection of civilians in armed onflict, jul 2012.- [http://www.ecoi.net/file\\_upload/1226\\_1344418230\\_unamamidyearreport2012.pdf](http://www.ecoi.net/file_upload/1226_1344418230_unamamidyearreport2012.pdf) , str 25

<sup>5</sup>UK Homme Office. Country background:Afganistan, 10.jun 2012.- <http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/afghanistan.pdf?view=Binary> , str 5

<sup>6</sup>EASO: COI Report Afganistan:Insurent strategies-Intimidation and targeted violence against Afgans,decembar 2012.- [http://www.ecoi.net/file\\_upload/90\\_1354794367\\_easo-2012-12-afghanistan-insurgents.pdf](http://www.ecoi.net/file_upload/90_1354794367_easo-2012-12-afghanistan-insurgents.pdf) , str 25

<sup>7</sup> CSIS: Coalition, ANSF, and civilian acsualities in the Afgan conflict,4.septemabar 2012.- [http://csis.org/files/publication/120904\\_Afghan\\_Iraq\\_Casualties.pdf](http://csis.org/files/publication/120904_Afghan_Iraq_Casualties.pdf) , str 9

<sup>8</sup>UNAMA: Afagnistan / Mid-year report 2012. Protection of civilians in armed onflict, jul 2012.- [http://www.ecoi.net/file\\_upload/1226\\_1344418230\\_unamamidyearreport2012.pdf](http://www.ecoi.net/file_upload/1226_1344418230_unamamidyearreport2012.pdf) , str 25

<sup>9</sup>EASO: COI Report Afganistan:Insurent strategies-Intimidation and targeted violence against Afgans,decembar 2012.- [http://www.ecoi.net/file\\_upload/90\\_1354794367\\_easo-2012-12-afghanistan-insurgents.pdf](http://www.ecoi.net/file_upload/90_1354794367_easo-2012-12-afghanistan-insurgents.pdf) , str 25

<sup>10</sup> CSIS: Coalition, ANSF, and civilian acsualities in the Afgan conflict,4.septemabar 2012.- [http://csis.org/files/publication/120904\\_Afghan\\_Iraq\\_Casualties.pdf](http://csis.org/files/publication/120904_Afghan_Iraq_Casualties.pdf) , str 9

<sup>11</sup> CSIS: Coalition, ANSF, and civilian acsualities in the Afgan conflict,4.septemabar 2012.- [http://csis.org/files/publication/120904\\_Afghan\\_Iraq\\_Casualties.pdf](http://csis.org/files/publication/120904_Afghan_Iraq_Casualties.pdf) , str 8

<sup>12</sup> CSIS: Coalition, ANSF, and civilian acsualities in the Afgan conflict,4.septemabar 2012.- [http://csis.org/files/publication/120904\\_Afghan\\_Iraq\\_Casualties.pdf](http://csis.org/files/publication/120904_Afghan_Iraq_Casualties.pdf) , str 9

zapadnim i severnim provincijama Avganistana, ali pobunjenici se u ovim regijama većinom nalaze van glavnih gradova.<sup>13</sup>

U većini regija širom Avganistana ljudi su prijavili maltretiranje prilikom putovanja, kada ih naoružanani pobunjenici zaustavljaju na improvizovanim kontrolnim punktovima zatim ih ispituju, konfiskuju im imovinu, i u nekim slučajevima proveravaju mobilne telefone sa ciljem da pronađu njihovu povezanost sa državnim bezbednosnim snagama.<sup>14 15</sup>

Kao posledica povremenih kontrolnih punktova koje postavljaju pobunjenčke grupe na putevima širom Avganistana, osim slobode kretanja, to utiče i na egzistencijalna pitanja civila i na pravo na zaposlenje.<sup>16 17</sup> Na primer usled postojanja mnogih punktova koje kontrolišu Talibani, mnogi farmeri iz provincije Balkh (provincija na severu zemlje) su primorani su da prodaju svojih proizvoda ograniče samo po lokalnim selima, što uzrokuje pad primanja i širenje siromaštva.<sup>18 19</sup>

Prijavljeni su i ilegalni kontrolni punktovi koje su postavili pripadnici snaga bezbednosti sa ciljem iznuđivanja novca i predmeta od putnika.<sup>20 21</sup>

U regionima koje kontrolišu Talibani, većinom na jugoistoku zemlje, nametnuta je noćna zabrana kretanja (noćni policijski čas).<sup>22 23</sup>

Većina službenika i zvaničnika Avganistana ne može slobodno da se kreće, iz straha da će postati mete ciljanih ubistava od strane pobunjeničkih grupa.<sup>24 25</sup>

Postojeće socijalne norme ograničavaju slobodu kretanja žena, ukoliko nisu u pratnji muškog srodnika.<sup>26 27</sup> Ova praksa diskriminiše žene u pogledu mogućnosti zaposlenja, obrazovanja, pristupa zdravstvenoj i policijskoj zaštiti.<sup>28</sup>

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<sup>13</sup> CSIS: Coalition, ANSF, and civilian casualties in the Afghan conflict, 4. septemabar 2012.- [http://csis.org/files/publication/120904\\_Afghan\\_Iraq\\_Casualties.pdf](http://csis.org/files/publication/120904_Afghan_Iraq_Casualties.pdf), str 9

