



Triumph of happiness and glory over shame of  
suicide and terror!

A periodical on human rights and civil society

# Armanshahr



4th Year, Issues 25-26, August 2012

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Armanshahr Foundation also actively promotes reflection and debate both inside Afghanistan, trans-regionally and internationally with the goal of ensuring solidarity, progress and safeguarding peace.



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Armanshahr, a periodical on human rights and civil society  
Issues 25-26 (Year IV)  
August 2012  
Circulation: 20,000  
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Website: <http://armanshahropenasia.wordpress.com/>

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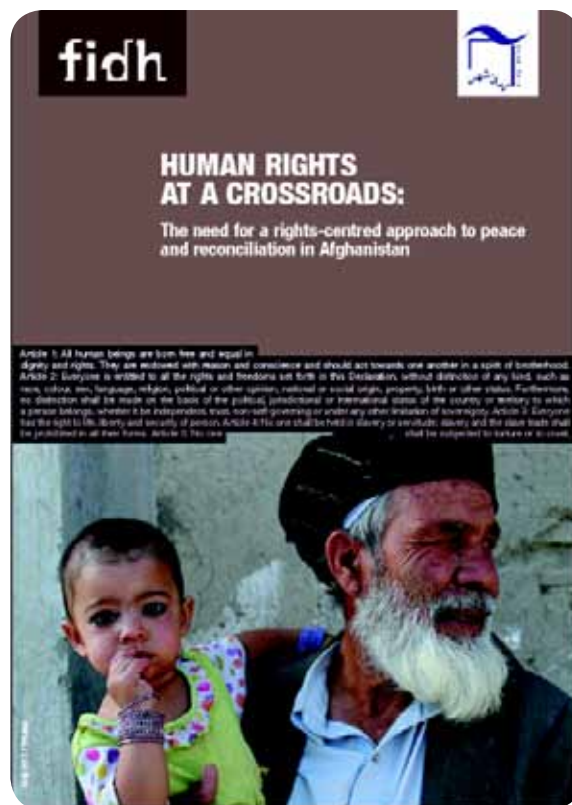
## HUMAN RIGHTS AT A CROSSROADS:

### The need for a rights-centred approach to peace and reconciliation in Afghanistan

#### Executive Summary<sup>1</sup>

Afghanistan has been torn by war for more than 30 years. At least 70% of the population was born after the Soviet invasion in 1979 and has lived under war. Millions have spent many years as refugees in Pakistan and Iran, and hundreds of thousands are still internally displaced. In recent years, thousands of young Afghans have chosen to migrate abroad because of the prevailing insecurity and the absence of livelihood. Since the launch in October 2001 of the US-led intervention to remove the Taliban from power, Afghans have grown disillusioned. The civil war that prevailed until then was before long replaced by a conflict between the mainly Taliban and other similar insurgent groups and the internationally-backed government.

Efforts have been made for more than a decade now to foster democracy, the rule of law and respect for human rights in Afghanistan. Achievements include the adoption of a Constitution with strong references to human rights, an improved legal framework, the establishment of the Afghanistan Independent Human Rights Commission and some progress in the field of access to education and women's rights. In the post-2001 era, Afghan society has been characterised by the expression of its political, social and cultural as well as ethno-linguistic diversity more than ever before. Factors of change do exist in Afghanistan, as illustrated by the mushrooming of NGOs, the development of educational institutions, and the emergence of media outlets in the country, both quantitatively and qualitatively. The past ten years, however, have also been marked by a number of important failures. Democratic achievements in Afghanistan are extremely fragile. Government institutions remain weak; they are plagued with corruption and have not yet been able to establish the rule of law or effective governance throughout the country. The Afghan government and the international community were not able to



effectively strengthen the justice system, to the point that the parallel tribal justice is now presented as part of the solution, in spite of the risks it entails for universal human rights. Important provisions of the Constitution have not been adequately implemented, in particular mechanisms for checks and balances, judicial capacity to determine constitutionality, or the precedence of human rights over other norms. Last but not least, impunity remains widespread, for past crimes as well as for current serious human rights violations. Furthermore, progress in economic development and social welfare in the country has been meagre and has not met the high expectations raised by the injection of billions of US dollars into the Afghan economy since 2001 by the international community. From 2005 onwards, the level of violence has increased and the spectre of civil war reappeared. The Taliban have been able to muster their forces and grow strong using guerilla tactics and disseminating fear among the population; in some regions they

<sup>1</sup> The full joint report of the International Federation for Human Rights & Armanshahr Foundation/Open Asia can be accessed at: <http://www.fidh.org/IMG/pdf/af0512589a.pdf>



have managed to get in a position to broker power-sharing. By manipulating nationalist feelings and appealing to ideological and regional solidarity, the Taliban have succeeded in securing support, notably in the conflict zones where civilians have suffered

**Investigate human rights violations taking place in Afghanistan, bring those responsible to justice and ensure that effective remedies are provided. These include violations against human rights defenders, journalists and political opponents, such as assassinations, torture, threats and attacks. Acid-throwing against women and girls and gender-based violence should not remain unpunished.**

systematic and generalised human rights violations, atrocities and oppression under Taliban rule remain vivid. These active anti-democratic forces at play in Afghanistan present clear threats to the process of transition towards peace and reconciliation. They could seriously undermine the hard-won

from the presence of international troops.

The US-led intervention's failure to secure stability for Afghanistan and donor-fatigue have shaped an exit-strategy based on a scenario which seemed shocking just a few years ago – negotiations with the Taliban for a political settlement. The Government of Afghanistan and its international partners are now differentiating the so-called “moderate” from “hardline” Taliban. The former have progressively come to be considered legitimate interlocutors in negotiations; thus, the Taliban have been given access to national and international platforms.

The deteriorating security situation, human rights violations and daily acts of terror and intimidation against civilians in different regions are alarming the Afghan people, whose memories of

democratic processes, and create conditions conducive to civil strife, if adequate measures are not implemented.

The prospect of the forthcoming NATO military disengagement from Afghanistan with the withdrawal of international troops by the end of 2014, combined with Taliban's increasing presence in important positions and institutions, make the adoption of urgent measures crucial to safeguarding and consolidating important institutional and democratic achievements since 2001, as well as ensuring that Afghanistan does not revert back to a situation of widespread and systematic human rights violations, and once again become a haven for acts of terror. A hasty reconciliation with the Taliban without due regard for human rights, as currently pursued by the Government of Afghanistan and its international partners, will be unsustainable and ultimately self-defeating. Such an approach will obliterate truth-seeking efforts and obviate justice, promote continued impunity and lead to further human rights violations. As such, it cannot lay the foundations for sustained peace. Experience in post-conflict countries has proven that reconciliation before truth-seeking and justice only leads to rehabilitation of those responsible for grave human rights violations.

The following recommendations summarise the various measures which the Government of Afghanistan and its international partners should adopt to build democracy and the rule of law, and prevent further human rights violations in Afghanistan. The transition process to 2014 and beyond must embody a strong commitment from both the Government of Afghanistan and the international community to fully endorse justice and human rights, especially women rights, as core, non-negotiable principles in all institutional and strategic arrangements.

### **1. Recommendations to the Government of Afghanistan**

#### **On the administration of justice and the fight against impunity, the Government of Afghanistan should:**

- Investigate human rights violations taking place in Afghanistan, bring those responsible to justice and ensure that effective remedies are provided. These include violations against human rights defenders, journalists and

political opponents, such as assassinations, torture, threats and attacks. Acid-throwing against women and girls and gender-based violence should not remain unpunished.

- Propose and implement a solid framework for the establishment of transitional justice mechanisms, in collaboration with the Afghanistan Independent Human Rights Commission (AIHRC), Afghan civil society, human rights organisations and victims' group, to complement criminal justice mechanisms. As part of that commitment, the Government should revive and implement the victim-oriented Action Plan for Peace and Reconciliation, as originally drafted in 2005.
- Abolish, through the Parliament the Public Amnesty and National Stability Law as it clearly violates Afghanistan's Constitution and the country's international treaty obligations, and is an obstacle to a just and lasting peace.
- Strengthen the Afghanistan Independent Human Rights Commission (AIHRC); guarantee its independence; ensure that the AIHRC is fully involved in all processes related to peace and reconciliation, and immediately release the AIHRC mapping report on human rights violations in Afghanistan during the conflict.
- Invite the United Nations to investigate and document crimes under international law committed by the Taliban and other armed groups in Afghanistan.

#### **On women's rights, the Government of Afghanistan should:**

- Ensure equal representation of women at all stages of any peace negotiation, in line with UN Security Council Resolution 1325 on women and armed conflicts; appoint women at key government posts, in the judiciary and on decision-making bodies.
- Repeal all discriminatory laws against women, notably the Shiite Personal Status Law, the law on marriage, discriminatory provisions in the Criminal Code and property law, and discriminatory customary laws. Steps should be taken, with the support of the international community, to end recourse to informal parallel customary courts and to ensure that women have full and effective access to the formal justice system.
- Strengthen, in coordination with the Supreme Court and the Office of the Attorney General, the implementation of the Elimination of Violence against Women

(EVAW) Act.

- Keep improving women's access to social rights, such as healthcare and education, throughout the country.
- Continuously and broadly consult with civil society organisations and the AIHRC in the preparation of State reports to UN Committees, especially CEDAW and in the implementation of concluding observations and recommendations made by the Special Rapporteur on violence against women, its causes and consequences.

