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Armanshahr OPEN ASIA Publications

Transitional Justice - three terms

AGGRESSION

In accordance with United Nations General Assembly resolution 3314 (XXIX) of 14 December 1974, “act of aggression” means the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations. Any of the following acts, regardless of a declaration of war, shall, qualify as an act of aggression:

(a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;
(b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;
(c) The blockade of the ports or coasts of a State by the armed forces of another State;
(d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;
(e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;
(f) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;
(g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein. (See: “INTERNATIONAL CRIMES”)

AMICUS CURIAE

A “friend of the court” brief, containing the written opinions of specialists and other interested parties who, though not principals in the suit themselves, offer the court their expert advice.

continued on page(6)

Media Watch: Violence against journalists on the rise

29 December 2011

Zafar Shahreui

Media Watch published its 2011 report on violence against journalists in Afghanistan. According to its figures, there has been a 38% increase in such cases of violence in 2011.

In most cases, government officials and bodies were responsible for violence against journalists. Furthermore, the report mentioned cases of murder, detention, threats, beating, insulting and injuring of journalists.

Media Watch recorded 80 cases of violence against journalists in 2011, of which government officials were responsible for 49 cases, the Taliban for nine cases, the international forces for four cases and unidentified armed groups and persons for 18 cases. The corresponding total figure for 2010 was 58. In 2011, three journalists were killed, six were injured, two were detained, 33 were beaten up, 15 were insulted and 21 were threatened.

Ahmedomed Khpulwak, a BBC reporter was shot dead by NATO forces in Uruzgan province. Farahd Taghadosi, cameraman of Press TV, the Iranian English-language channel, died in a Taleban rocket attack in Kabul and Jafar Wafa, reporter of Kaleghan radio station, was killed by a roadside mine in Laghman province.

Mr Sadqullah Tohid, head of Media Watch, said Afghanistan is still unsafe for journalists. The main reasons for the increase in violence against journalists are: increased insecurity, refusal of government authorities to be accountable and their extralegal actions. Impunity for perpetrators of violence is another reason. Unfortunately, journalists were beaten up and insulted by street police as well as the high-ranking authorities.

Self-censorship

Media Watch director added that increased violence had forced journalists to exercise self-censorship, in particular in unsafe regions. Although the government has established enquiry commissions after every case on violence against journalists, none of the perpetrators have been punished up to now. Media Watch asked the authorities, international bodies supporting media and freedom of expression and the donor countries to provide more protection to journalists and prevent the sacrificing of achievements of the past decade for political deals.

continued on page(4)
Freedom of expression...

We shall witness the demise of most of the media in Afghanistan after 2014, when foreign aid is reduced. Why do human rights not have a place in the media? One reason is the lack of attention on the part of the government and the other is the conflict between human rights and interests of Jihad leaders and other circles. The state media suffice to publish a report or a statement on Human Rights Day. The free media have endeavoured to provide a proper voice for human rights institutions during the last 10 years. However, there are very few of them and they do not have adequate financial resources. On the other hand, the people are not properly familiar with human rights and quite a few people regard human rights to be in conflict with Islam. We need to begin human rights education in the schools.

All the media operating in Afghanistan are one way or another financed by foreign sources in order to assure the media dare report the sources of their finances. It is only then that we can talk of their independence.

One of the major roles of the victims is documentation. The most important and sincere narrative is that of the victims. Their other role is to provide a proper direction to reconciliation. This is a serious topic today. However, there are serious concerns regarding the pretexts and the criteria underlying reporting on human rights abuses in the media. Two-thirds of the people of Afghanistan shall assist to expose the human rights violators. The latter may try to offer a new image, but the presence of victims of human rights breaches can expose them. The victims can also engage in an enduring campaign to abolish laws and regulations that have practically provided the opportunity for extending amnesty to human rights violators. To summarise it, the least benefit of the persistent presence of the victims is to bring constant shame to human rights violators. The third and important role of the victims is a fundamental role in uncovering the truth, documentation, proper reporting of the facts and providing direction to the public opinion, coordinating and converging the victims and their quest for justice.

Committees and commissions never have judicial or executive status, even though they may have some impact. The Independent Human Rights Commission (AIHRC) is another institution next to other state institutions. The three branches of power are full of shortcomings and flaws. The AIHRC cannot be expected to have full success within the context of those state institutions. While the government action plan for transitional justice was being implemented, the Parliament approved the Amnesty Law to block the path of justice.

Mr Sadiqullah Tohidi:
There are 46 TV channels, 145 radio stations, 22 newspapers, 67 weeklies, 10 bi-weeklies, 50 monthlies, 25 magazines, four gazettes, three bi-monthlies, 10 periodicals, nine news agencies and one quarterly, a total of 196 media. There are four types of media in Afghanistan: 1) State media; they all publish the same news and reports; whatever comes to them from above; 2) Free private media, which are more independent, but very reliant on financial support from donor institutions; 3) the media affiliated to businessmen, political parties, ethnic and political actors with specific resources; 4) the numerous media financed by regional intelligence services.

We have had 300 violent events in the past 10 years. As I was coming here today, a journalist sent a report from Qandahar. Apparently, the rector of Qandahar University said: There are no problems. No, I am not prepared to answer all your questions. The reporter said: But that is the law. The rector answered: I have my own law. The reporter said: The people of Qandahar need that in- ternational law. The rector said: Such people are dogs. He then threatened the re- porter. 3) The very highest figures of violence against journalists every year. In the past 10 years, 18 journalists have been killed.

Human Rights

Mr Alireza Rohani's speech was about the role of victims in the transitional justice process and their role vis-à-vis the media: The history of Afghanistan is a history of atrocities, full of inequalities and injustice. The Constitution of Afghanistan has admitted this bitter reality in its preamble. In the face of that history, we have only two choices: we may either forget the past or remember it, learn from experience and pave the way for a better future.

Forgetting is a drug that will take the past away from us and destroy our future. Therefore, we must never yield to forgetfulness.

Ms Sabrina Saqeb spoke about women, media and human rights: Even though women are present in the media, they are absent from and management positions as a result of economic problems and lack of political support. There is still no media to deal solely with women's issues, in particular among the audio visual media, which have a wider audience.

Women in the media face specific problems. In addition to violence directed by the government and the Taliban, at male and female journalists, women and girls are threatened with violence as well. In Qal-e-Bobi, Shabina Rezaei and Ms Sangeh Amaj were killed by members of their own families.

The media in Afghanistan face two other major problems: The first problem is absence of the rule of law. The Media Law is a good law, but the government does not adhere to it. Moreover, the media minister, who is now director of Mr Karza's office, once said: Freedom is idle talk. Second, absence of a law for access to information creates dangers. Such a law could prepare for a healthy media. As Mr Tohidi said, the media are at the service of the government and function according to government policies, but they are also censored.

Mr Malek-Shafei spoke about freedom of expression and censorship in cinema:
Filmmakers in Afghanistan have not faced censorship, because we do not yet have challenging films threading on red lines or dealing with fundamental issues. Nevertheless, under the filmmaking rules, films against religion or national interests or films containing naked scenes shall be censored. Three films were banned in the past few years: Kabul Express, the Kite Runner and Osama. Two other films faced problems, i.e. the Traveller and the School, both of which were about African migrants in Iran.

The cinema has made good gains in the past 10 years. We have produced about 100 feature films, documentaries, short and long films. A year's output under the present conditions equals the production of half a century of cinema in Afghanistan prior to 2001.

Where does cinema stand in relation to human rights? In the past 10 years, human rights were discussed only from the two legal and political aspects; the Human Rights Film Festival tried to bring human rights out of those two angles into the society.

A short report on the Bonn Conference

Drs Aimala, a women’s rights activist and member of the Women’s 50% Campaign who was present on the sideline of the Bonn Conference, reported her observations as follows: The Afghanist civil society offered its views to the Bonn Conference in four areas: process of transition, long-term commitments of civil society institutions, regional cooperation and the issue of political solutions and reintegrati-

The civil society was represented by two members who took its message to the conference. Other members of the civil society institutions were present at the conference as observers. The UN Secretary-General, the US Secretary of State and the German officials met the civil society delegation at the conference. About 1,000 people took part in the conference, including 85 foreign ministers and representatives of 15 international organisations. The anti-war forces pressed 115 organisations, which called for an end to the war in Afghanistan. They shouted: End occupation Afghanistan! Afghans of Europe and human rights organisations took part in those demonstrations for three days.

Unfortunately the 35-article final document of the conference failed to mention transitional justice, even though the issue had been visible on the agenda in the first Bonn Conference. The growing political corruption was mentioned in passing. There is no guarantee to continued assistance to Afghans in the period following the Bonn conference. The conference will meet in Tokyo in May 2012 to decide about the transition and a conference in Tokyo will discuss the economic issues regarding Afghanistan.

According to our information, two members of the Taleban were in Ger-

1 Related items in this issue of Armanshahr: Conclusions of the Bonn Conference, Afghan Civil Society members address Bonn Conference, and People's message to Bonn Conference

Armanshahr

Human Rights

Year 3, vol. 4, Issue 22, February 2012

From page (1)
Following the announcement of the Presidential spokesperson that the term of office of Nader Naderi, Fahim Hakim, Ghulam-Mohammed Gharib and Hamideh Barmani of the Afghanistan Independent Human Rights Commission had ended and new members would replace them, there were reactions from different organisations and people.

Statement of the Afghan Civil Society and Human Rights Organisations

Kabul (December 29th, 2011): Member of the Afghan civil society participated in a consultative meeting on the dismissal of three commissioners of the Afghanistan Independent Human Rights Commission (AIHRC), with President Hamid Karzai, on December 27th, 2011. Unfortunately, the press release from the Government Media and Information Center (GMIC) reflects that the civil society organisations demanded the dismissal of all nine Commissioners of AIHRC. While the Afghan Civil Society and Human Rights activists appreciate and praise the tireless efforts of AIHRC, the strongly urge the Government Media and Information Center of President's Office to correct the information in the press release.