<sup>14</sup> EASO: COI Report Afghanistan: Insurgent strategies-Intimidation and targeted violence against Afghans, decembar 2012.- [http://www.ecoi.net/file\\_upload/90\\_1354794367\\_easo-2012-12-afghanistan-insurgents.pdf](http://www.ecoi.net/file_upload/90_1354794367_easo-2012-12-afghanistan-insurgents.pdf), str 25

<sup>15</sup> UNAMA: Afghanistan / Mid-year report 2012. Protection of civilians in armed conflict, jul 2012.- [http://www.ecoi.net/file\\_upload/1226\\_1344418230\\_unamamidyearreport2012.pdf](http://www.ecoi.net/file_upload/1226_1344418230_unamamidyearreport2012.pdf), str 25

<sup>16</sup> UNAMA: Afghanistan / Mid-year report 2012. Protection of civilians in armed conflict, jul 2012.- [http://www.ecoi.net/file\\_upload/1226\\_1344418230\\_unamamidyearreport2012.pdf](http://www.ecoi.net/file_upload/1226_1344418230_unamamidyearreport2012.pdf), str 25

<sup>17</sup> CSIS: Coalition, ANSF, and civilian casualties in the Afghan conflict, 4. septemabar 2012.- [http://csis.org/files/publication/120904\\_Afghan\\_Iraq\\_Casualties.pdf](http://csis.org/files/publication/120904_Afghan_Iraq_Casualties.pdf), str 9

<sup>18</sup> UNAMA: Afghanistan / Mid-year report 2012. Protection of civilians in armed conflict, jul 2012.- [http://www.ecoi.net/file\\_upload/1226\\_1344418230\\_unamamidyearreport2012.pdf](http://www.ecoi.net/file_upload/1226_1344418230_unamamidyearreport2012.pdf), str 25

<sup>19</sup> CSIS: Coalition, ANSF, and civilian casualties in the Afghan conflict, 4. septemabar 2012.- [http://csis.org/files/publication/120904\\_Afghan\\_Iraq\\_Casualties.pdf](http://csis.org/files/publication/120904_Afghan_Iraq_Casualties.pdf), str 9

<sup>20</sup> UK Home Office. Country background: Afghanistan, 10. jun 2012.- <http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/afghanistan.pdf?view=Binary>, str 5

<sup>21</sup> US DOS: Country report on human rights/freedom of movement, internally displaced persons, protection of refugees, and stateless persons, 24. maj 2012.- <http://www.unhcr.org/refworld/topic/4565c2252c4565c25f3774fc75ac3c0...AFG.html>

<sup>22</sup> UK Home Office. Country background: Afghanistan, 10. jun 2012.- <http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/afghanistan.pdf?view=Binary>, str 5

<sup>23</sup> US DOS: Country report on human rights/freedom of movement, internally displaced persons, protection of refugees, and stateless persons, 24. maj 2012.- <http://www.unhcr.org/refworld/topic/4565c2252c4565c25f3774fc75ac3c0...AFG.html>

<sup>24</sup> CSIS: Coalition, ANSF, and civilian casualties in the Afghan conflict, 4. septemabar 2012.- [http://csis.org/files/publication/120904\\_Afghan\\_Iraq\\_Casualties.pdf](http://csis.org/files/publication/120904_Afghan_Iraq_Casualties.pdf), str 9

<sup>25</sup> UNAMA: Afghanistan / Mid-year report 2012. Protection of civilians in armed conflict, jul 2012.- [http://www.ecoi.net/file\\_upload/1226\\_1344418230\\_unamamidyearreport2012.pdf](http://www.ecoi.net/file_upload/1226_1344418230_unamamidyearreport2012.pdf), str 25

<sup>26</sup> UK Home Office. Country background: Afghanistan, 10. jun 2012.- <http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/afghanistan.pdf?view=Binary>, str 5

## KOMENTAR/ZAKLJUČAK:

Usled bezbednosne nestabilnosti u Avganistanu sloboda kretanja stanovništva je znatno ogarničena. Na to utiču pripadnici pobunjeničkih grupa koji postavljaju kontrolne punktove sa ciljem iznuđivanja novca od stanovništva. Takođe i postojanje mina i improvizovanih eksplozivnih naprava na putevima Avganistana otežavaju slobodno kretanje stanovništva. Nemogućnost slobodnog kretanja kroz zemlju, osim što predstavlja kršenje osnovnih ljudskih prava, može biti od značaja za nemogućnost traženja zaštite.

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<sup>27</sup> US DOS:Country report on human rights/freedom of movement, internally displaced persons, protection of refugees, and stateless persons, 24.maj 2012.- <http://www.unhcr.org/refworld/topic,4565c2252c,4565c25f377,4fc75ac3c,0,...AFG.html>

<sup>28</sup> US DOS:Country report on human rights/women-discrimination, 24.maj 2012.- <http://www.unhcr.org/refworld/topic,4565c2252c,4565c25f377,4fc75ac3c,0,...AFG.html>