#### **On capacity-building of State institutions, the Government of Afghanistan should:**

- Refrain from interfering with the judiciary, and make sure that the control of constitutionality can be exercised fully and independently by relevant bodies composed of competent legal experts.
- Grant full powers to the Elections Commission and ensure, through the Commission for Electoral Complaints, healthy vetting processes in collaboration with the AIHRC. Independent monitors should be mandated by the international community to reinforce vetting processes and prevent election fraud in the future.
- Fight, in cooperation with the international community, endemic corruption that prevents democratic institutions from functioning adequately.
- Make sure that a new process of disarmament of the population is implemented throughout the entire country, and that borders are sufficiently manned in order to prevent arms trafficking.

#### **On cooperation with UN human rights mechanisms, the Government of Afghanistan should:**

- Consult and work with human rights NGOs, civil society organisations and the AIHRC in implementing the recommendations issued by the UN OHCHR, Special Procedures, treaty bodies and the Universal Periodic Review.
- Extend a standing invitation to the Special Procedures of the UN Human Rights Council, respond promptly to their requests for visits, such as the one made by the Special Rapporteur on torture and respond to any request for information on individual cases or general trends, such as those of the Special Rapporteur on extrajudicial executions.

## **2. Recommendations to the United Nations**

- The United Nations should appoint a Special Rapporteur on the human rights situation in Afghanistan with a mandate to examine, monitor, advise and publicly report on the human rights situation in the country, to respond to complaints of individual victims, and to streamline, in cooperation with the Afghan authorities, a roadmap for the implementation of the UN human rights recommendations.

- The UN Security Council should review Resolution 1988 on the Taliban so as to:

- Modify the delisting criteria to ensure that all individuals suspected of being responsible for, or complicit in, international crimes as defined by the Rome Statute, may stand before an independent tribunal for their alleged crimes before being delisted, if found non-guilty.

- Re-extend the mandate of the Delisting Ombudsperson, introduced through Resolution 1904 (2009), to receive individuals' or entities' requests for delisting.
- Provide the Delisting Ombudsperson access to all information used for listing.

- Ensure delisting recommendations by the Ombudsperson are in practice respected, so that they are not overturned through consensus decision by the 1267 Committee or referred to the Security Council.

- The United Nations must ensure that respect for human rights is at the core of any cooperation agreement between the Government of Afghanistan, its neighbouring countries and the international community to promote regional security and fight international terrorism.

### **3. Recommendations to NATO Member States and donor countries**

- As recommended in the 2011 annual report of the United Nations High Commissioner for Human Rights, NATO and other international military forces as well as the Afghan National Security Forces must ensure that systems are in place so that incidents causing civilian harm and the misconduct of international troops are properly documented and followed up with credible and transparent investigations. All those affected must be offered appropriate redress, including guarantees of non-repetition, compensation, apologies, investigations, and other tangible gestures of recognition. Compensation should be provided promptly, uniformly and systematically to all civilian victims of

conflict-related casualties and of human rights violations.

- NATO member States and donor countries must ensure that the progressive withdrawal of international troops is accompanied with a serious commitment to support the strengthening of democratic institutions countrywide (including the formal justice system) and capacity-building within the Afghan National Security Forces. The recommendations made by the United Nations High Commissioner for Human Rights in her 2011 annual report to support and strengthen institutional capacity through the United Nations Assistance Mission in Afghanistan, must be implemented. The Afghanistan Independent Human Rights Commission must receive appropriate support, and their independence must be guaranteed.

- Donor countries should support the still fragile civil society and NGOs community in Afghanistan, including human rights organisations, and it should ensure that development assistance fully addresses needs defined in consultation with the Afghan civil society, including women, and contributes to the strengthening of democratic institutions and the rule of law.

### **4. Recommendations to the International Criminal Court**

- The Office of the Prosecutor of the ICC should issue regular and detailed reports on the status of its preliminary analysis of the situation in Afghanistan.

- The Office of the Prosecutor of the ICC should publicly communicate its activities that aim to implement positive complementarity.

- Whereas the national justice mechanisms have demonstrated their inability or unwillingness to genuinely investigate and prosecute the main perpetrators of international crimes, the Office of the Prosecutor should open an investigation into crimes under ICC jurisdiction committed in Afghanistan since 2003, and respond to victims' needs for redress.



## Priorities of civil society & human rights activists after Tokyo Conference!

### Interview with Mr. Zia Mobalegh<sup>1</sup>



**Armanshahr:** it has been reported that the civil society and human rights activists have played a more active role in the international conferences held on Afghanistan recently. What is your assessment of that?

**Zia Mobalegh:** I believe that the international community is concerned with maintaining the democratic system in Afghanistan after the withdrawal of international forces. In this respect, the civil society has a very important role to play. Transition from dictatorship to democracy is possible in three ways. First, the civil society and political parties would have a prominent role to prepare for transition to democracy. Second, governments prepare for transition in order to prevent rebellion and popular uprising. Third, rival groups in a political structure can prepare this transition.

If there is a political deadlock and the shaping of the civil society, patriotic strong parties, and free media is prevented, the people will not have any possibility to protest and the only way forward would be revolution. In that case, whereas there is no specific alternative, a new type of dictatorship usually emerges. Either a lifetime president or another type of dictatorship takes over. The international community expects the Afghanistan civil society to play its role, otherwise in the absence of an active civil society, the government will deem itself as the only actor protecting people's interests.

Second, the government might personalise the power structure. In the absence of the civil

society, even a very democratic constitution would be useless. Egypt, for example, did have a democratic constitution, and the basic laws on Afghanistan have been copied from it. However, in the absence of civil institutions, power was personalised. On the other hand, the government might even try to co-opt the private sector. Under such circumstances, only people affiliated to state institutions and high-ranking government bodies can grow and be influential within the private sector.

At present, the Executive interferes in judicial affairs and uses the Judiciary against the Legislature. It even uses the prosecutor's office, which should normally be independent, against the other branch of the state. These developments show that our government is gradually forgetting its obligations under the constitution. We are moving towards authoritarianism. In this context, a departing international community needs an alternative. Therefore, they underline the real role of the civil society.

**A:** In this sense, how far can the civil society fulfil those expectations? How far can it resist the currently deteriorating trend?

**Z.M:** We emphasised in Bonn and Tokyo that the government of Afghanistan's plan is not geared to nation-building. The plan it presented in Tokyo Conference was entitled 'governance'. There is no mention of nation-building and nation-state building, i.e. a state based on the nation. One of the failures of the state-building projects in Afghanistan throughout history was that it never pursued the process of nation-building. As a result, power did not gain its legitimacy from the nation and was held by charismatic leaders or ethnic and tribal leaders, who took power through coup d'état or by violence. The crisis will endure as long as the nation is not the source of legitimacy of power. That has been the case since 1973 and Dawood Khan's coup d'état. Only in the last few, albeit problematic elections, the people have played a role in giving legitimacy to the power structure.

The civil society can expedite the trend of nation-building and then the trend of nation-state building. Otherwise, we may witness such incidents again in the future. It has

<sup>1</sup> Representative of Afghanistan civil society at the Tokyo Conference

become a part of the tradition in the society that power changes hands among a number of ethnic and tribal leaders not within the nation. Another role that the civil society can play is to achieve democratisation of the political situation to advance the non-violent civil and democratic protests and prepare the ground for transition to democracy.

A further major role of the civil society is to transform the tribal culture. The major problem facing governance, rule of the law and democracy is that there are people who are trying to go round the constitution under the pretext of peace-building and to have tribal rules and norms installed. Rather than resorting to the processes and structures provided for by the Constitution, we are trying to pit the traditional jJrga and the Loya Jirga as alternatives to referendum. Some people are consciously trying to ignore the role of the Constitution and even then substitute the informal courts for the secular system that the Constitution has provided for with the argument that 80-85% of the cases are resolved in informal courts. The civil society, however, has a duty to protect the Constitution and defend the rule law.

Another role of the civil society is to promote the culture of tolerance. In the present-day Afghanistan, most events are ethnic-based. This is caused by a deadlock in the power structure by those who wish to have a certain definition of us and others prevail in the society. Under these circumstances, the civil society must offer mechanisms to eliminate discrimination, implement laws that eliminate discrimination and guarantee political participation.

Civil society can also offer a definition of 'progress'. The document that the government of Afghanistan presented to the Tokyo Conference could be interpreted to mean that the government claims to aim for a welfare state. The 22 priorities that the government of Afghanistan presented are not balanced in the context of economic development and they would lead to further pauperisation of the poor, remote and deprived provinces and regions. What is the definition of the civil society of the decade of progress? It should work towards a balanced development, guaranteeing human rights and rights of minorities, institutionalising equality and advancing other provisions of the Constitution.

#### **A: Is the civil society capable of doing that?**

**Z. M.:** That is a difficult question. The conditions have not been right for the civil society to take shape in Afghanistan. The conditions improved in the last 10 years, civil institutions took shape and some groups were formed. I do not think it is possible at present to create sustainable, independent and specialised and civil institutions that would not be subordinate to the government's authority, would push the government to the side and operate as the principal actors in the society. That would be an ideal situation which we are aiming for. Civil society institutions need to organise themselves and aim for implementation of the obligations of the government of Afghanistan under the Tokyo Conference Declaration.