The Afghan Civil Society and Human Rights activists firmly believe that the dismissal of all commissioners will result in disruption and discontinuity of information recoding process of the AIHRC. The Afghan Independent Human Rights Commission is a special body and we fear that substantial restructuring of AIHRC personnel (Commissioners) would create an opportunity for irresponsible individuals, violators of human rights and their supporters and those with no belief in human rights values or relevant qualification to dominate this independent body. These concerns, in view of the current administrative, political, security realities and the prevailing culture of impunity, injustice and oppression, are accelerating.

Therefore, the Afghan Civil Society and Human Rights organizations in compliance with the Civil Society and Human Rights Network (CSHRN) Statement, the Paris Declaration and the Law of the Organizational Structure, Duties and Responsibilities of the AIHRC ratified on 12/02/1384. The Afghan Civil Society Organizations requests the Government of Afghanistan to adhere to the principles of the Paris Declaration and the Law of the Organizational Structure, Duties and Responsibilities of the AIHRC while replacing commissioners. The Paris Declaration has clear guidelines and set criteria for the selection of commissioners for the Afghan Independent Human Rights Commission (AIHRC) and among these values are independence of thoughts, belief in human rights principle and values, expertise and knowledge, no affiliation with political parties or movements, and good reputation.

The Civil Society and Human Rights activists are deeply concerned about the lack of independence and future structure of the commission. These concerns get much more serious when selection criteria for new appointments are not observed. If commissioners are appointed based on government preferences in the absence of a transparent national process and consultation with civil society organizations, this will clearly be in opposition to the Afghan Constitution, Afghanistan’s commitment’s at the Bonn Conference of December 5th, 2011, the Government of Afghanistan and civil society to ensure appropriately qualified commissioners are appointed to the Afghan Independent Human Rights Commission (AIHRC) through a transparent and consultative process. The five-year appointment of the nine commissioners of the AIHRC expired on 16 December 2011. Discussions are underway now regarding the appointment of new commissioners.

The Government of Afghanistan has the primary responsibility to preserve the independence, integrity and legitimacy of the AIHRC, including through the appointment of commissioners, in accordance with Afghanistan’s laws. Afghan law requires the Government to uphold international standards of pluralism, transparency, diversity and consultation in the appointment process. Under Article 7 of the Law on the Structure, Duties and Mandate of the Afghan Independent Human Rights Commission, the President of Afghanistan shall appoint commissioners with relevant academic background and experience in the field of human rights, and who are impartial, independent and committed to human rights.

Afghan law is consistent with the Paris Principles on National Human Rights Institutions, which hold that the selection of human rights commissioners should be transparent, include broad consultation, advertise vacancies to maximize the number of potential candidates from a wide range of societal groups, and select members to serve in their individual capacity.

The United Nations and the international community support an inclusive and genuinely consultative appointment process. This will allow the President to appoint qualified commissioners that reflect Afghan society’s diversity in ethnicity, religion, language, region and gender and who represent politically and economically disadvantaged groups. The United Nations and the international community stand ready to assist and support an Afghan-led appointment process.

Sima Samar

Ms Samar, Head of the Afghanistan Independent Human Rights Commission, told the BBC on 19 January 2012 that the Commission had not been formally notified of the termination of the work of any of its members and they were all still at their work.

Human Rights Watch


"The Afghanistan Independent Human Rights Commission has played a crucial role in helping to remedy Afghanistan’s challenging human rights situation," said Brad Adams, Asia director at Human Rights Watch. "Any action that weakens the commission will have direct and negative implications for the Afghan people."
13 December 2011

Procedural History
20. The OTP has received 56 communications under article 15 of the Rome Statute between 1 June 2006 and 1 June 2011. The preliminary examination of the situation in Afghanistan became public in the course of 2007.

Preliminary Jurisdictional Issues

Contextual Background
22. After the attacks of 11 September 2001, in Washington D.C. and New York City, a United States-led coalition launched air strikes and ground operations in Afghanistan against the Taliban, suspected of harboring Al Qaeda. The Taliban were ousted from power by the end of the year, and under the auspices of the UN, an interim governing authority in Afghanistan was established in December 2001. In May-June 2002 a new transitional Afghan government regained sovereignty, but hostilities remained in certain areas of the country, mainly in the South.

Subsequently, the UN Security Council in Resolution 1386 established an International Security Assistance Force (“ISAF”), which later came under NATO command. Today ISAF, the US forces and the Government of Afghanistan (“GOA”) forces combat insurgents, which include the Taliban and several other groups.

23. The Taliban, and their affiliated insurgent groups, have rebuilt their influence since 2003, particularly in the South and East. At least since May 2005, an armed conflict has developed in the southern provinces of Afghanistan between organised armed groups of the insurgent movement, most notably the Taliban themselves, and the Afghan and international military forces. This conflict has spread to the north and west of Afghanistan, including the areas surrounding Kabul.

Alleged Crimes
24. Killings: According to the United Nations Assistance Mission in Afghanistan (“UNAMA”), over 10,000 civilians have been killed in the conflict in Afghanistan from 2007 to 2011. These killings have increased in both frequency and intensity over the years with the majority attributed to the insurgents and occurring in the southern, south-eastern and eastern areas of Afghanistan. Over the last 5 years, most civilian fatalities attributed to insurgent groups reportedly result from suicide and improvised explosive devices attacks. The Taliban and other insurgent groups are allegedly also responsible for deliberately killing Afghan and foreign civilians perceived to support the GOA and/or foreign interests. Politically active women are often targeted.

25. There is information of civilian deaths in the course of conducting military operations (including aerial bombardments and search and seizure operations) by “pro-governmental forces”. Their number has gradually decreased over time reaching an all time low in 2011.

26. Torture: There have been allegations of acts of torture or other cruel, inhuman or degrading treatment against detainees by various parties to the conflict. The Office has received and will continue seeking further information on steps taken by the Afghan Government and pro-government forces to thoroughly examine such allegations and ensure accountability for those possibly involved in the mistreatment of prisoners.

27. Attacks on Humanitarian Targets and the UN: Each year since 2008, the Afghanistan NGO Security Office (“ANSO”) recorded over 100 security incidents impacting NGOs in Afghanistan. A number of these incidents may have been the result of deliberate attacks. UN staff and installations have also been targeted on several occasions, including two high profile attacks in 2009 and 2011.

28. Attacks on Protected Objects: Since May 2003, insurgents have been held responsible for numerous attacks on protected objects, including mosques, hospitals and MEDEVAC helicopters. There have also been persistent attacks on girls’ schools by means of arson, armed attacks and bombs.

29. Recruitment of Child Soldiers: Both insurgent groups and Afghan forces have been accused of recruiting and using children. Insurgents have reportedly used children to carry out suicide attacks, plant explosives and transport munitions. The Taliban have denied this claim, referring to their policy prohibiting the use of children. The Office has been informed of steps taken by the Afghan Government for the protection of children’s rights, including concluding in January 2011 an action plan for the prevention of underage recruitment with the UN Special Representative for children and armed conflict.

OTP Activities/Engagement
30. The Office has continued to seek and analyse information from multiple sources on alleged crimes committed by all parties. While a large number of alleged crimes have been and continue to be reported, verifying the seriousness of such allegations and obtaining the detailed information required to conduct a proper legal assessment of each reported incident and attribute responsibility is proving challenging and time-consuming. In the meantime as part of the positive complementarity policy, the OTP has taken steps to encourage key actors to consider and promote accountability mechanisms within areas of their own purview. It maintains contact with experts, civil society organisations, Afghan Government officials, UN officials, and contributing States to ISAF in Afghanistan.


Other articles in Dari version

- A review of “Healing the legacies of Conflict in Afghanistan, Community Voices on Justice, Peace and Reconciliation”, a study by Afghanistan Research and Evaluation Unit. For the full English text of the study, see: http://www.areu.org.af/Uploads/EditionPdfs/1201E-Healing%20Legacies%20of%20Conflict%20in%20Afghanistan%20%201201PDf


From page (1)

Media Watch: Violence against...

Media Watch published the summary of its reports in two tables. One of the tables provided details of deaths, injuries, imprisonment, beating up and threats against journalists in 2011 including name, employing medium, date, type and location of the incident, and the responsible perpetrators. The second table contained all those details for each month of 2011.

Table: Deaths, injuries, imprisonment, beating up and threats against journalists in 2011

<table>
<thead>
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<th>Source</th>
<th>Total</th>
<th>Government Violence against Journalists</th>
<th>Unidentified Sources</th>
<th>Taliban Violence against Journalists</th>
<th>NATO Violence against Journalists</th>
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Afghan People’s Dialogue on Peace: Laying the Foundations for an Inclusive Peace Process

Kabul, Afghanistan, 4 December 2011 – A comprehensive report released today, ‘Afghan People's Dialogue on Peace. Laying the Foundations for an Inclusive Peace Process,’ summarises the findings of an initiative of 14 Afghan organisations, conceived by Afghan civil society, to give voice to Afghan men, women and youth on key issues affecting their lives: peace, security and the Government’s need to develop a roadmap for peace that includes all Afghans.1

Coming from all walks of life from across Afghanistan, the 1,500 Afghans involved in the Dialogue identified a deteriorating security situation, injustice, weak rule of law institutions, pervasive corruption, lack of economic progress and social justice, and the need for protection of human rights, including women’s rights, as the main drivers to sustainable peace in Afghanistan.

"All Afghans over the country told us that the Government needs to focus on addressing the key drivers of the prolonged conflict if we are to achieve lasting peace and stability. Addressing these problems can form the main pillars of a durable peace," said Naim Nazari, director of the Afghan Civil Society and Human Rights Network.

Afghans involved in the Dialogue stated that the Government needs the support of Afghan people to achieve meaningful and durable peace. As students in Kunduz said, "We are the ones who will make the future of Afghanistan." Afghans also strongly affirmed that any efforts aimed at achieving lasting peace must be inclusive, promote national unity, and be Afghan-led.

"There is no single strategy for Afghanistan; only different countries, different ideas, different agendas. We need one plan, one set of goals," said a teacher from Khosh province, echoing the view expressed by many Afghans of the need for one roadmap towards sustainable peace.

The report stresses that the armed opposition should not harm civilians and it should respect the laws of war. "We are expecting the armed opposition to respect the laws of war and that it should not harm civilians," said a resident from Badghis.

