

National Jurisprudence summary

Dutch case no. number 09/748011-12, 14 April 2022

In the context of the non-international armed conflict going on in Afghanistan between 1980 – 1987, the defendant (Afghan national) was in charge of a section of the Pul-e-Charkhi prison where political prisoners were held in the 1980s. The defendant was well aware of this context and the circumstances played a vital role in the defendant's ability to commit the crimes.

The District Court found the defendant guilty of co-perpetrating humiliating, degrading, cruel and inhumane treatment (due to the detention conditions) and of arbitrary detention of political prisoners in the prison facility in the period from 1 January 1983 to 31 December 1988. In addition, the defendant allowed the detention conditions in the prison to deteriorate, precisely because the prisoners were political opponents. The defendant was also held liable for deliberately allowing subordinates to do the same, as he exercised effective authority and control over block commanders, guards and others.

Sentence:

12 years' imprisonment