#### **A: Fulfilment of justice is one of the priorities on the path of transition to democracy and economic development and a responsibility of the civil society and human rights activists. This issue has been pushed to the margins at present. What are the weaknesses of the civil society in this context?**

**Z. M.:** Without justice, we cannot go towards stability, nation-building and a democratic system. Unfortunately, the issue of impunity has taken such deep roots in our country in the past 40 years that it takes a lot of courage to speak of transitional justice at present. Since 1973, we have not had a single president to have died of natural causes. They were all killed. Our country has the highest record of system change in the past 30-35 years. We have had absolutist monarchy, constitutional monarchy, republicanism, Communist government, national reconciliation government, Mujahedin's government, the Taleban's Emirate and the present Islamic Republic. Our country has a record of changing flags. Take the figures of the casualties in the war, millions of disabled people, millions of migrants and, above all, the chronic poverty we are suffering from. We have lost all the opportunities in the past few decades. Look at the countries that were in a similar situation as us in 1973 and compare them with our country now. This is the consequence of our country's refusal to implement justice and transitional justice in particular and end the culture of impunity in the past.

Whereas power always changes hands within a certain group of people, the powerful are not interested in attending to the victims of coup d'états and the sufferings of the people of Afghanistan. The nation has always been a hostage at the hands of the people who have successively taken power.

Even if reconciliation is achieved, and the hostile groups opposed to the government are reintegrated and yield to the democratic process, there is still no guarantee that another country or another group or the army would not toy with the idea of overthrowing the government. The culture of impunity and immunity has prepared the ground for it, in particular the law that they National Assembly approved, the Amnesty Law. It allows the opposition to benefit from its provisions if they lay down their arms. Under that law, opposition groups can take military action against the government and if they do not achieve their aim, then they can lay down their arms and benefit from the immunity provided by the law. In this sense, we shall never move towards real peace.

**A: Justice cannot be achieved without peace in the same way that peace cannot be achieved without justice. There is an almost countrywide war between the government and the opposition at present. How can we achieve justice under these circumstances?**

**Z. M.:** Nobody can deny that the cycle of violence may go on in the absence of justice. However, the issue of justice should be naturalised. At present, justice has its root in the conclusion of World War II, Nuremberg Court, human rights treaties and humanitarian law. The experience available comes from countries in transition to democracy. We must naturalise justice, and deduce it from legal and theological sources.

**A: it has been reported that the Tokyo Conference constituted the final obligations of the international community towards Afghanistan. How far will the conclusion of international cooperation impact the conditions of Afghanistan?**

**Z. M.:** This was not the last conference. It was decided in Tokyo to organise a ministerial conference in London in 2014, where the international community will examine the extent of which the Afghanistan government

has been able to stand on its feet and give reports about eradication of corruption, elimination of discrimination, obligations to development plans and the capacity for implementation of development projects.

As participants of the Bonn and Tokyo conferences, we feel the fatigue of the international community. Regardless of how much justification you provide, no country would guarantee to bear the costs of development, peace-building and security in another country for ever. On the other hand, Afghanistan has closed its eyes to realities. Afghan or international soldiers killed in Afghanistan are more victims of the corruption from which the people of Afghanistan also suffer rather than the interferences of neighbouring countries and the insurgent groups that have taken up arms against the government. According to the 2012 report of Drugs and Crimes Office of the United Nations, the people of Afghanistan pay more than 2.5 billions of dollars in bribes every year. How much would the rate of growth increase in Afghanistan if that money were invested? We could have a growth rate of 35% instead of 8 or 10%. Therefore, the reason for our backwardness and dependence on the international community is the corruption that the government of Afghanistan is supporting in an organised and systematic manner. The government institutions are involved in that corruption. If the international community is not convinced of the government's determination to combat corruption, the 2014 conference could be the last conference for Afghanistan.

**A: What was the achievement of the civil society in the Tokyo Conference?**

**Z. M.:** The civil society was in particular successful in the Tokyo Conference to the extent could that voice its demands. The Tokyo Conference Declaration has explicitly incorporated many demands of the civil society in regard to good governance as well as its positions on the issues in Afghanistan. However, if the civil society fails to convince the government to put into practice the obligations it has undertaken in the Tokyo Conference, if it fails to prepare the ground for development, nation-building, state-building, transition to democracy and elimination of discrimination, then it will have failed in its goals.

## A glance at US-Afghanistan strategic agreement



The strategic agreement between the government of Afghanistan and the United States of America was finally signed and the lower house of Parliament of Afghanistan ratified it on 26 May, when only five MPs voted against it. The Senate of Afghanistan voted for the agreement on 3 June. From 80 senators, 13 voted against it.

The main aspects of the agreement concern shared democratic values, consolidation of security, strengthening regional security and initiatives, social and economic development of Afghanistan and enhancement of Afghanistan institutions and governance.

Even though the government institutions and a number of NGOs supported the signing of the agreement, there were also criticisms at home and abroad directed against the signing of the agreement as well as its contents.

Those who criticised its contents were of the opinion that many vital concepts and issues on which the political fate of Afghanistan and future strategy of the US depend have remained unclear in the document and the Afghanistan government has had a 'non-strategic' approach to this strategic agreement.<sup>1</sup>

### Certain flaws in the agreement

The agreement fails to mention the Taliban and other armed groups, e.g. the Islamic Party and others, as terrorist groups endangering the future of Afghanistan and perpetrators of violence. This has caused concern in regard

to dealing with the principal perpetrators of violence in Afghanistan. It also displays lack of earnestness on the part of the US to combat terrorism and the Taliban in the country.

The Agreement has stressed the need to fight terrorism and the al-Qaeda and its affiliates specifically, but there are no clear and specific positions on dealing with and encountering the ideological, financial, political and strategic resources of terrorism and insecurity.

Taking into consideration the historical experience of the people in Afghanistan with political, social and ethnic crises, the Agreement has failed to make any clear projections for dealing with internal crises and problems among the ethnic and political groups.

Despite the emphasis on economic and political development, a clear definition and framework to achieve it is lacking. Critics believe that one of the fundamental problems in the economic sphere in the past decade was the absence of a comprehensive and modern strategy to use the tens of billions of dollars of aid in economic infrastructure.

In its preamble, the Agreement expresses appreciation for the "November 2011 Traditional Loya Jirga". However, the human rights and civil rights activists as well the parliament of Afghanistan, as one of the three branches of the state, had declared that Jirga to be illegitimate, because it was

Even though, many political parties supported the Agreement directly or indirectly, some others deemed it to the detriment of the people.



unconstitutional.

Furthermore, the Agreement provides: "Afghanistan shall strengthen the integrity and capacity of its democratic institutions and processes, including by taking tangible steps to further the efficiency and effectiveness of its three branches of state, within its unitary system of government, and supporting development of a vibrant civil society, including a free and open media."

On the other hand, violation of human rights and atrocities committed by foreign troops in Afghanistan have been frequently criticised in the past 11 years. The people of Afghanistan, political parties and human rights activists have been critical of the manner of presence of those troops, civilian casualties, torture and intervention by those troops and pointed out that the soldiers who perpetrated crimes have not been brought to trial.

A change of the political system to a parliamentary federal system is one of the demands of the lawful parliamentary opposition in Afghanistan. Critics view this paragraph in the Agreement as interference in the internal affairs of Afghanistan and a clear orientation in the political differences between the government and the opposition. They believe that it is up to the people of Afghanistan to decide their political system not to the US or other countries.

One observer wrote: "The Afghan side of the Agreement was under strong influence of the domestic political conditions. Hence, it appeared to a large extent in the shape of protector of short-term interests in the framework of political controversies. By inserting provisions that lack adequate legal foundation as well as a valid constitutional basis, it has caused doubts about possession of a strategic and long-term approach toward the national interests of the people of Afghanistan, even if it has not undermined the strategic prestige

of the Agreement."

Even though, many political parties supported the Agreement directly or indirectly, some others deemed it to the detriment of the people.

### Post 2014

Even though the strategic document has not alluded to the US military presence in Afghanistan, a separate agreement shall be signed between the two countries by the end of the current year to provide for military cooperation after the departure of international forces in 2014.

According to a Deutsche Welle report, Russia has asked the US for information about its long-term military presence and the mandate of its forces in Afghanistan after 2014.<sup>2</sup>

On the other hand, violation of human rights and atrocities committed by foreign troops in Afghanistan have been frequently criticised in the past 11 years. The people of Afghanistan, political parties and human rights activists have been critical of the manner of presence of those troops, civilian casualties, torture and intervention by those troops and pointed out that the soldiers who perpetrated crimes have not been brought to trial.

One other strong concern of the human rights activists in Afghanistan is the likely contradiction of such agreements to Afghanistan's international obligations. Afghanistan is a signatory to the Statute of the International Criminal Court, but the US is one of its principal opponents. Under the Rome Statute, Afghanistan may complain against foreign military and security forces that commit crimes in the country. However, under the Bilateral Agreement that was signed between Afghanistan and the US in 2002,<sup>3</sup> Afghanistan cannot bring to trial American soldiers on its territory; nor can it surrender them to the ICC or any other court.