All Afghans involved in the Dialogue expressed the view that the security situation in the country has steadily deteriorated. "Tapped in the middle between the insurgents and Afghan and international military forces, the report noted that the people are calling on international military forces to cease night raids, large-scale arrests and arbitrary detentions which they believe, further fosters the insurgency.

Afghans also stated that international assistance provided to Afghanistan over the past 10 years has not had the intended effect of boosting security, prosperity and service provision. Rather, a massive proportion of international financial assistance has been misused by corrupt officials. A shura [council] member from Kunduz province summarised the views of many Afghans that lack of rule of law is the "cancer of Afghan society" and that corruption at all levels of government has exacerbated poverty.

Reflecting the views echoed throughout the country, one resident in Badghis province said, "We are really tired of the debts and our own destroyed country," reiterated men and women during a discussion in Baghlan province, "We have no property and we have no medical facilities – there is a need for balanced development." said Samira Hamidi, director of the Afghan Women's Network.

The report stated that protection and promotion of human rights including women's rights is a critical component to establishing a peaceful and stable Afghanistan. A woman from Baghlan province said, "All Afghan citizens including women should be equally treated by their Government and they should be able to enjoy their citizenship rights individually, not based on their gender, tribe or ethnic group; women should not be considered as second class citizens, and their presence in social or political affairs should not be symbolic or based on their gender. They should be empowered in all aspects of their life, and all human rights standards must be respected by our law enforcement authorities."

The report also noted a general consensus that there should be no impunity for individuals who have committed serious violations of human rights throughout Afghanistan’s turbulent past.

Through the report, the civil society organisations that sponsored the dialogue aim to carry the voices of Afghan people to tomorrow’s [5 December 2011] Bonn Conference and ensure that the views of the Afghan people are reflected in all efforts to achieve sustainable peace in Afghanistan.

To achieve peace and stability, Afghan people in the Dialogue offered the following recommendations:

To the Government of the Islamic Republic of Afghanistan:

- Develop an integrated strategy and road map for securing peace in Afghanistan with clearly defined goals that has the commitment of all partners, and is focused on establishing secure, economic development, rule of law, and justice and human rights as critical components of a durable peace.
- Uphold human rights values in all negotiations and efforts aimed at achieving rights, particularly the rights of Afghan women and girls, that are guaranteed and are not a ‘casualty’ of any peace efforts.

To the International Community:

- Ensure that all donor aid reaches intended beneficiaries; fund programmes focusing on rural and remote areas; ensure that aid does not have unintended consequences such as fueling the conflicts or ethnic divides; measure aid effectiveness in terms of quality of service provision, not just quantity; focus on community-based development, based on the needs of the people; ensure, through appropriate mechanisms, that donated funds are not misused and that all those found to be misusing or appropriating funds face criminal sanctions and are relieved of their posts.

To the Armed Opposition:

- Protect civilians – respect the laws of war, cease targeting civilians, residential areas, religious places, hospitals and schools, and end the campaign of assassinations.
- Enter into talks with the Government of Afghanistan aimed at achieving sustainable peace.

To the Civil Society:

- Raise the voice of ordinary Afghans – ensure that voices of men, women and youth are regularly communicated and reflected in initiatives and forums aimed at achieving a lasting peace in Afghanistan, including at the Bonn Conference; in that context, ensure country-wide dialogue with the people, with specific focus on rural and remote communities, women and youth. Reconciliation and lasting peace, in particular ensure that gains made in human made in human rights, including the rights of displaced and affected – ensuring through targeted advocacy interventions, that human rights are not the casualty of any initiatives aimed at achieving sustainable peace in Afghanistan.

NOTES

* The Afghan People’s Dialogue on Peace [People’s Dialogue] is an initiative in which ordinary Afghans express their views through inclusive public discussions on prospects for peace, reconciliation, security, economic development, human rights and the rule of law. The People’s Dialogue aims to empower people by raising awareness among the Afghan population about peace and reconciliation processes, ensuring that people’s legitimate grievances, concerns and aspirations are heard, amplified and incorporated by policy-makers into all processes and plans for achieving sustainable peace in Afghanistan.

* The Report was prepared by the steering committee, members of which include: Afghan Civil Society Forum [ASCF], Afghan Civil Society & Human Rights Network [ACHSRN], Afghanistan Independent Human Rights Commission, Afghan National Union of Labour [AMCA], Afghanistan Organization of Human Rights & Environmental Protection [AOHRFP], Afghan Women’s Network [AWN], Afghan Women Skills Development Center [AWSDC], Afghan Youth Social Cultural Organization [AWSCO], Civil Society Development Center [CSDC], Sanayee Development Organization [SDO], Transitional Justice Coordinating Group [TJCG], Armanshahr Foundation, Women Political Participation Committee 50% Campaign [WPPPC], Members of Afghan Youth Congress, their colleagues in the regions/provinces and/or members of their networks to facilitate focus group discussions.

* The Dialogue held 78 focus group discussions in various provinces: Baghlan, Bamyan, Badakhshan, Baghlan, Badakhshan, Balkh, Bamiyan, Faryab, Farah, Gazar, Ghor, Herat, Jawzjan, Kabul, Kapisa, Kunduz, Kandahar, Khost, Kunar, Laghman, Logar, Mazar-e-Sharif, Nangarhar, Nimroz, Nuristan, participants travelled to Jalalabad, Panjshir, Paktya, Sar-e-Pul, Samangan, Takhar, Uruzgan, and Zabul. More than 500 women participated in the dialogues/discussions throughout the country.

For the full text of the report, see: http://www.achsrn.org/docs/PDFinalReport.pdf

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1. Provided to Afghanistan over the past 10 years has not had the intended effect of boosting security, prosperity and service provision.
Prison Transfer to Interior Ministry Could Give Police Free Rein – HRW

10 January 2012

(New York) – President Hamid Karzai should revoke a new decree that puts detainees in Afghan-run prisons at heightened risk of torture and ill-treatment, Human Rights Watch said today. The decree, signed by Karzai on December 17, 2011, would transfer control of Afghan prisons from the Justice Ministry to the Interior Ministry, which operates the Afghan National Police, on January 10, 2012.

The proposed transfer reverses an August 2003 decree by Karzai that transferred prisons – which hold both pretrial detainees and convicted prisoners – from the Interior Ministry to the Justice Ministry, an act then widely regarded as a crucial reform of the justice system. Placing all prisoners under Interior Ministry control increases the likelihood that the Afghan police, long implicated in torture and other ill-treatment, would have direct authority over criminal suspects during interrogation, Human Rights Watch said.

“Criminal justice in Afghanistan will not be improved by giving the police free rein of the prisons,” said Brad Adams, Asia director at Human Rights Watch. “Greater police involvement in jails is likely to lead to more torture, not less.”

Under-resourced and poorly trained Afghan Police units frequently rely on abusive law enforcement methods, Human Rights Watch said. Giving police greater control over prisoners – in particular pretrial detainees – increases the risk of torture and cruel, inhuman, or degrading treatment as they try to obtain confessions and other information from suspects.

Karzai first proposed the transfer of authority following the escape of more than 470 prisoners from a prison in Kandahar in southern Afghanistan in April 2011. International donor agencies and Afghan human rights organizations opposed the transfer on the basis that the Justice Ministry, despite its own record of abuse, was ultimately the more appropriate ministry to be running Afghanistan’s detention facilities.

“The serious problems in Afghanistan’s prisons won’t be solved by turning over prisoners to another ministry with a worse record of abuse,” Adams said.

An October 2011 report by the United Nations documented widespread and systematic torture and mistreatment in Afghan prisons, not only in illegal facilities operated by the Afghan intelligence service, the National Directorate of Security (NDS), but also in ordinary prisons, including some under Justice Ministry control.

The allegations were so serious and credible that NATO immediately suspended all torture observed in Afghan jails took place during interrogations, Human Rights Watch noted.

To go into effect, the December 17 decree will need to be presented to the Afghan National Assembly when it reconvenes later this year. The National Assembly is empowered to review, revise, or block presidential decrees, although this power is used infrequently.

“The Afghan government denied that torture was systematic, but acknowledged ‘deficiencies,’ including keeping prisoners in indefinite detention and not allowing them to see lawyers. The government also asserted that abuses were due to a lack of training and resources,” Adams said. “Under-resourced and poorly trained Afghan Police units frequently rely on abusive law enforcement methods.”

Karzai’s new decree further imperils the rights of prisoners, calling into question the government’s stated commitment to end torture and ill-treatment, Human Rights Watch said.

To go into effect, the December 17 decree will need to be presented to the Afghan National Assembly when it reconvenes later this year. The National Assembly is empowered to review, revise, or block presidential decrees, although this power is used infrequently. Human Rights Watch called on the National Assembly to block the decree, or alternatively, at a minimum, put provisions in place to separate theInterior Ministry’s prison operations from its policing functions, to help limit potential abuses.

“ Afghan parliamentarians committed to human rights should work to stop this transfer when the National Assembly reconvenes,” Adams said.

Poverty and migrants

2 November 2011: Poverty kills more people than war in Afghanistan. According to a UNAMA report, Afghanistan is one of the poorest countries in the world. One third of the population lives in absolute poverty. - Deutsche Welle

28 December 2011: "Historical mistake" of UN regarding Afghan migrants. The head of the UN refugee programme in Afghanistan described its strategy in Afghanistan since 2002 as the "biggest mistake UNHCR ever made". - Deutsche Welle

26 October 2011: Children's rights are violated in schools. This is a short news report about corporal punishment based on interviews with school students in Kabul. - Deutsche Welle

International forces

3 December 2011: British soldier expelled from Army. UK Ministry of Defence announced that a British soldier who hit a 10-year-old child with bayonet in the Helmand province had been expelled from the Army and sentenced to 18 months in prison. - BBC

14 January 2012: Following the publication of video clips on the Internet that show American soldiers urinating on bodies of Talibans fighters, the US defence secretary said the case would be investigated immediately. - Radio France International

18 January 2012: According to a report in the British daily Sun, two British soldiers were detained on charge of abusing an Afghan boy and an Afghan girl. Ministry of Defence announced that the case would be investigated. - Deutsche Welle & Radio France International

Mass grave discovered

3 January 2012: A mass grave is discovered in Balkh province. Building workers found a mass grave in a military base. Commanders of the base said the date of the mass grave was not clear yet and they would be trying to investigate it with the help of forensic medicine. There may be 20 bodies in the mass grave. - Deutsche Welle

Armed insurgents

See also the first item under 'Women and children' above

7 January 2012: As a result of an explosion on 6 January 2012, six children and an old man were killed and four other children were injured. - BBC

26 January 2012: As a result of a suicide attack in the city of Lashkar Gah, a provincial capital of Helmand province in southern Afghanistan, four people including one child were killed and were injured. - BBC

Transitional Justice...

