

Decree

of the President of the Afghan Interim Administration

Ref No.(297)

Date: 13, 03, 1380

On Dignified Return of Refugees

The Afghan Interim Administration, Confident that the Bonn Agreement on Afghanistan dated 14.09.1380 (5 December 2001) has laid down the foundation for lasting peace, stability and social and economic progress in Afghanistan, safeguards the right and freedom of all returnees, observes the freedom of returnees to establish residence, to participate in the process of reconstruction, consolidation of peace, democracy and social development, AIA guarantees their safe and dignified return, expresses its gratitude and thankfulness to the countries that have given them refuge in the very difficult and hard days Afghanistan experienced, and expects that in conformity with the principle of voluntary repatriation, Afghans will be given the opportunity to decide freely to return to their country, and declares the following:

Article 1. Returning Afghan nationals, who were compelled to leave the country and found refuge in Iran, Pakistan and other countries of the world, will be warmly welcomed without any form of intimidation or discrimination.

Article 2. Returnees shall not be subject to harassment, intimidation, discrimination or persecution for reasons of race, religion, nationality and membership of a particular social group, political opinion or gender, and will be protected by the State.

Article 3. All returnees, irrespective of their political affiliations, are exempted from prosecution for all (with the exception of individual criminal accusations) criminal offenses committed up to 01.10.1380 (22 December 2001), prior to, or in exile against the internal and external security of the country, according to enacted laws.

Article 4. The provisions of Article 3 of this decree will not apply to those returnees who have committed acts constituting a crime against peace or humanity, or a war crime, as defined in international instruments, or to acts contrary to the purpose and principles of the United Nations.

Article 5. The recovery of movable and immovable properties such as land, houses, markets, shops, sarai, apartments and etc. will be effected through relevant legal organs.

Article 6. All returnees will be guaranteed the same human rights and fundamental freedoms enjoyed by other citizens.

Article 7. The implementation of the provisions of this decree is the responsibility of the Ministry of Repatriation; law and order organs are obliged to assist the Ministry of Repatriation in this task.

Article 8. UNHCR and other relevant international agencies will be allowed to monitor the treatment of returnees to ensure these meet recognized humanitarian law and human rights standards, and to ensure that commitments contained in this decree are implemented.

Article 9. This decree is valid as of 1.10.1380 (22 December 2001) and will be printed in the Official Gazette.

Hamed Karzai,
President, Afghan Interim Administration