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1 See the following two articles in Dari:

[http://www.bbc.co.uk/persian/afghanistan/2012/05/120506\\_k01\\_af\\_us\\_partnership.shtml](http://www.bbc.co.uk/persian/afghanistan/2012/05/120506_k01_af_us_partnership.shtml)

[http://www.bbc.co.uk/persian/afghanistan/2012/05/120503\\_zs\\_afg\\_us\\_strategic\\_economic\\_agreement.shtml?print=1](http://www.bbc.co.uk/persian/afghanistan/2012/05/120503_zs_afg_us_strategic_economic_agreement.shtml?print=1)

2 <http://www.dw.de/dw/article/0,,15992895,00.html>

3 <http://www.state.gov/documents/organization/183325.pdf>



## **AIHRC on Afghanistan- USA Strategic Partnership Agreement**

Afghanistan Independent Human Rights Commission welcomes the Enduring Strategic Partnership Agreement signed between the Islamic Republic of Afghanistan and United States of America in which both parties to the Agreement have reaffirmed their sustainable commitment to respect and observe democratic values, human rights, Afghan Constitution and fundamental rights and freedom of people of Afghanistan.

The AIHRC based on its duty and mandate has always emphasized on the need of and respect to the importance of independence, human rights, rights of women and children, victims' rights, justice, preserving of the achievements and values of the Constitution, citizens equality and fight against discrimination and injustice, good governance and rule of law in any action or program undertaken by the Afghan government or international community in Afghanistan, and has expressed its concern whenever these principles and values have been ignored in the country.

Considering that the Agreement is based on respect for national sovereignty, rule of law and clear observation of the values embodied in the Constitution, and on a firm commitment of the parties to preserve and strengthen democratic values and human rights, and the central importance of the values and principles of the Afghan Constitution and the government's commitment to inclusive and pluralistic government including free, fair and transparent election is underscored in this Agreement; and

Considering that in this Agreement emphasis has been put on a sustainable commitment of the Afghan government to protecting human and political rights under the Constitution and international obligations of Afghanistan, including the International Covenant on Civil and Political Rights, and ensuring of these rights and freedoms to all Afghans, and ensuring and expanding of the role of women

in the society and their full enjoyment of economic, social, political, civil and cultural rights, and strengthening of the capacity and integrity of its democratic institutions and processes in the country by taking effective steps to further improve the sufficiency and effectiveness of government institutions, and support civil society and free and open media;

Whereas in this Agreement, in addition to emphasis made by the parties on supporting of the principle of peace and reconciliation, inclusion of individuals and groups in the process of peace and reconciliation is subjected to discontinuation of relationship with terrorists, renouncing violence and respecting the Constitution and respecting to the rights of all men and women in the country. The Afghan government has pledged that in all actions concerning peace, reconciliation and understanding uphold the values of the Constitution; and

Considering that in this agreement pledges are made toward taking effective measures for economic and social development of Afghanistan, especially human capacity building, strengthening of institutions and governance through promoting transparency and accountability of government institutions and their ability to deliver basic services to the people, public access to education and improving its quality, public access to health services and specialized care, decisive and effective fight against corruption; and

Considering that, fortunately, many of the desired principles and values of the Afghan people that have always been emphasized on by the AIHRC have been taken into consideration in this Enduring Strategic Partnership Agreement between the Islamic Republic of Afghanistan and the United States of America. And this Agreement shall be the base and foundation for the subsequent agreements between the two countries;

The AIHRC welcomes the signing of this Agreement and lays emphasis on the need that these principles and criteria should be practically implemented and taken into consideration in any kind of complementary understanding and agreements.

AIHRC, 6/5/2012

<http://www.aihrc.org.af/en/press-release/1058/enduring-partnership-afg-and-usa.html>

## Will 2014 spell the end of free and independent media in Afghanistan?

Ten years since the renewed active presence of the media in Afghanistan, recent reports indicate a deterioration and decline of their work. Media Watch, Nai, which defends the media in Afghanistan, documented 77 cases of violence against journalists in its annual report (May 2011 to 2012), recording 39% increase over the previous year.

Most cases of violence were committed by the government of Afghanistan, but NATO forces, unidentified armed persons and the Taliban also had their share of violence against journalists.

The report documented four cases of killings as well as a number of cases of beatings, threats, detentions, injuries, assassination attempts and insult. The four journalists who were killed were a BBC correspondent in the Urozgan Province, a reporter of a local radio station in Laghman Province, a cameraman of Press TV in Kabul and the director of a local radio station in the Paktika Province.

Reporters without Borders stated in its annual report that the Taliban and the religious extremists were the most important obstacles to the freedom of speech and free media in Afghanistan. According to a table published by reporters without Borders on freedom of expression and safety of journalists, Afghanistan ranks 150 among 179 countries in the world.

### Financial problems of the media

A number of the media are presently either stopping their operations or reducing and restricting their activities. According to Radio Liberty, Pajhwok Afghan News, Tolo TV, and Lemar TV are among the media that have laid off some of their journalists owing to financial problems.

### Legal restrictions

Even though the Constitution and the Free Media Law of Afghanistan provide for the rights of freedom of expression and access to information for all the people, there are still problems and ambiguities in the law. The public media law was recently amended by the Ministry of Information and Culture and



was offered for comments and opinions, but it drew criticisms from the journalists.

The Free Journalists Association of Afghanistan issued a statement saying that the “prohibitions” in the draft law where “ambiguous and unclear” and topics such as “contravening Islam”, “public security” and “public interest” had not been clearly defined.

Mr. Tohidi, director of Media Watch, said: “Every government institution that does not wish some information to be published, would regard its publication against the national interest and the territorial integrity of Afghanistan.”

### Concerns for the future

There are concerns now that after 2014 and complete withdrawal of the international community from Afghanistan, the free media will also come to an end. Talks with the Taliban, as enemies of free media and freedom of expression, are also worrying for media activists. A number of organisations supporting freedom of expression in Afghanistan and a number of international organisations warned in a joint statement in December 2011 that freedom of media must not be sacrificed for reconciliation with the Taliban and other insurgents. Those organisations said that the danger of losing the achievements in the fields of freedom of expression and media was growing.

Afghanistan Media Watch officials believe: “journalism in Afghanistan will suffer the greatest harm. Some of the media that have endeavoured for self-sufficiency, shall not come to a stop and will continue to operate. However, some of the TV channels and radio stations will face serious problems. On the other hand, the media affiliated to the regional intelligence organisations will flourish.”

## Annual Report 2012 - Afghanistan<sup>1</sup>



Islamic Republic of  
Afghanistan  
Head of state and  
government: Hamid Karzai  
Death penalty: retentionist  
Population: 32.4 million  
Life expectancy: 48.7 years  
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**October marked the 10<sup>th</sup> anniversary of the international military intervention in Afghanistan. The ongoing armed conflict between the Afghan government and its international allies on the one hand and the Taliban and other armed groups on the other, led to record levels of civilian casualties, prompting Amnesty International to reiterate its calls for the International Criminal Court to investigate suspected war crimes and crimes against humanity. According to the UN Assistance Mission in Afghanistan (UNAMA), 3,021 civilians were killed in the conflict during 2011, with armed groups responsible for 77 per cent of civilian deaths. The judicial authorities, the police and the Afghan National Army routinely committed serious human rights violations. Arbitrary arrests and detentions continued, with systematic use of torture and other ill-treatment by the intelligence services.**

**Afghans, particularly women and girls, were deprived of their rights to health and education. Humanitarian aid remained inaccessible for most people in areas controlled by the Taliban and other insurgent groups. The Afghanistan NGO Safety Office documented 170 attacks on NGO workers – a rise of 20 per cent compared to 2010. Violence against women and girls was widespread and went unpunished, particularly in areas controlled by insurgents. Women reporting cases of gender-based violence received little redress.**

### Background

Parliament was inaugurated on 26 January, four months after elections that had been marred by violence and electoral fraud. Amnesty International raised concerns over the inclusion of candidates suspected of having committed war crimes and other human rights abuses.

Nader Nadery, Fahim Hakim, and Mawlawi Gharib, prominent members of the Afghanistan Independent Human Rights Commission (AIHRC), were ousted on 21 December when President Hamid Karzai failed to renew their terms shortly before the publication of a report cataloguing past human rights violations.

In July, NATO and International Security Assistance Forces (ISAF) began transferring responsibility for security in seven provinces to the Afghan government, and a second phase of security transition commenced in November in 17 provinces.

Peace talks between the Afghan government and the Taliban and other insurgent groups continued, despite the 20 September assassination of former President Burhanuddin Rabbani, ostensibly in charge of the talks, by two men pretending to be Taliban representatives. The UN Security Council de-linked the Taliban from al-Qa'ida in June, removing it from one UN sanctions list.

There were only nine women among the 70-member High Peace Council – the body tasked with negotiating with the Taliban and other armed groups. Afghan women's rights groups and civil society organizations voiced serious concerns over human rights,

<sup>1</sup> Annual Report 2012, launched 24 May 2012;  
<http://www.amnesty.org/en/region/afghanistan/report-2012>



and women's rights in particular, fearing these could be bargained away for the sake of expedience. The Afghan government and its international allies persistently failed to implement in policy and practice UN Security Council Resolution 1325, which calls for women to be meaningfully and adequately represented during all stages of peace talks.

### **Abuses by armed groups**

The Taliban and other armed groups targeted civilians through assassinations and abductions, and harmed civilians indiscriminately in bombings (including multiple suicide attacks), violating the laws of war and committing a raft of human rights abuses. Targeted killings of Afghan civilians, including government officials and tribal elders, working for or allegedly supporting the government or international organizations increased.