The word amnesty refers to legal measures that have the effect of:

(a) Prospectively barring criminal prosecution and, in some cases, civil actions against certain individuals or categories of individuals in respect of specified criminal conduct committed before the amnesty's adoption; or
(b) Retroactively nullifying legal liability previously established.

Amnesties only apply to past actions, but never to conduct that have not yet taken place, which would be an invitation to violate the law.

Amnesty is controversial component of retributive justice mechanisms. In some cases, perpetrators are granted freedom from punishment in order to encourage truth-telling and promote social reconciliation. It can take the form of a general or "blanket" amnesty that covers all crimes committed by a group of individuals or conditional amnesty whereby the perpetrators must admit to the crime to be granted immunity from prosecution. It may also apply only to crimes committed during a certain period of time.

The Principles for the protection and promotion of human rights through action to combat impunity (Joint / Orentlicher Principles), incorporated in international law, state that, even when intended to establish conditions conducive to a peace agreement or to foster national reconciliation, amnesty may not benefit perpetrators of serious crimes under international law until States have undertaken prompt and independent investigations and prosecutions. Amnesties shall never prejudice the right of victims to truth and reparation.

Pardon

An amnesty as defined above is distinct from pardon, which refers to an official act that exempts a convicted criminal or criminals from serving his, her or their sentence(s), in whole or in part, without expunging the underlying conviction.

In practice, States have used a broad range of terms—including pardon and clemency—to denote laws that fall within the above-mentioned definition of amnesties. Pardons as defined here may in some instances violate international law.

Immunities

Amnesties are also distinct from various forms of immunities for officials under international law, such as Head of State and diplomatic immunities. See: "IMMUNITY"

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1 A Handbook of Transitional Justice – A to Z, a Bilingual Glossary of Transitional Justice, Armanshahr Publications, 2011
People’s message to Bonn Conference

The 84th (6th year) Goftegu, a bridge between the elite and the citizens, of Armanshahr Foundation, was held at the French Cultural Institute in Kabul on 24th November 2011 with the title of “People’s message to Bonn Conference.” The meeting marked the approaching Human Rights Day, the National Day of Victims in Afghanistan and the International Day for the Elimination of Violence against Women and it was organised in cooperation with the working group. About 120 members of the civil society, students and human rights activists took part in the meeting.

A Handbook of Transitional Justice – A-Z, the first bilingual Persian-English dictionary of transitional justice terms in the world, newly published by Armanshahr, was made available to human rights activists and students at this meeting.

First, “Eyewitness” was screened. This is a documentary film made by Rafii Behroozian and Elka Sadat that mainly deals with the stories of the wartime and the suffering of the people of Afghanistan, and it was applauded by the participants.

Ms Shahgol Rezaei (Member of Parliament), and Messrs Wazir Ahmad Khorrami (public relations director of Civil Society and Human Rights Network), Davood Moradian (professor of American University in Afghanistan), Barry Salaam (member of Civil Society delegation in Bonn Conference) and Zia Moballegh (member of Civil Society delegation in Bonn conference) were speakers of the meeting.

• Mr Khorrami: The German Embassy organised the meeting with the Afghanistan Independent Human Rights Commission (AIHRC) and the German FES, KAS and Heinrich Boell Foundation on 4th July 2011 where it was suggested that the AIHRC should assume coordination of the civil society institutions and Ms Sima Samar accepted the responsibility.

They civil society institutions met at AIHRC on 11th of July, when the message of the German Embassy was communicated to the participants. The German Embassy expected the civil society to play a prominent role in the Bonn Conference and bring a unified message there. The participants decided to establish a working committee, which later organised a consultation conference in Kabul on 20th September, where 80 delegates took part. Subsequently other conferences were organised in various provinces and finally 34 people were elected from among whom Ms Saly Ghaffar and Mr Barry Salaam were picked to take the message of civil society institutions to the conference on 5th December in Germany.

• Ms Shahgol Rezaei: The conference provides a good opportunity for Afghanistan if we take part in it with complete readiness.

The government of Afghanistan must pay more attention to the rule of law, establishment of justice and development of infrastructures. On the other hand, the process of transition must be compatible with the objective conditions and realities of the society. The government has a duty to explain why the peace process failed. Giving in to the blackmail of extremist groups caused that failure. There was not a clear definition of the enemy and the government’s prerequisites for the process were not effective. We stand for peace combined with justice in our country. The Parliament of Afghanistan does not play a role in the Bonn conference and the government has arranged its agenda.

• Mr Barry Salaam: The civil society institutions tried to take a message to the Bonn conference that would be based on the realities of the society. Under the present conditions, there is no rule of law, lawbreaking and law evading have been rooted and corruption is the order of the day in government departments. Our neighbours have consistently interfered in our affairs and have challenged the progress of Afghanistan. The international community can help reduce such interferences by exerting pressures. Justice must never be subject of deals. The basic rights of the citizens and women as well as the demands of the war victims must be taken into account in the peace and reconciliation process.

• Mr Moradian: The Bonn conference was expected to engage in discussion of major issues of the country and provide a good opportunity for the future of Afghanistan. However, it seems that it will be a show to some extent. We need three pacts in Afghanistan: 1) a pact among Afghans; 2) a pact with the region; 3) a pact between Afghanistan and the international communities.

The most important of all is the one among the Afghans. That will lead to a solution within the country through the people of this land. There are deep divisions in our society, including ethnic, religious, political, economic and racial divisions, which should be recognised.

The inefficiency of government departments, the extensive problem of structural corruption and poverty and some of the problems. Regional cooperation can be achieved through preventing of the interferences of neighbouring countries.

• Mr Zia Moballegh: At present, everybody favours slogans for change. We have left behind the period of transition and we must now concentrate on stability. There are many obstacles ahead of an enduring peace in the country. One of the major obstacles is the absence of implementation of laws. The government has failed to take positive measures to bring about a democratic society. The government’s self-rule, power concentration, disruption of the balance of power and, above all, the conflict of tradition and modernism have made the bureaucratic structures vulnerable. There is concern that the peace process may fail to fulfill the demands of the victims and establish justice.
The International Afghanistan Conference in Bonn

Conclusions of the Bonn Conference

Afghanistan and the International Community: From Transition to the Transformation Decade

Main parts of the 5 December 2011 Bonn Conference’s conclusions are reported below.

Goverance

6. Afghanistan reaffirms that the future of its political system will continue to reflect its pluralistic society and remain firmly founded on the Afghan Constitution. The Afghan people will continue to build a stable, democratic society, based on the rule of law, where the human rights and fundamental freedoms of its citizens, including the equality of men and women, are guaranteed under the Constitution. Afghanistan recommits to upholding all of its international human rights obligations. Acknowledging that on this path, Afghanistan will have its own lessons to learn, the International Community fully endorses this vision and commits to supporting Afghanistan’s progress in that direction.

7. We have taken note of statements by Afghan civil society organisations, including today’s statements by two of their delegates at this meeting. We reaffirm that the human rights and fundamental freedoms enshrined in the Afghan Constitution, including the rights of women and children, as well as a democratic, and free civil society are key for Afghanistan’s future. Therefore, we underscore the further promotion of civil society participation, including both traditional civil society structures and modern manifestations of civic action, including the role of youth, in the country’s democratic processes.

8. We recognise that building a democratic society above all entails enabling legitimate and effective civilian authority embodied in a democratically elected government and served by transparent and strong, functioning institutions. Despite significant achievements, Afghanistan needs to continue its work to strengthen state institutions and improve governance throughout the country, including through reforming the civil service and strengthening the linkage between justice reform and development of its security institutions, including an effective civilian police force. Strengthening and improving Afghanistan’s electoral process will be a key step forward in the country’s democratization. Afghan government institutions at all levels should increase their responsiveness to the civil and economic needs of the Afghan people and deliver key services to them. In this context, the protection of civilians, strengthening the rule of law and the fight against corruption in all its forms remain key priorities. We will move this agenda forward, in accordance with our commitments under the Kabul Process in line with the principle of mutual accountability.

9. Consistent with Transition, we reaffirm that the role of international actors will evolve further from direct service delivery to support and capacity-building for Afghan institutions, enabling the Government of Afghanistan to exercise its sovereign authority in all its functions. This process includes the phasing out of all Provincial Reconstruction Teams, as well as the dissolution of any structures duplicating the functions and authority of the Government of Afghanistan at the national and sub-national levels.

10. We support the crucial role of the United Nations in Afghanistan. We express our gratitude to the UN Secretary General’s Special Representative Staffan de Mistura for his dedicated service, and welcome the Secretary General’s decision to appoint Jan Kubis as his new Special Representative for Afghanistan. We note that the UNAMA mandate is currently under review in line with the increased capacity and ownership exercised by the Government of Afghanistan and consistent with the process of Transition that entails the assumption of leadership responsibility by the Afghan Government. We also take note with appreciation of the close collaboration between justice reform and development of its security institutions, including through reforming the civil service and strengthening the linkage between justice reform and development of its security institutions, including an effective civilian police force. Strengthening and improving Afghanistan’s electoral process will be a key step forward in the country’s democratization.

SECURITY

11. We welcome the determination of the Afghan people to combat terrorism and extremism and take responsibility for their own security and for protecting their homeland. We share Afghanistan’s vision for its national security forces to be built to modern standards and adequate capacity, so that they can defend and protect Afghanistan. Afghanistan’s future does not come to a close. The International Community, therefore, commits to remain strongly engaged in support of Afghanistan beyond 2014.

continued on page(10)

Afghan Civil Society members address Bonn Conference

The Afghan civil society groups elected two speaker-representatives and two observing representatives to attend the Bonn Conference in Germany on 5th December 2011. The first two addressed the conference on 5th December 2011.

Selay Ghaffar, Speaker of the Afghan Civil Society Delegation

The international community came to Afghanistan to fight terrorism, liberate Afghan women and bring democracy.

But unfortunately after 10 years still Afghanistan is on the same page asking for democracy, and a strong, stable and independent state.

The battle to defeat terrorism is not solved but got more complicated. Now political settlement is going to take place which will put the life of all Afghans especially women in danger. Until we can come to a consensus that terrorism is a dangerous phenomenon for the future of Afghanistan we cannot talk about peace and democracy in Afghanistan.

Talibain, Haqani and al-Qaida are not the only groups that fight against. In the current system there are elements in power that committed unforgettable international crimes and atrocities against humanity, groups that are linked with terrorists and extremist groups in this country which need to be immediately removed from power and brought to justice.

When we talk about terrorism we should not forget to talk about opium and drug mafia that are so dangerous for the country at the moment and are a big economic threat to the country’s infrastructural development.

The opium trade, which probably makes up about one third of the country’s GDP, is one of several potential spoilers for the economy over the long term. Afghanistan is the largest producer of opium and western countries are the consumers. We cannot only blame the Afghan government; the international community is also responsible for this problem. Today thousands of Afghan children, youth and women are suffering from the effects of opium addiction.

Afghanistan also needs long term infrastructural development projects that meet citizen’s particularly women’s needs to bring real democracy to everyone.

To end the prevailing culture of impunity the Afghan government and international community should honestly and with full commitment end corruption, take into account prosecution of rape perpetrators and justice for victims of war. Amnesty for those who have committed rape and war crimes is like committing another crime.

The Afghan government must have a clear reporting process for the human rights instruments and international laws that it has signed and needs to demonstrate that Afghan laws are not in contradiction with its international legal commitments, particularly those related to women.

Lack of Implementation of laws, policies, strategies and plans opens the door for more crimes and violation of rights against women and men of the country.

The United States of America and other international community members accepted the mistake they have done to support the warlords and religious fundamentalists and this support continues even now. Even if the intention was not to support them but corruption feeds them a lot which is the result of lack of monitoring of funds arriving in the country. The international community should commit to support democratic institutions, invest in youth groups and women’s empowerment to make sure doors are opening for democracy in Afghanistan where all Afghan men and women enjoy equal rights.

Barry Salaam, Speaker of the Afghan Civil Society Delegation

Honourable Heads of States, Ministers, Excellencies, Ladies and Gentleman:

At no time in our history, has my country received so much attention from the world. Once forgotten in the clutches of terrorism and tyranny, Afghanistan became the centre of global attention 10 years ago.

Since then, we have joined hands with the international community to remove terrorist bases from our country and topple a regime that had taken a nation hostage.

We started a new chapter in our history. We chose democracy. And we made significant achievements.

But – Ladies and Gentleman – because what we have today has been achieved with our blood, and your blood, with shared sacrifices – we cannot afford to slip backwards towards those dark days of terrorism and tyranny.

And so to ensure our success, we need more... continued on page(11)
Conclusions of the Bonn... 

13. We underscore that the international support for sustainable Afghan National Security Forces (ANSF) needs to continue after 2014. In assistance to the ANSF, the International Community strongly commits to support their training and equipping, financing and development of capabilities beyond the end of the Transition period. It declares its intent to continue to assist in their financing, with the understanding that over the coming years this share will gradually be reduced, in a manner commensurate with Afghanistan’s needs and its increasing domestic revenue generation capacity. In this context, we look forward to defining a clear vision and appropriately funded plan for the ANSF, which should be developed before the forthcoming NATO summit in Chicago in May 2012.

14. We recognise that the main threat to Afghanistan’s security and stability is terrorism, and that this threat also endangers regional and global peace and security. In this regard, we recognise the regional dimensions of terrorism and extremism, including terrorist safe havens, and emphasise the need for sincere and result-oriented regional cooperation towards a region free from terrorism in order to secure Afghanistan and safeguard our common security against the terrorist threat. We reiterate our common determination to never allow Afghanistan to once again become a haven for international terrorism.

15. The production, trafficking and consumption of narcotics equally pose a grave threat to Afghanistan’s security and the growth of a legitimate economy as well as to international peace and stability. Recognising their shared responsibility, Afghanistan and the International Community reiterate their determination to counter, in a comprehensive manner, including by crop eradication, interdiction and promoting alternative agriculture, the menace of illicit drugs, including drug precursors, which causes widespread harm and suffering. We recognise that the narcotics problem is a global challenge which also requires tackling the demand side.

PEACE PROCESS

16. We stress the need for a political solution in order to achieve peace and security in Afghanistan. To ensure enduring stability, in addition to building up Afghanistan’s capacity to defend itself, a political process is necessary, of which negotiation and reconciliation are essential elements. In addition, the process of reintegration will pave the way for post-conflict rehabilitation of Afghan society through improvement of security, community development and local governance.

17. We condemn in the strongest terms the assassination of Professor Buanuddin Rabbani, former President of Afghanistan and Chairman of the High Peace Council. The International Community welcomes and supports the undeterred peace efforts of the Afghan Government, particularly through the High Peace Council and the Afghanistan Peace and Reintegration Programme. We also take note of the recommendations of the consultative Traditional Loya Jirga of 16-19 November 2011, which provided a new impetus to the peace process.

18. Mindful of the relevant UN resolutions, the International Community concurs with Afghanistan that the peace and reconciliation process and its outcome must be based on the following principles:

(a) The process leading to reconciliation must be:

• truly Afghan-led and Afghan-owned; as well as

• inclusive, representing the legitimate interests of all the people of Afghanistan, regardless of gender or social status.

(b) Reconciliation must contain

• the reaffirmation of a sovereign, stable and united Afghanistan;

• the renunciation of violence;

• the breaking of ties to international terrorism;

• respect for the Afghan Constitution, including its human rights provisions, notably the rights of women.

(c) The region must respect and support the peace process and its outcome. An outcome of the peace process respecting the above principles will receive the full support of the International Community.

ECONOMIC AND SOCIAL DEVELOPMENT

19. The International Community shares Afghanistan’s aim of achieving self-reliance and prosperity through developing its human and resource potential on its path towards sustainable and equitable growth and improved standards of living, and welcomes the Afghan Government’s economic Transition strategy as elaborated in the document Towards a Self-Sustaining Afghanistan. Shifting the strategy from stabilisation to long-term development cooperation, the International Community will continue to support Afghanistan, including in the areas of rule of law public administration, education, health, agriculture, energy, infrastructure development and job creation, in line with the Afghan Government’s priorities as specified in the National Priority Programme framework under the Kabul Process.

20. As the Afghan government sets priorities, embraces reform and meets its Kabul commitments, including strengthening transparent and accountable public financial management systems and improving budget execution capacity, its partners recommit to meeting the minimum target set in London and Kabul for aligning international assistance with Afghanistan’s priorities and channelling a growing share of development aid through the government budget. We welcome the Government of Japan’s intention to host a ministerial conference in July 2012 in Tokyo, which will address, in addition to the coordination of international economic assistance through the Transition period, Afghanistan’s strategy for sustainable development, including aid effectiveness and regional economic cooperation.

21. As Transition gathers momentum, we recognise the economic risks identified by the World Bank and the International Monetary Fund, including the economic impact tied to the reduction of the international military presence. We intend to mitigate this effect, including by increasing aid effectiveness, consistent with the Kabul Process. The International Community shares Afghanistan’s concern that a strategy to address the near-term effects of Transition must also facilitate the goal of attaining a sustainable market economy in line with the social needs of the population.

22. The intensive international effort in Afghanistan over the last decade represents a unique engagement. The International Community’s commitment, both to Afghanistan and to its role in international security, lasts beyond Transition. Transition will reduce the international presence and the financial requirements associated with it. We recognize that the Government of Afghanistan will have special, significant and continuing fiscal requirements that cannot be met by domestic revenues in the years following Transition. Therefore, during the Transformation Decade, the International Community commits to directing financial support, consistent with the Kabul Process, towards Afghanistan’s economic development and security-related costs, helping Afghanistan address its continuing budget shortfall to secure the gains of the last decade, make Transition irreversible, and become self-sustaining.

23. Afghanistan’s long-term economic growth will, above all, depend on the development of its productive sectors, notably agriculture and mining. The International Community commits to supporting the development of an export-oriented agriculture-based economy, which is crucial for Afghanistan to achieve food security, reduce widespread poverty, foster job creation, and expanding the Government’s revenue generation capacity. Concerning mining, we welcome the growing interest of international investors in Afghanistan’s mineral wealth but emphasise the need for a regulatory framework to guarantee that this mineral wealth will benefit the Afghan people. The International Community supports Afghanistan’s efforts to develop a transparent and accountable regulatory regime, consistent with international best practices, for collecting and managing public resources and preserving the environment.
24. We recognise that a vibrant, private sector-led economy in Afghanistan will require the development of a competitive service industry and a stable financial system, and achieving regional integration through expanding Afghanistan’s trade and transit networks, as well as its regional connectivity. The International Community commits to support Afghanistan’s efforts to put in place and enhance the infrastructure and the relevant regulatory frameworks for the development of trade and transit.

25. We emphasize that attracting private investment, including from international sources, are key priorities for activating Afghanistan’s economic potential. The Afghan Government commits to improving conditions conducive to international investments, inter alia, by implementing the recommendations of the EUROMINES International Investors Forum in Brussels on 26 October 2011.

REGIONAL COOPERATION

26. We believe that a stable and prosperous Afghanistan can only be envisioned in a stable and prosperous region. For the entire region, the rewards of peace and cooperation outweigh those of rivalry and isolation by far. We endorse Afghanistan’s vision for building strong, sustainable bilateral and multilateral relationships with its near and extended neighbours. Such relationships should end external interference, reinforce the principles of good neighbourly relations, non-interference and sovereignty, and further Afghanistan’s economic integration into the region.