According to UNAMA, the Taliban and other armed groups accounted for 77 per cent of civilian deaths. They increasingly resorted to using improvised explosive devices in mosques, markets and other civilian areas, contributing to a substantial rise in the number of civilian casualties.

Armed groups systematically targeted aid workers, killing 31, injuring 34 and kidnapping and detaining 140.

- On 28 June, Taliban gunmen and suicide bombers attacked the Intercontinental Hotel in the capital, Kabul, killing seven people.
- On 13 September, around 10 insurgents targeted the US Embassy, NATO headquarters and other high-profile targets in Kabul. At least 11 civilians, including students, and five policemen were killed; more than 24 others were injured. The Taliban claimed responsibility but the USA blamed the Haqqani network, believed to be based in Pakistan's tribal areas and supported by Pakistan.

On 17 September, nine civilians, including five children, were killed when an improvised explosive device was detonated in Faryab province, north-west Afghanistan.

- On 31 October, Taliban gunmen and suicide bombers attacked UNHCR, the UN refugee agency, in Kandahar city, southern Afghanistan, killing three staff members.
- On 6 December, a suicide bomb attack on

the Shi'a Muslim Abul Fazl shrine in Kabul killed up to 71 people. Another four people were killed in a near simultaneous bomb blast at a Shi'a mosque in Mazar-e Sharif. The attacks marked a serious escalation of previously rare sectarian violence. Lashkar-e-Jhangvi, a Pakistani armed group linked to al-Qa'ida and the Pakistani Taliban, claimed responsibility for the attacks which took place during the Shi'a rite of Ashura.

### **Violations by Afghan and international forces**

ISAF and NATO continued to launch aerial attacks and night raids, claiming scores of civilian lives. According to UNAMA, at least 410 or 14 per cent of civilians were killed in ISAF, NATO and Afghan operations.

- On 20 February, the Governor of eastern Kunar province claimed that 64 civilians, including 29 children, had been killed during joint ground and air operations by Afghan and ISAF forces in the Ghazi Abad district over the previous four days. Senior ISAF officials disputed the account but agreed to a joint investigation. NATO officials later said that most of those killed were insurgents.
- On 23 March, Jeremy Morlock, a US soldier who confessed to participating in the 2010 murder of three Afghan civilians, was sentenced to 24 years in prison. He told the judge at his court martial at Joint Base Lewis-McChord, USA, that "the plan was to kill people".

### **Arbitrary arrests and detentions, torture and other ill-treatment**

The National Directorate of Security (NDS), Afghanistan's intelligence service, continued to arbitrarily arrest and detain suspects, denying them access to a lawyer, their families, the courts or other external bodies. The

NDS faced credible allegations of torturing detainees and operating secret detention facilities. NATO ceased transferring detainees to Afghan forces after a UN report, issued in October, documented the systematic use of torture by NDS officers. According to the report, prisoners had been tortured in 47 NDS and police detention facilities across 22 provinces.

- In August, family members of an Afghan man who had been detained by the NDS in Kabul for allegedly selling counterfeit currency told Amnesty International he had been arrested by the NDS in April and tortured into making a confession. The detainee, who cannot be identified for security reasons, was reportedly punched and kicked until he vomited blood and lost consciousness.

US forces continued to detain Afghans and some foreign nationals without clear legal authority or adequate legal process. Around 3,100 detainees remained held at the US Detention Facility in Parwan (outside the former detention facility at the air force base at Bagram airport). They were held indefinitely in “security internment”; some had been detained for several years. In January, the USA handed over one detention housing unit at the facility, with 300 inmates, to the Afghan authorities as part of its detainee transfer operations. The US Department of Defense stated that by May, the Afghan authorities had conducted more than 130 trials at the facility and the Afghan Justice Center in Parwan since these trials began in June 2010 (see USA entry).

### Freedom of expression

Afghan journalists carried out their work despite pressure and violence, including from government institutions and other influential bodies. The NDS and the Ulema Council (Council of Religious Scholars) brought criminal proceedings against people for writing or talking about matters deemed a threat to national security or considered blasphemous.

- Three Afghan men arrested and detained in 2010 for converting to Christianity were released between March and April.

Journalists were abducted, beaten or killed in politically motivated attacks by government forces and insurgent groups. According to

Nai, an Afghan media watchdog, 80 journalists were attacked and three killed. In areas controlled by the Taliban and other armed groups, journalists were actively prevented from reporting and were frequently attacked.

The government failed to fully investigate and prosecute perpetrators of attacks on journalists, human rights defenders and others peacefully exercising their right to freedom of expression.

- On 18 January, Hojatullah Mujadedi, director of Kapisa FM radio based in the north-east, was released after four months in NDS detention in Kabul. He had been accused of acting as an accomplice to the Taliban.

- On 6 July, Taliban members threatened Ariana TV reporter Niamatullah Zaheer in Helmand province for reporting critically on attacks carried out by the Taliban.

### Violence against women and girls

Afghan women and girls continued to suffer discrimination, domestic violence, forced marriages, trafficking and being traded to settle disputes. They were frequent targets for attack by Taliban forces. According to a joint report by UN Women and the AIHRC, 56 per cent of all marriages occurred when the bride was below the age of 16. The Ministry of Women’s Affairs documented 3,742 cases of violence against women from 22 March to 31 December. In a positive move in September, the Attorney General’s office agreed to create six provincial offices to fight violence against

**Gulnaz, aged 21 and serving a 12-year prison sentence in Kabul for adultery, was released in December. Lawyers have said that such charges have no basis in Afghan law. Gulnaz had been jailed in 2009 after reporting a rape to the police. She faced pressure from the court and others to marry the man later convicted of her rape.**

women.

The police and courts often failed to address women's complaints of abuse, so that allegations of beatings, rape and other sexual violence were rarely investigated. Women trying to flee abusive marriages were detained and prosecuted for alleged offences such as "home escape" or "moral" crimes, both of which were not provided for in the Penal Code and which were incompatible with international human rights law.

- In April, the Taliban abducted and killed a woman in Zurmat district, Paktia province. The Taliban claimed she was killed because she worked for an NGO, denying rumours that it had been an "honour" killing.
- Gulnaz, aged 21 and serving a 12-year prison sentence in Kabul for adultery, was released in December. Lawyers have said that such charges have no basis in Afghan law. Gulnaz had been jailed in 2009 after reporting a rape to the police. She faced pressure from the court and others to marry the man later convicted of her rape.

### Right to health

Targeted attacks on aid workers and government workers, particularly doctors, deprived millions of people of health care, especially in areas most affected by the conflict and those controlled by the Taliban and other armed groups. Notwithstanding improvements to maternal and child mortality ratios in certain areas of the country, conditions overall for pregnant women and young children remained dire.

### Right to education

The Taliban and other armed groups targeted schools, students, and teachers. In areas occupied by these groups, many children, particularly girls, were prevented from going to school. According to the Ministry of Education, more than 7.3 million children were enrolled in school, 38 per cent of whom were girls. Official sources reported that more than 450 schools remained closed and around 200,000 children were unable to go to school due to insecurity mainly in the southern and eastern provinces.

- On 24 May, Taliban members shot dead Khan Mohammad, headmaster of Poorak

girls' school in Logar province, south-eastern Afghanistan. He had continued to teach the girls despite receiving numerous death threats from the Taliban, demanding that he stop teaching them.

### Refugees and internally displaced people

Afghans accounted for the highest number of asylum applications to industrialized countries between January and June, according to UNHCR. By the end of the year, UNHCR documented more than 30,000 Afghan asylum-seekers, while around 2.7 million remained refugees in Pakistan and Iran. The total number of people displaced as a result of the conflict reached 447,647.

Those displaced internally gravitated to the larger cities, particularly Kabul, Herat and Mazar-e Sharif. Many ended up in informal settlements where they were forced to live in crowded and unhygienic conditions with little or no access to potable water, adequate shelter and health services, and under the constant threat of forced eviction. In October, the ICRC reported a 40 per cent rise in the number of those displaced by conflict in the north compared to 2010.

- In early June, clashes between government forces and the Taliban in Faryab province reportedly displaced at least 12,000 people.

### Death penalty

There were two executions. More than 140 people remained on death row and nearly 100 had their death sentences confirmed by the Supreme Court.

In June, two men – one from Pakistan, the other an Afghan national – were executed in Kabul's Pul-e-Charkhi prison, after their appeal for clemency to the President failed. The men had been found guilty of killing 40 and injuring more than 70 people – mostly civilians – in a February attack on a bank in Jalalabad city, Nangarhar province.

### Amnesty International visits/reports

- Amnesty International delegates visited Afghanistan from June to September.
- Afghanistan 10 years on: Slow progress and failed promises (ASA 11/006/2011)



AIHRC

## From *Arbaki*<sup>1</sup> to Local Police: Today's Challenges and Tomorrow's Concerns



### Executive Summary<sup>2</sup>

The Afghan Local Police (ALP) is a scheme for providing security in areas that face actual security threats from the armed opposition and lack adequate national security forces. The present report assesses the performance of the ALP in providing security in these areas and the ALP future.

The ALP can be effective in providing security in a

number of areas in the short run, but there is a concern that in the long run the ALP can itself turn into a challenge for the rule of law and the authority of the government, causing further insecurity and human rights violations in communities.