27. We welcome the outcome of the “Istanbul Conference for Afghanistan: Security and Cooperation in the Heart of Asia” of 2 November 2011. In particular, we take note of the principles concerning territorial integrity, sovereignty, non-intervention and the peaceful settlement of disputes covering the entire region. We further support the process towards building greater confidence and cooperation in the ‘Heart of Asia’ region. We call for strict adherence by Afghanistan and its regional partners to these principles, and look forward to the follow-up Ministerial Conference in June 2012 in Kabul.

28. With a view to the long-term prospects for Afghanistan’s development, we share Afghanistan’s vision of a well-connected, economically integrated region, where Afghanistan can serve as a landbridge connecting South Asia, Central Asia, Eurasia and the Middle East. We support enhanced trade connectivity along historical trade routes to utilize Afghanistan’s economic potential at the regional level. In this context, we recognize the importance of early implementation of sustainable projects to promote regional connectivity, such as the TAPI gas pipeline, CASA-1000, railways and other projects. In this context, we look forward to the 5th RECCA conference to be hosted by the Republic of Tajikistan in Dushanbe in March 2012.

29. We acknowledge the burden of Afghanistan’s neighbours, in particular Pakistan and Iran, in providing temporary refuge to millions of Afghans in difficult times and are committed to further work towards their voluntary, safe and orderly return.

THE WAY FORWARD

30. With a view to the future, we underscore that the process of Transition, which is currently underway and is to be completed by the end of 2014, should be followed by a decade of Transformation, in which Afghanistan consolidates its sovereignty through strengthening a fully functioning, sustainable state in the service of its people. This Transformation Decade will see the emergence of a new paradigm of partnership between Afghanistan and the International Community, whereby a sovereign Afghanistan engages with the International Community to secure its own future and continues to be a positive factor for peace and stability in the region.

31. At today’s meeting, Afghanistan laid out its vision of the future: a country that is a stable and functioning democracy, a strong and sustainable state in which Afghanistan and its people can achieve their economic potential, and a prospering economy. Embedded in a region that is conducive to prosperity and peace, and enjoying friendly relations with all of its near and extended neighbours, Afghanistan aspires to becoming a contributor to international peace and security.

32. With a view to realizing the above vision, the International Community and Afghanistan make firm mutual commitments to continue to work together in a spirit of partnership. Afghanistan reiterates its commitment to continue to enhance its governance, and the International Community commits to an enduring engagement with Afghanistan through and beyond 2014.

33. Today in Bonn, we solemnly declare a strategic consensus on deepening and broadening the partnership between Afghanistan and the International Community founded at the Petersberg ten years ago. Building on the shared achievements of the past ten years, and recognising that the security and well-being of Afghanistan continue to affect the security of the entire region and beyond, Afghanistan and the International Community strongly commit to this renewed partnership for the Transformation Decade.

from page (9) Afghan Civil Society...
Guantanamo, Ten Years On [1]

6 January 2012 [2]

On January 11, 2002, the United States brought the first 20 prisoners to the Guantanamo Bay [3] detention facility, marking the beginning of a program of indefinite detention without charge or trial of terrorism suspects that has lasted 10 years. Since then, a total of 779 prisoners have been held at the facility. Provisions in the National Defense Authorization Act [4] (NDAA) for 2012, passed by Congress and signed by President Barack Obama on December 31, 2011, codify the practice of indefinite detention without trial [5] into US law.

The Ten Year Anniversary of Guantanamo [6] page is a compilation of select Human Rights Watch reporting on Guantanamo and related matters over the past decade, as well as facts and figures [7] comparing military commissions to federal courts.

Despite promises by Obama [8] soon after his inauguration to close the facility, 171 prisoners remain. Of the 779 detained in total, roughly 600 have been released and eight have died over the course of the past decade. Of the eight deaths, six are suspected suicides. During the administration of President George W. Bush, many detainees at Guantanamo were subjected to painful stress positions; extended solitary confinement; threatening military dogs; threats of torture and death; and prolonged exposure to extremes of heat, cold, and noise that amounted to torture or cruel, inhuman, or degrading treatment. When Obama took office in January 2009, about 242 prisoners remained. Only a handful of the roughly 600 detainees released over the past 10 years were ever charged with a criminal offense.

Of the 171 prisoners that remain, the Obama administration has said it plans to prosecute 32, yet only one prisoner, Abd al-Rahim al-Nashiri [9], currently faces any formal charges. Another five, those accused of planning the September 11, 2001 attacks, have charges pending against them, but were not been arraigned. Of the remaining 139 prisoners, the administration has said it plans to detain 46 indefinitely without ever bringing charges against them. Another 89 detainees have been approved for transfer to home or third countries.

A variety of factors have prevented the release of those slated for transfer including inaction on the part of the Obama and Bush administrations, a memorandum placed on transfers to Yemen, following the attempted bombing of a Yemeni of a US airliner on December 25, 2009, and restrictions placed by Congress on transfers from Guantanamo in December 2010. Fifty-six of the 89 detainees slated for transfer are from Yemen.

Ongoing US violations of detainee rights are not limited to Guantanamo. Nearly 3,000 people now held by US forces in Afghanistan have not been afforded the basic rights that even captured enemy fighters are due in a civil war, such as being informed by a judge of the basis for their detention or allowed access to counsel. And individuals apprehended outside of Afghanistan currently detained there should never have been brought to the country at all.

Human Rights Watch opposes the prolonged indefinite detention without trial of terrorism suspects at Guantanamo Bay and elsewhere. The practice violates human rights law. Human Rights Watch has strongly urged the US government to either promptly prosecute or release the remaining Guantanamo detainees according to international fair trial standards, or safely repatriate them to home or third countries. We have also called for investigations of US officials implicated in torture [10] of terrorism suspects and for adequate compensation for detainees who were mistreated. Human Rights Watch will continue to press for compliance with these obligations.

Failure to do so does enormous damage to the rule of law both in the US and abroad.

HR organisations: Close Guantanamo with Justice Now1

At the start of his administration, President Obama signed an executive order mandating the closure of the detention camp at Guantanamo Bay, Cuba within a year. Yet the prison remains open, and on January 11, 2011 it enters its tenth year of operation. Failing to fulfil the executive order, the Obama administration has also extended some of the worst aspects of the Guantanamo system by continuing indefinite detentions without charge or trial, employing illegal, extrajudicial military commissions to try some suspects, and blocking accountability for torture both by refusing to conduct independent and thorough investigations and by attempting to prevent the courts from reviewing lawsuits brought by formerly detained men.

As human rights organizations and people of conscience, we are calling for an end to detentions found illegal by federal courts from reviewing lawsuits brought by formerly detained men.

The report has a conclusion with the title of ‘A Decade and Counting (The Cost to Human Rights)’.

The full report is available at: http://www.hrw.org/news/2012/01/06/guantanamo-ten-years

Message 1 - Universal human rights can neither be suspended nor derogated in the case of crimes under international law.
Message 2 - Some US critics of US actions in Afghanistan and elsewhere have distinguished between the war on terrorism and the ‘traditional’ US military and failed to see the connection.
Message 3 - Even detentions found unlawful by the courts can continue indefinitely if they conflict with ‘domestic priorities’.
Message 4 - A moratorium placed on transfers to Yemen following the attempted bombing of a Yemeni of a US airliner on December 25, 2009, and restrictions placed by Congress on transfers from Guantanamo in December 2010.
Message 5 - Respecting universal human rights can be discarded if they conflict with ‘domestic priorities’.
Message 6 - Execution is acceptable -- even after unfair trial.
Message 7 - Victims of human rights violations can be left without remedy.
Message 8 - Looking forward or “filtration” or “screening” sites is to ignore the truth and accountability, even in the case of crimes under international law.
Message 9 - Respect for universal human rights must be unalienable and unconditional.
Message 10 - Double standards, not universal standards, are the order of the day.

Source URL: http://www.hrw.org/news/2012/01/06/guantanamo-ten-years

Links:

continued on page( 7)
The 10 most dangerous places for journalists:

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The Arab Spring, the protest movements it inspired in nearby countries such as Sudan and Azerbaijan, and the street protests in other countries such as Greece, Belarus, Uganda, Chile and the United States were responsible for the dramatic surge in the number of arrests, from 535 in 2010 to 1,044 in 2011. There were many cases of journalists being physically obstructed in the course of their work (by being detained for short periods or being summoned for interrogation), and for the most part they represented attempts by governments to suppress information they found threatening.

The 43 per cent increase in physical attacks on journalists and the 31 per cent increase in arrests of netizens – who are leading targets when they provide information about street demonstrations during media blackouts – were also significant developments in a year of protest. Five netizens were killed in 2011, three of them in Mexico alone.

From Cairo’s Tahrir Square to Khuzdar in southwestern Pakistan, from Mogadishu to the cities of the Philippines, the risks of working as a journalist at times of political instability were highlighted more than ever in 2011. The street was where danger was to be found in 2011, often during demonstrations that led to violent clashes with the security forces or degenerated into open conflict.

The 10 places listed by Reporters Without Borders represent extreme cases of censorship of the media and violence against those who tried to provide freely and independently reported news and information.

(Listed by alphabetical order of country)

To read the details of the report on each of the following countries, see:

http://en.rsf.org/the-10-most-dangerous-places-for-21-12-2011,41582.html

FIDH: The Office of the Prosecutor of the ICC - 9 Years on

20 December 2011


During the first election of ICC officials, Mr. Luis Moreno-Ocampo was unanimously elected as the first Prosecutor of this institution. His nine-year term will soon come to an end. Throughout the years, the International Federation for Human Rights (FIDH) has closely monitored the set-up of the Office of the Prosecutor (OTP), as well as its activities. FIDH has noted several criticisms in relation to the work of the OTP under the mandate of the first Prosecutor. It has also regularly made recommendations in relation to both strategic and policy issues, as well as activities in certain countries where crimes under the Court’s jurisdiction have been committed.

This report assesses some of the most relevant developments, criticisms and achievements of the OTP during the Moreno-Ocampo term. Based on this analysis, the report makes recommendations for Mr Moreno-Ocampo’s successor.