This report shows that in many cases, the ALP has not been established and its members have not been recruited in accordance with the principles and standards enshrined in the Procedure on the Regulation and Establishment of the Local Police. The recruitment process is hugely influenced by commanders, local authorities, and local influential figures. On the other hand, the US Special Forces have also interfered in the recruitment of the ALP members. Sometimes the ALP has even been established by them in communities. The creation of the ALP under the influence of local commanders, influential figures, and foreign forces without the supervision of the government can make the ALP members disobey the government and legal institutions of the central government. In absence of central government's authority and rule, the ALP members have harassed the public population. This causes disorder, insecurity, and lack of public trust in the government.

This report indicates that a number of individuals who have been thus recruited in the ALP have had membership records in illegal armed groups, *arbakis*, and the Taliban; most of them have been members of hostile groups in the past. Some of them are notorious for having committed criminal acts and people have very bad memories of them. According to a number of officials, there are individuals within the ALP who have bad war records and who are even serial killers. This makes people lose their confidence in the ALP and even in the government. In some areas, the ethnic and tribal balance has not been observed in the ALP composition. As a consequence, people do not support them.

The ALP illiteracy rate is over 90 percent and it is reportedly around 98 percent in some areas and those ALP members who are literate only have primary education. Although the Procedure considers a three-week training course for the ALP members and special training programs have been organized for them in a number of areas, these programs are not sufficiently effective, because their duration is very short for illiterate and inadequately literate individuals and this is

1 Illegal armed group

2 Afghanistan Independent Human Rights Commission; Spring 2012; Executive Summary:

<http://www.aihrc.org.af/en/research-reports/1073/from-arbaki-to-local-police-today%E2%80%99s-challenges-and-tomorrow%E2%80%99s-concerns.html>

Full Report:

<http://www.aihrc.org.af/media/files/Reports/Research/English/Report%20on%20Afghan%20Local%20Police%20%28Final%20Draft%2C%20English%29.pdf>



not sufficient for learning duties, treatment of the public population, and human rights norms and standards. This seriously challenges the efficiency and effectiveness of the ALP.

Most of these violations have taken place in areas where local commanders, the Taliban members, and individuals with bad past records have been recruited within the ALP structure or where the ALP has not been able to win public support and satisfaction due to lack of ethnic/tribal balance in its composition or because of its illiteracy and lack of awareness about laws and human rights values. Furthermore, the ALP has committed more human rights violations in areas affected by local and ethnic/tribal conflicts.

The present report demonstrates that the ALP has been able to improve the security situation in some areas. The ALP has had a positive performance particularly in Marjah, Nad Ali, Nawah, Garmsir, Gereshk, Musa Qala, and Sangin districts of Helmand province and local officials in Kunar, Kunduz, Jawzjan, Sar-e Pul, and Nuristan have expressed their satisfaction with the role and performance of the ALP in providing security for communities.

Nonetheless, many cases of the ALP negative performance have also been reported. Some of these instances of negative performance include infringements upon the ALP legal powers. As mentioned earlier, the Procedure on the Regulation and Establishment of the Local Police has not been observed in recruitment of the ALP members and the recruitment process has been influenced by local commanders, strongmen, and foreign forces. In some areas, including Helmand and Uruzgan, the ALP has gone outside its areas of responsibility and conducted operations in other districts and even provinces, while an ALP area of responsibility is limited to a community and to a district in the maximum and that is subject to approval of and coordination by relevant district security and administrative authorities.

In a number of areas, citizens and local government officials have reported that the ALP interferes in local conflicts among various ethnicities and tribes and is even implicated

in conflicts with people, sometimes perpetrating such criminal acts as robbery, destruction of houses, harassment of people, beating, and even murder. Abuse of weapon and uniform and carrying weapons outside the assigned communities and districts, interference in people's family affairs, and attempt to detain and imprison people have also been reported.

In addition, the ALP has been accused of committing human rights violations in a number of areas. Reports indicate that various cases of human rights violations have been perpetrated by the ALP. According to these reports and the AIHRC interviews with people and local government officials in provinces and districts, the ALP has been accused of committing such acts as harassment of people, beating, murder, robbery, abduction, banditry, extortion, forcing people to pay ushr tax, poll tax, and the like.

Most of these violations have taken place in areas where local commanders, the Taliban members, and individuals with bad past records have been recruited within the ALP structure or where the ALP has not been able to win public support and satisfaction due to lack of ethnic/tribal balance in its composition or because of its illiteracy and lack of awareness about laws and human rights values. Furthermore, the ALP has committed more human rights violations in areas affected by local and ethnic/tribal conflicts.

Although people, in some cases, have complained against the ALP to pertinent authorities, but people, in most cases, cannot complain against the ALP to pertinent authorities for fear of retaliation. Some officials and strongmen protect the ALP from public complaints. Additionally, lack of people's awareness about their rights and follow-up of cases, corruption in the justice system, and impunity of violators have caused people not to approach courts and other relevant government institutions and refrain from following up their cases. Unfortunately, not only the ALP, but also the Afghan National Police (ANP) has sometimes committed criminal acts that have gone uninvestigated. Corruption in the government, particularly in the justice system, has reduced public confidence into government institutions in general and in judicial organs in particular. This situation paves the way for infiltration of and recruitment by the Taliban and other

armed opposition groups.

All in all, the ALP has won relative public support and has been more successful in performing its duties in areas where it has been established according to the relevant Procedure and people have been consulted about its formation. But the ALP has not been able to win public support and satisfaction and has mostly failed to provide security in areas where its recruitment has been influenced by local commanders and influential figures or it has been established by the US forces. Therefore, the success of the ALP fundamentally depends on public support and satisfaction and public satisfaction is gained when the ALP members are not recruited from among individuals with bad past records or from among former members of hostile groups during the war or from among the Taliban members, since these individuals have been involved in and have spread local disputes and ethnic and tribal conflicts in the communities in the past. Based on these points, the present report assesses concerns about the future of the ALP. The ALP composition and structure; influence of local commanders, influential figures, and foreign forces in the ALP establishment and recruitment; presence and role of individuals and groups with bad past records; and high illiteracy rate in the ALP have made people apprehensive about the ALP future. Additionally, the ALP is not under the monitoring and control of the government, its members are not adequately disciplined, and there is no organized and regular relationship among different units of the ALP. Also this force is usually established in areas that are insecure where government authority is very weak. This also reduces chances for government monitoring and control.

Although the ALP has been created to provide security for communities, considering these issues, it is likely to be exploited by the armed opposition, narcotics mafia and human trafficking groups, and local commanders with a consequential potential for spreading ethnic/tribal differences and insecurities in communities. There is also the apprehension that the growing power of the ALP in outlying areas without serious government monitoring and control can even turn the ALP into the armed opposition resisting government authority and the rule of law. Therefore, there are three concerns about the future

of the ALP: concern over the weakening of national sovereignty as a result of the power of the ALP in communities, concern over spreading violence and increasing insecurity in communities caused by the ALP, and concern over growing crime and mounting human rights violations by the ALP.

Another section of this report assesses the presence of illegal armed groups and *arbakis* in communities. Such groups are currently present in many insecure areas, sometimes clashing with one another or with police forces and/or with the Taliban. They are against any type of monitoring and control and in general, they benefit from lawlessness, disorder, and lack of a central monitoring and accountability authority. Therefore, these groups are not consistent in their behaviour and performance with regard to both the Taliban and the government and they are likely to clash with both parties or align with one party against the other due to their economic interests. Individuals affiliated with such groups commit crime and offence in most areas, are implicated in security incidents, and are sometimes supported by the US forces in the fight against the Taliban. Also *arbakis* and illegal armed groups are, in some cases, supported by a number of provincial and district government officials and even by powerful persons in top government positions. Sometimes prominent and high-ranking government officials illegally arm irresponsible individuals, pay them, and put government facilities at their disposal. This report shows that *arbakis* have already been present in almost all areas where the ALP has been created and that they have huge infiltration within the ALP structure. In most communities, people do not differentiate between the ALP and *arbakis*. Therefore, they see no difference between the ALP and *arbakis*. It is interesting that sometimes government officials do not make such a distinction either. As a result, acts committed by *arbakis* and irresponsible armed forces in communities can negatively affect the image of the ALP in public opinion. With its existing composition, the ALP cannot win public support and trust in and provide stable and durable security for communities.

## Human Rights Violations News<sup>1</sup>

- **Killing of a woman in Shenwari district of Parwan province**

The AIHRC condemns the killing of a woman



in Shenwari district of Parwan province by Taliban and considers it contrary to human values, human rights and humanitarian laws as well as Islamic principles. Parwan incident occurs in the continuity of actions taken place against human rights aimed mostly at harming and killing of defenseless civilians and creating intimidation among people.

At the same time, the AIHRC severely condemns the increase of violence especially the increase in number of incidents that have led to murder of women in the recent months, sometimes occurred by the armed groups and individuals, and express its concern over the failure of government to ensure the safety and physical security of women and Afghan citizens in the country.

During three last months, the AIHRC recorded more than 58 cases of violence

aimed at murder or led to murder, most of them honor killing or killing after rape. This figure represents a concerning status of women, indicating that women are in danger in different parts of the country due to lack of security, lack of government control, excessive emotional and family violence or presence of armed forces and Taliban.