Fatou Bensouda, new ICC Prosecutor, was elected at the seventh session of the Assembly of States Parties to the Rome Statute, held in New York from 12 to 17 December 2011.

1: http://fidh.org/spip.php?action=telecharger&karg=5749
The 82nd (6th year) Goftegu, a bridge between the elite and the citizens, of Armanshahr Foundation, was held in cooperation with the French Cultural Institute of Kabul in the Institute on 19th October 2011 with the title of "Against Oblivion." The speaker was Master Partow Naderi, who gave a moving account of book burning in the Afghanistan Writers Association under the Taleban. After his speech, Fahrenheit 451, the film made by the French director François Truffaut, was screened.

The film had been chosen, because it portrayed methods of wiping out collective memory by burning books and controlling the public opinion on the one hand, and the people’s resistance and disobedience on the other, where the people burned among their own books but save them to defend the human experience and collective memory.

The 82nd Public Debate was initially scheduled for 22 September 2011, but it was postponed for security reasons, because it coincided with the burial of Burhanuddin Rabbani, chair of the High Council of Peace.

At the time, we wrote to our guests: "Why was the Goftegu debate postponed until further notice? The reason is clear, when the oppressed people are set on fire every day, the explosion of bombs, the sound of bullets and the roaring of tanks and planes wreak havoc in this country, fighting based on ethnic, religious, lingual and regional differences increases.”

Fortunately, we managed to hold the debate later and 110 citizens, mostly students, attended the meeting.

Roohalamin Amini was the moderator of the meeting, who opened it with a poem from Kazem Kazemi and then invited Master Partow Naderi, veteran poet, writer and journalist, to address the meeting.

Master Partow Naderi made a reference to the history of Afghanistan in the past three decades and said:

Afghanistan lost many cultural and human values during those three decades. As an employee of the Afghanistan Writers Association (AWA), after the fall of Dr Najibullah, I bore witness to those bitter events.

The AWA had published about 270 titles in Persian, Pashto, Uzbek and English with print-run ranging from 1,500 to 3,000. Most of those books went into heating stoves.

The AWA was not the only institution that lost its books. The huge Hakim Naser Khosrow Balkhi Library in the city of Puli Khumri was ransacked under the Taleban. I was working for the BBC at the time and I asked Mullah Motmaen, the then spokesman of the Taleban, about the burning of thousands of books in that library. He answered: The 50,000 books you are referring to have not been burnt. Any book that propagates things against national unity or the Ismailia must be burnt.

Master Partow Naderi continued to recite his poetic text: Finally, the gun-totters conquered the office of the AWA president... The office was turned into a bedroom for one of the commanders and his cohorts. There was a large desk in that office, which had been converted into a bed for the commander commander Ashiqullah or Mashuqullah. I went closer and greeted him. Before saying anything else, I caught a glimpse of the bookshop. The books had fallen from the shelves on the floor and the commander and his cohorts were using the AWA’s bookshop as a shortcut exit. They had stamped the books with their steps. You could see the trace of...
the main research and drafting of the English version, supported and guided by the FIDH team: Isabelle Brachet, Mariana Pena, Karine Bonneau and Delphine Carlens. The final editing of the English/Dari version was done by Khalil Rostamkhani. The Persian version has benefited from the expertise and knowledge of Dr. Karim Lahiji. The final design of the "A to Z" is the work of Rooholamin Amini.

• Federalism and Democracy

Politews Asia: 8-9

Compiled: Guissou Jahangiri & Jawad Darwaizy

Cooperation with the co-operation of Shourangiz Dadashi

Edited: Khalil Rostamkhani & Shourangiz Dadashi

Layout & Cover Design: Rooholamin Amini

Typesetting: Keroholamin Amini

Print run: 1,000

First Edition: 2011

Federalism and Democracy has two parts. Part I contains an article by Amrita Sen, the Indian Nobel Laureate, with the title of "Democracy as a universal value" and three interview with critics and advocates of centralised and federal political systems in Afghanistan: Dr. Mohammad Amin Ahmad, a university professor (A pervasive unanimity of views concerning national identity is the prerequisite for a democratic system); Professor Mohammad Taher Hashemi, Kabul University professor (Obstacles and challenges of democracy and federalism in Afghanistan); Abdul Latif Pedram (MP for Badakhshan and leader of Afghan National Congress Party (Fedralism; a path to national understanding and participation of citizens in the republic’s decisions.) Part II includes major parts of a book called ‘Introduction to Federalism’ by Rolland Strum and Petra Zimmermann Steinhardt

• Ringing went by, the rain

Reflections on the contemporary poetry of Tajikistan

Mojib Mehrdad; Behrooz Zahabullah

Edited: Fahim Rassa

Layout & Cover Design: Rooholamin Amini

Print run: 1,000

First Edition: 2011

Ringing passed by the rain is an anthology of the literature and poetry of Tajikistan in the 20th century. Mojib Mehrdad has written several articles in it. In Modern Poetry in Tajikistan, he argues that the poetry in the land is the most native version of the Persian poetry and very close to the people’s language. There are three periods in the development of the Tajik poetry: 1930-1960, at the service of the ideology and the ruling party; 1960-1985, period of revival and literary awakening; 1985 to this date, recognition of Tajik Persian as the official language. The thematic main concern of Tajik poems has been religion and the state and each should be treated in the same way. They have reason and conscience, and should act towards one another as brothers and sisters.

Six other articles discuss the works of six different poets: Momom Qan’at, Bazaar Saber, Layeq Shirali, Golrokhkar Safi-Awa (the prominent poetess), Askar Hakim, and Restam Vahabnia.

Finally, in an article with the title of 'Young poetry of Tajikistan: classical bonds and modernist endeavours', Mehrdad argues that the young Tajik poets have mainly regressed in comparison with previous generations.

Behrooz Zahabullah then has three articles in the anthology. 'Soviet literature in Tajikistan' is a review of the Bolshievik revolution’s impact on poetry and literature. 'Notion of modernism in Soviet literature' illustrates how the Soviet Communist Party pressed poets and literary people to change both the content as well as the structure of their poetry. 'Love poetry of Kosmosol generation' is a review of love poetry of poets of the third decade of the 20th century.

• Zeer o Bam

A Study on Traditional Music from Badakhshan, Herat and Badgik

Ahmad Shamsio

Research and writing: Wahid Qasemi

Photography: Badakhshan, Zarif Zahed; Herat, Rafii Behroozian

Editor and Publisher: Armanshahr

Design & Layout: Rooholamin Amini

118 pages

Print run: 1,000

First Edition: 2011

The book is the result of 10 years of research by the prominent musician Wahid Qasemi. In Part I, he introduces the various styles in Pamiri and Takhar music and the folklore songs sung on different occasions. The instruments and players have also been introduced.

In Part II, the music of Herat is the subject of research. The instruments, famous melodies and the songs as well as styles and musicians have been introduced. Part III is an illustrated story of the music of Badakhshan, Herat and Badgik.

• The Little Prince

Antoine de Saint-Exupéry

Translator: Ahmad Shamsio

Layout & Cover Design: Rooholamin Amini

85 pages - colour

Print run: 1,000

First Edition: 2011

This is a translation by the prominent poet Ahmad Shamsio of the famous work of Antoine de Saint-Exupéry, which has been published for the first time in Afghanistan.

• Universal Declaration of Human Rights for Children and Adolescents

Compiled, edited and published: Armanshahr

Cover Design: Rooholamin Amini

Layout: Kabir Ahmad Neshat

63 pages

Print run: 1,000

First Edition: 2011

"Universal Declaration of Human Rights for Children and Adolescents" is an illustrated and coded book in simple language with appropriate drawings. Article 1 of the Declaration provides: "When children are born, they are free and each should be treated in the same way. They have reason and conscience, and should act towards one another as brothers and sisters."
Wahid Qasemi, endeavours to guard original music

The 83rd (6th year) Gofteg, a bridge between the elite and the citizens, of Armanshahr Foundation, marking the 15th anniversary of Armanshahr/Open from Badakhshan, Herat and Badgeis, compiled, researched and written by introduction and distribution of Zeer o Bam (a Study of Traditional Music from Badakhshan, Herat and Badgeis), was attended by 400 cultural activists, writers, musicians, academics and government officials. It was an exceptional program applauding the genuine culture of this land that had brought together a large number of the elite. The moderator opened the event by reciting the Masnawi of Mowlawi: Listen to this reed, how it makes complaint/telling a tale of separation/ Ever since I was cut off from my reed-bed men and women all have lamented my bewailing....

We believe it is not possible to solve any problem in this land without referring to cultural roots. Therefore, during its nearly 6 years of activities in Kabul and Herat, Armanshahr Foundation has concentrated on culture as one of its most important fields of activities. The first Gofteg public debate, a bridge between the citizens that the elite, was held in Kabul around six years ago with a cultural topic. During all those years, Armanshahr Foundation has organised literary festivals, weekly poetry reading meetings, book reading sessions, screening and making films, plays, concerts and published books on culture, in the midst of its social activities. Subsequently, Wahid Qasemi performed several songs with lyrics written by Afghan lyricists reaching the song:

My cage is small and my heart in temper/ the clouds are imprisoned in my body/there is not an umbrella to provide me cover /the sky is rainy, the sky is rainy

The audience gave an enthusiastic welcome to all those songs signaling the nostalgia of the people who have lost the pleasant sound of flute, tambourine, drum and harmonica to the sound of bullets and explosions.

Mr Qasemi, accompanied by Messrs Zali Yekta (flute player), Mir Afghan Hamidi (tambourine player) and Mir Weis Kazemi (drummer), performed nine songs. There was, however, a more important part in the meeting and that was the introduction and distribution of Zeer o Bam (a Study of Traditional Music from Badakhshan, Herat and Badgeis), compiled, researched and written by Wahid Qasemi and published by Armanshahr. Having started with Masnawi:

Did I not say to you, “Go not there, for I am your friend; in this minage of annihilation I am the fountain of life?"