The AIHRC while requesting the government to prioritize ensuring of people's security and women's physical safety, demands the concerning authorities to take serious action regarding Shenwari case in Parwan province and other similar cases recorded in the country, and adopt urgent plans for protecting and supporting women across the country.

During transfer of security responsibility in the provinces and in the pre-transfer assessments of security responsibilities the Afghan government should emphasize on ensuring of security and safety of Afghan citizens specially women, their human rights and mechanisms to support and protect women in the county.

The AIHRC also calls on the government for immediate and effective action in implementing of UN Security Council resolution- 1325 on women in conflict.

The AIHRC hopes that the government will provide opportunities for the effective, immediate and accessible remedies to everybody through accelerating reform process in the area of improvement of rule of law and justice system in the country to fight against existing violence.

8 July 2012

<http://www.aihrc.org.af/en/press-release/1101/the-aihrc-condemns-the-killing-of-a-woman-in-shenwari.html>

- **Closure of schools**

Access to and enjoyment of education is an inalienable human rights. Education is the foundation of human personality development and forerunner of any kind of stable progress and development of the country. Therefore the Constitution of the country has considered this right as the basic rights of Afghan citizens, and has made the government committed to provide the necessary means and opportunities for expansion, development and promotion of education. The sacred religion of Islam has also valued knowledge and education and has emphasized that teaching and learning is obligatory for each Muslim man and women, therefore for any act to deprive people from this invariable and basic right, under any

<sup>1</sup> Read the full texts of the news in the sources given for Statements of Afghanistan Independent Human Rights Commission

pretext and reason is considered to be an inhuman and illegal act, and against Islamic Shariat.

Whereas more than three decades of war has deprived millions of Afghan citizens from the right to education, and irreparable damages have been inflicted on our education system, it is the Islamic, legal and national duty of people and government to promote and expand the quantity and quality of education in the country through creating necessary opportunities and capacity building programs and through establishing schools and ensuring of wide and continues presence of our children and youth at schools, and through ensuring of security for the students in the country, so that this long and historic lag and backwardness would be compensated and denial of the invariable right of people be prevented.

Unfortunately, in recent days once again the enemies of knowledge and education engaged in closure of schools by destroying and setting schools on fire and threatening and killing of innocent teachers and students in Ghazni, Paktia, Nangarhar and other provinces of the country. Thousands of students and hundreds of teacher who are eagerly trying to teach and learn are deprived from school and abandoned to fate by the anti government armed forces.

The AIHRC while condemning these kind of acts, considers any threats to education and denial of people from the their right to education, as a gross violation of human rights and rights of citizenship of our people, and urges the government to take necessary and effective measures to fight against such threats, and perform its legal obligations in this regard.

13 May 2012

<http://www.aihrc.org.af/en/press-release/1074/press-release-condemning-the-closure-of-schools.html>

- **Presidential order on the necessity of compliance with the relevant laws and regulations during special operations**

The AIHRC welcomes the MoU signed on April 8, 2012 between National Defense Minister and General Commander of NATO International Security Assistance Force (ISAF) based on which the duty of special operations transferred from NATO- ISAF forces to the joint forces of Afghanistan National Defense Ministry, Ministry of Interior and National Department of Security.

The AIHRC while supporting the Presidential

Order on full adherence of all national operational forces to relevant laws and regulations during conducting of special operations emphasizes on practical observation and implementation of the Order.

Assuredly, the fight against terrorism, aggressors and perpetrators of human rights violations in the country is an urgent need, but under any condition conduction of any operation and measures taken by the security forces should be proportionate and in accordance with our national laws and in compliance with international human rights standards and international humanitarian laws.

Humanity, fair treatment, non-discrimination, military necessity, restriction, distinction, proportionality and good will are the most important international humanitarian principles and rules. All conflicting sides are obliged to observe them.

The AIHRC urges the government to take necessary and practical measures to ensure that citizen' rights are respected and national laws and international humanitarian norms and standards are observed during special operations in the country.

To this end the following points should necessarily be taken into consideration:

Necessary laws and regulations should be adopted based on the Constitution and international human rights standards, Cases of violations of human rights and humanitarian law, as well as cases of war crimes and crimes against humanity should be integrated in the national legislation, Prosecution and trial of the violators of human rights and humanitarian law, and perpetrators of war crimes should be exercised, and the culture of impunity must end.

Essential courts should be established in this regard, and the judges should be provided with necessary training particularly in relation to the standards of fair trial, Effective educational programs should be developed in the area of international humanitarian law and national laws to all national security forces in the country, particularly to those engaged in the conflict. The issue of monitoring and oversight of the practices of operational forces during conduction of special operation, monitoring of facilities and detention centers as well as process of trial of perpetrators should be taken serious, and grounds for serious and careful monitoring of monitoring agencies,



especially the AIHRC should be provided in advance, in all phases.

The AIHRC once again welcomes the presidential order on full observation of basic rights of citizens during special operations as well as in conduction of investigation, detention and prosecution of suspects in line with standards of humanitarian law, and calls on national and international forces to carefully and seriously respect and observe the legal rights and freedoms of individuals, and the principles of international human rights standards and humanitarian law.

18 April 2012

<http://www.aihrc.org.af/en/press-release/1049/the-aihrc%E2%80%99s-statement-to-welcome-the-presidential-order-on-the-necessity-of-compliance-with-the-relevant-laws-and-regulations-during-special-operations.html>

- **Resolution of the Afghanistan Council of Ulema proclaimed on 3 March**

The AIHRC regards the Constitution as one of the most important achievements of the Islamic Republic of Afghanistan in which the rights and duties of all citizens are guaranteed in accordance with Sacred Religion of Islam. The AIHRC believes that the Constitution is one of the most important and most basic elements of a democratic and efficient

society and the government is committed to ensure its observance. In the light of this Constitution the Violence against Women Act., after getting approved by the Council of Ministers, was endorsed by the president in 1388.

The Commission while confirming the content of paragraph 5 in which the women is defined as the foundation for an educational society , paragraph 1 and 8 of this resolution in which the women's property ownership, inheritance, *Mahr*, the right to choose a spouse , the right to dignity, women's freedom and independence is approved, expresses its concern about paragraphs 9 to 14 of this resolution which is not in compliance with Article 22 and 24 of the Constitution and government commitments to International Human Rights Instruments and provision of the Violence against Women Act.

It is expected that the Afghan government would give a serious consideration to observance of Law as a fundamental principle in order to ensure a rule-governed and collective society and react with responsibility against all cases that can bring the provision of the Laws under question.

7 March 2012

<http://www.aihrc.org.af/en/press-release/1031/press-release-on-the-resolution-proclaimed.html>

*from page 27*

### ***We condemn 15 April ...***

promises of the international community to the people of Afghanistan and international public opinion;

- Encouraging the Taleban and other terrorist groups and inviting them to join the peace process without being accountable paves the way for human rights violators, prevents reforms of the Administration and establishment of democratic and accountable institutions in the country;
- The increased violence, insecurity and instability in the country are in part due to incorrect and uncalled for policies in Afghanistan. Ignoring the people, extra-legal actions and absence of accountability undermine obligations to human rights and justice, deepen the crisis and make it more difficult to reach solutions.

Transitional Justice Coordination Group;

Women's Political Participation Committee; Afghan Civil Society Forum Organization; Afghanistan Independent Human Rights Commission; Afghanistan Human Rights and Democracy Organization; Armanshahr Foundation; Cooperation Center for Afghanistan (CCA); Cooperation for Peace and Development; Fadayi Herawi Publishing House; Human Rights Focus Organisation; Rawan Online; Foundation of Solidarity for Justice; People's Radio; Nai Institute; Civil Society & Human Rights Network (CSHRN); Women's 50% Campaign; All Afghan Women Union; Civil Society Development Center; National Movement of Young People of Afghanistan; Sobhan Foundation; Camera Magazine; New thinkers Cultural and Social Association; Family and Citizen Rights Development Forum; 8 Sobh Daily

<http://www.fidh.org/Joint-statement-of-23>



**Joint Statement of Transitional Justice Coordination Group (TJCG) & 22 Civil Society umbrella groups, Human Rights, Women’s Rights and Media organisations of Afghanistan**

**We condemn 15 April terrorist attacks**

17 April 2012

The terrorist attacks on 15 April 2012 in Kabul, Nangarhar, Lugar and Paktia provinces, which led to the killing and wounding of civilians, soldiers and police, display the fragility of the national security conditions and the determination of the Taliban and their supporters to continue the war against the people of Afghanistan.

The attacks pointed out the incorrectness of the actions and the strategy of the Afghanistan government and its international supporters under the pretext of reconciliation and demonstrated once again that “Peace without Justice” will be fragile and not last. The innocent people of Afghanistan, however, pay the price of this mistaken strategy. Our statesmen have opened the gates to the belligerent opposition groups with the slogan of «peace and reconciliation»; without being able to provide security, justice and the rule of law and to create proper and systematic institutional processes to examine the reasons for three decades of war; to establish national reconciliation; and provide justice for victims of war. The policy of the current government and its international supporters has in fact received no response other than explosions and terror every time. The principal victims are always the children of

this land. After 10 years, the government and its international supporters have not been able to extinguish the flames of war through channels of law and justice; they have failed to remove the actors of war.