1 See New Books by Armanshahr in this issue.

A poet with the power of tiredness

Emad al Sarab

Elias Alawi was our guest in the “Critique of Simorgh” poetry meeting on 27 December 2011. He is an award-winning well-known figure in Afghanistan’s poetry who has previously published ‘I’m a dreaming wolf’ in Iran and recently ‘Certain Wounds’ in Kabul.

When he arrived, you couldn’t say it was Elias Alawi. He was out of line with Afghan intellectualism. There was nothing in his features to signal anything boastful.

We asked him to start reciting poems and talk about his views. He said he was there to listen and asked us to read poems to give him energy. Our friends recited poems. Then we asked him to talk, about the literary climate in Afghanistan in general. He evaded giving his critique and mainly spoke about himself and then the faraway strange land where he is living (Australia), saying that there was little chance of having this kind of cultural and literary contacts; he had come to Afghanistan to gain energy and feeling. Then he recited three poems from his new collection. He tired of being written but tired of loneliness, tired of meagre contact. They were so different from the poems in ‘I’m a dreaming wolf’. He said they were written when he was tired but tired of loneliness, tired of meagre contact. They were so different from the poems in ‘I’m a dreaming wolf’. The poet who had once sung, “We die so that the ‘Times’ photographer can win an award!” was now singing a deep fatigue for us.
A story separate from Nader and Simin

Rooholam in Amini

The film 'Nader and Simin; A Separation' is not separate from the society it is feeding from. A Separation is indeed a conflict between two social classes and between tradition and modernity. A review of the story would show that there is nothing extraordinary in it; it is the story of two families from two parts of the city that come into conflict with each other.

The film's story

Simin has made preparations to migrate abroad with her husband, Nader, and her daughter, Termeh. Nader doesn't wish to go, because he has an old father suffering from Alzheimer. Whereas Simin does not wish to miss the first sentence we hear in the film from the judge. The viewer doesn't know Simin's reasons. Nevertheless, she speaks a sentence to the judge in response, which is one of the keys of directing the viewer to the political and cultural aspects of the film: "I'd prefer my kid would not grow up in these conditions sir; I have this right as a mother." And the judge immediately demands: "what conditions, what conditions madam?" Simin keeps silent. The film's silence begins exactly at this moment; from the very first minutes when Simin keeps silent to the question that is the only reason for her application of divorce. Nevertheless, we realise during the film that she regards her husband to be a noble, honourable, and good person.

Simin doesn't explain the "conditions" and Asghar Farhadi does not insist to explain them. For a viewer, who does not know the present Iranian society, this may present a complication that remains covered to the end of the film. This approach has been pursued quite intelligently throughout the firm. In the past 10 to 15 years, we have seen Iranian films that have followed a critical view of the political and cultural conditions in that country. However, those films mostly had to endorse the totality of the situation despite all their allusions in the film. A Separation has not given in to this deal. It has maintained a silence regarding the prevailing climate to draw the viewer's attention and to lead the viewer in a direction that the director probably wished.

A Separation, unlike most films, in particular those made in Iran, is fair to its characters and comprehensible. We notice characters of the same type around us. None of the characters are heroes. Similarly, we do not see antiheroes. Everybody has pride and interests, which they do not wish to forego; they are even prepared to tell lies for them. Almost everybody in the film has a lie. Indeed, lying is a foundation of the society on which they are standing. That is not specific to Iran. Many viewers around the world can identify with it. Only two of the central characters do not lie; the servant's little daughter and the old sick father of Nader who is suffering from Alzheimer. One doesn't know what a lie is; and the other has already told his lies.

A Separation has arisen from the centre of the Iranian society and it deals with two socially close and big classes. It has nothing to do with the affluent class, nor with the opposite poor people. This, indeed, is about two neighbouring social classes; i.e. the majority of the Iranian society.

A Separation has won numerous awards including lately the Golden Globe and is a nominee for the Oscar as the best foreign film as well as the best screenplay.

Asghar Farhadi has previously made three television series and films screenplays. He wrote screenplays for several films, before he directed The Beautiful City (2003), Fireworks Wednesday (2005), About Ely (2008), and A Separation (2010).

from page (16)

A tower at point zero...

over the world. Some of his wounds are from Sefid Sang, some others from Melbourne. The various dictionaries define migrant as "a person who goes from a place to another place, from a land to another land and migrates." By that simple definition, Elias is a migrant. His home is on his back. If they tell him 'go', he will go. If they tell him 'stay', he will stay. Nevertheless, he warns 70 generations before and after, he warns Molavi: Stay! Even though, he has never stayed:

Molana, stay in Balkh/do not yearn for Shiraz/ suffice to wounded figs/the thin shadow of corns/suicide attacks/hunger/the times are different/Hafiz has crossed seven lines... Must there be another Genghis Khan/to rise from Samarkand to Qandahar/from Balkh to Shiraz/so that we all cry of the same pain [7]

This poem is a bitter truth; it may not even be a poem and this is where Elias's poetry can be discovered. There is a fine line between vision and reality in his poems, like the border between a poem and the non-poem. However, his poems are poems, with all the political layers, with all the social pains. He is a tower at point zero of vision and reality, who is eyeing both directions. In his poetry, the language is as simple as the words we use to talk to our closest friend, without any pretension, but it is flowing and calm, as soft as a bed on which the boatman rows his boat:

"As void as these hotels/cafes/coasts/if you were not there/if you are not there/the sea will drown/in my veins/There are drawings by the poet next to the poems, indeed wounds spoken in another language, where the same spirit of the poems flow."

"Certain Wounds"

Elias Alawi

Editor: Mohammad Hossein Mohammad

Cover design: Elias Alawi; photography of drawings: Esmail Alizadeh

Layout: Hossein Sina

Publisher: Tak Publishing House

Print run: 1,000

First Edition: Kabul, summer 2011
Armanshahr/OPEN ASIA Publications

1. One Thousand and one Poems for Afghanistan (anthology of writings and poems trilingual edition), Winter 2003
2. Caravan of Poetry for Peace and Democracy in Afghanistan (An anthology of poems); Spring 2003
3. Caravan of Light (for young readership); Spring 2003
4. Poems for Peace (Tajik edition in cyrillic), Summer 2003
5. In praise of Ahmad Shamlou, Living Conscience of International Poetry, December 2006 Goftegu series
6. Who is a citizen? What are their obligations and rights vis-à-vis the government and the society? December 2006 Goftegu series
7. Role of Citizens in Seeking Truth and Justice, December 2006 Goftegu series
10. Democracy and Social Justice in Multi-ethnic Countries, March 2007, Goftegu series
11. In Search of Civil Society International Experiences and Local Realities, April 2007 Goftegu series
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17. Women’s Movement: A National Movement or an Artificial Process? August 2007, Goftegu series
18. Women Celebrate Peace (An anthology of national/international poems by women for Afghanistan), Guissou Jahangiri, 2009, Spring 2009; Let’s break the silence series
19. Tradition and Modernism, Confrontation or Consonance? Spring 2009, Goftegu series
20. Sayed Jamaloddin and New Religious Thinking; Spring 2009, Goftegu series
21. What has gone astray in Afghanistan’s Higher Education System? Causes and Solutions; Spring 2009, Goftegu series
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28. It is an Abandoned Time Here, Rooholamin Amini; Winter 2010; Let’s break the silence series
29. From Structure of Parliament to a Critical Evaluation of First Parliament in Afghanistan; Summer 2010, Goftegu series
30. Voice of Victims for Justice, winter 2010; Let’s break the silence series
31. From Structure of Parliament to a Critical Evaluation of First Parliament in Afghanistan; Summer 2010, Goftegu series
32. Animal Farm, George Orwell, Summer 2010, Simorgh series
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35. Re-visiting 60 years of contemporary history in Afghanistan, Summer 2011
36. From illiteracy to war, from war to illiteracy, Summer 2011
37. Rights of women, children and youth in Afghanistan, summer 2011; Let’s break the silence series
38. Afghanistan: In Search of Truth and Justice, Autumn 2010, Let’s break the silence series
39. To the 21st Cigarette, Rooholamin Amini, Autumn 2010, Simorgh series
40. UN and the International Human Rights Treaties, winter 2010; Let’s break the silence series
41. The Afghanistan Women’s 50% Campaign, Winter 2010
42. Smorgh, the Thirty Wise Birds (an anthology of poems and photographs for peace in Afghanistan), Guissou Jahangiri, Rooholamin Amini, Winter 2010, Simorgh series
43. The 50% Campaign: Afghan Women’s Demand from the Future President, Spring 2009
44. NATO, Exceptions to Democracy and Decline of Empires, Winter 2010, (Politis asia 1-2)
46. Young people, a World Between Fear and Doubt, Winter 2011, Goftegu series
47. Rights of women, children and youth in Afghanistan, summer 2011; Let’s break the silence series
48. Nothing Can be Said in Fifty Years (collection of poems), Homeira Nekhat Dastgirizada, Spring 2011, Simorgh series
49. Discrimination and Political Participation of Women: Role of Education, Spring-Summer 2010 (Politis asia 4-5)
50. The Past Enlightens the Future (a collection of interviews with victims and political personalities), Spring 2011, Let’s break the silence series
51. A Review of War Ruins (an exact account of war, Herat 1989), Rasoul Pouyan, Spring 2011, Let’s break the silence series
52. Justice for Women in War and Peace (international contributions), Spring 2011, Let’s break the silence series
54. From Illiteracy to war, from war to illiteracy, Summer 2011
55. Writers without readers, readers without books, Summer 2011
56. “Smorgh Stories”, Selected Stories, Summer 2011 (Smorgh’s Feather)
57. Re-visiting 60 years of contemporary history in Afghanistan, Summer 2011
58. A Handbook of Transitional Justice, A to Z, 2011, (Politis asia 8-9)
59. Zeer o Bam, a Study of Traditional Music from Badakhshan, Herat and Badigeis, 2011
60. Federalism and democracy, 2011 (Politis asia 10-11)
61. Universal Declaration of Human Rights for Children and Adolescents, 2011
62. Political system and social justice, winter 2011
63. A review of conditions of women in Afghanistan and Tajikistan, winter 2011
64. Ringing passed by the rain; a review of contemporary poetry of Tajikistan, winter 2011
65. The Little Prince, Antoine de Saint-Exupéry

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