This is only one side of the story. The other side is the increasing number of cases of human rights violations, violence against women, , injustice, lawlessness and killing of civilians. By promoting negotiations at any cost and reconciliation with the terrorists, leaving them free hand like a shadow government in various parts of the country and planning to give them a share in government without consideration for justice, the basic rights of the people are and will be sacrificed in practice.

**Do not ignore the positive achievements of the last 10 years!**

The people of Afghanistan have voiced their views and wishes in several elections in the past 10 years. Their strong presence in the first Presidential Election signified an outright rejection of the Taleban “governance” once and for all.

The Transitional Justice Coordination Group and other human rights, women’s rights and

civil society groups have repeatedly voiced their concerns about the unsoundness of “peace without justice” strategy to the government and the international community and have consistently advocated a strategy of “peace with justice”, demanding development and enhancement of the country’s justice system. These voices have remained unheard and neither the government nor the international community has responded to them yet. The Afghanistan government and the international community have so far failed to take practical preventive measures against terrorist attacks and to protect the civilians.

On the other hand, the escape of Taleban prisoners from prisons in Pakistan and Afghanistan, the premature release of inmates of armed opposition groups before prosecuting them, and failure to investigate reports on torture in prisons have promoted the culture of impunity and undermined the rule of law.

The government of Afghanistan and the international community give assurances that the Taleban have grown weaker and incapable of fighting. However, events such as the recent terrorist attacks, the summary “customary courts” set up in the provinces that issue death sentences; the cases of stoning, acid throwing, poisoning the drinking water of girls’ schools and other incidents prove this claim wrong. The climate of fear and terror among the citizens of Afghanistan is expanding the people’s distrust of the international community and the government. Violence and cruelty against women are on the rise. The rise in civilian casualties and disregard for them are cause for concern of the Human rights and civil society communities. The civil society institutions have offered specific mechanisms for the peace process in Afghanistan. We have access to the experience of a large number of countries that have achieved peace after conflict. The failure to attend to these demands and proposals has restricted the scope of democracy, human rights and justice. The government’s silence on and the disregard of justice mechanisms for prosecution of terrorist attackers are questionable.

The terrorist attacks in Kandahar, Baghlan, Herat, Helmand, the killing of several women by their family members, the death sentences issued by “customary courts” in various parts of the country, acid throwing on two children

(an 8-year-old boy and an 11-year-old girl) in Ghazni province, poisoning of scores of female students in Takhar Province as well as numerous other incidents have occurred since the beginning of the new solar year in March 2012. Absence of security has put a halt on the fulfilment of basic and infrastructure works and impeded investigations of widespread violations of human and women’s rights.

The signatories of this Statement call on the government of Afghanistan to comply with international conventions and covenants, as required by Article 7 of the Constitution, and to deal firmly with the terrorists.

We warn the government of Afghanistan and its international supporters that the “peace without justice” process shall have bloody consequences for the people.

### **To the attention of the Government of Afghanistan:**

The Government

- is required to deal under Law with commanders and perpetrators of the terrorist attacks to protect justice and end impunity;
- must not enforce on the people the current peace process, which is based on injustice;
- must revise the inefficient methods and mechanisms adopted in the peace process, to listen to victims and respond to their demands for justice;
- is required to prevent violence against women and the rising human rights abuses, and deal with commitment with perpetrators and human rights violators;

The Government of Afghanistan is committed to the Geneva Conventions and is obliged to abide by them. The Judiciary must investigate the perpetrators of domestic violence and human rights violations.

### **To the attention of the international community:**

- The international community has been constantly talking about democracy, security, human rights, women’s rights and provision of justice. This has remained pure talk and the international community has not taken effective action in this regard. It is required to abide by its obligations to create a stable, democratic society free of violence and human rights abuses in Afghanistan;
- The current peace process in this country contravenes all the international treaties and the .....

*Continued on page 25*

Interview

**There is still a chance to control the growing trend of armed conflict in Afghanistan**



Jawad Darwaziyan interviewed Nader Nadery<sup>1</sup> for *Armanshahr*.

**J.D.: why was it important to raise the topic of transitional justice in Afghanistan?**

**N.N.:** in this country, war has wreaked havoc. Despotic and ideological systems have restricted people’s thinking and freedoms and various groups and people have faced problems throughout the history. Nothing has been done to remedy all that violation of their rights. There is pain on all levels of the society, through which our nation has a common history. Throughout the 23 years, since the beginning of armed conflict, until 2001, many people were killed, injured, and suppressed, disappeared and sent to prisons by tyrannical regimes. Armed persons committed crimes against the people, even though they only had a duty to establish order and security, and were authorised only to take action against conflicts as directed by the international law. The 23-year history inundated with violence and suffering

necessitated the discourse of transitional justice.

**Why has the interest of the government and the international community and this topic has increasingly subsided?**

**N.N.:** It is rather optimistic to think that the politicians had willpower and enthusiasm to implement transitional justice. The actors who are now present within the system considered any talk of accountability and justice as threats to themselves from the beginning. They tried to create obstacles from the very first days. In previous years, when we submitted a report on the outcome of national consultation to the president, it was not received with enthusiasm. It was stated in the report that 92% of the people demanded enforcement of justice, 76% said they were victims of human rights violations.

When we asked the president to put into practice the recommendations in that report, a team was formed to draft the Plan of Action for Peace, Reconciliation and Justice based on those recommendations. After it was formulated and submitted to the Cabinet, it was left out of the Cabinet’s agenda several times for a year. There were members in the government who considered it as a threat to themselves and opposed it. Finally, the Plan of Action was approved on 10 December 2005 by the Cabinet, as a result of endeavours and pressures exerted by civil institutions and the Afghanistan Independent Human Rights Commission. Nevertheless, certain changes have been made to reduce its force.

A year later in December 2006, the president officially declared that the plan was in force. On that day, the president cried in his speech as a result of the pictures he had seen and the reports he had heard. That speech gave support to the process. However, fears of the individuals who were afraid of justice and accountability grew gradually. Consequently, they brought forward the Amnesty and Reconciliation Law and exerted increasing pressure on the government. Lacking political willpower to deal with the issue seriously, the government backed down and the president said a year later in December 2007 that they could not implement the plan owing to the presence of powerful persons who had committed crimes. Since then, the role and influence of individuals who operated against justice and accountability has increased

<sup>1</sup> former AIHRC commissioner for transitional justice



within the government. Therefore, support and interest of the government in transitional justice subsided greatly.

Another factor was the role of the international community. Unfortunately, members of the international community, who mainly aimed to fight terrorism rather than build a democratic Afghanistan based on justice, supported a number of individuals who should have been accountable within the transitional justice process, and enlisted them as their military partners. The international community has never actively supported the process of investigating past crimes.

**Some people are of the opinion that the topic of transitional justice has been mainly directed at the political opponents of the government, who were linked to previous governments, through which the new government would stop their influence. What is your opinion in this regard?**

N.N.: It is totally unfair to say that the government initiated the transitional justice process and used it as an instrument. The discussion about transitional justice began in the next room here, when the AIHRC was established. The only thing people expected from the commission was to put war criminals on trial, even though that was a mistaken interpretation about the commission and the AIHRC could not do it.

The people would come to us with their complaints from remote areas... The AIHRC had been assigned to suggest mechanisms to the government to implement. We concluded that we could not talk among ourselves as representatives of all the people. Therefore, we came up with a plan based on which we prepared the Voice of People for Justice, to do which we travelled across Afghanistan and even to the refugee camps in Pakistan and Iran. However, the government reluctantly accepted the report. I remember that day the president was scheduled to receive the report in public and declare its implementation, the government's protocols director and other members were trying hard to prevent it from happening. Even when we went to the presidential palace, they tried to prevent the media from being there when the AIHRC was due to present its report. Later, however, a number of government members were interested in using it against this or that

person. The commission, the media and civil society, however tried systematically to keep the issue of transitional justice out of the sectarian wranglings.

**Experience of transitional justice in other countries shows that in most places victims stood up to the government to have justice implemented. The case was reversed in Afghanistan. Even the people who were opposed to justice operated more successfully in mobilising the people against the process. Why did the transitional justice process fail to rally the victims?**

N.N.: It is not possible to repeat the experience of any country in another country. The conflict in Afghanistan has three periods. Victims of each period refused to accept the legitimacy of victims of other periods. The victims of the Communist regime did not consider the legitimacy of victims of the second period, i.e. 1992-1996, or the victims of the wars among the political parties and organisations. Victims of the third period under the Taliban did not accept others as victims. Failure to provide a clear definition of a victim prevented movements of war victims from taking shape.

In every other country, there are several actors in the transitional justice process: the government, international institutions such as the UN and its Security Council, civil society institutions, and the victims groups which constitute a small proportion of those actors. The difference in Afghanistan was

As far as the AIHRC is concerned, the report is ready. It does not belong to the Commission or any person. It is bigger than any institution, it belongs to the people of Afghanistan; it is a historical document. It cannot fulfil the objectives for which it has been documented if there is not proper management and approach to it at the national level. That objective is not to take revenge

that the first two were not interested in the process, and the civil society failed to take any fundamental action. The long history of the war meant that a large number of the victims were dead. There was also a crisis of lack of trust. The victims did not trust that seeking justice would succeed. They still feared the criminals. There were no protection mechanisms.

There can be seen a growing trend of groups of victims joining together from 2006 to 2008 and even 2010. In 2007, when president said that he could not provide justice, scores of victims stood up and showed their hands and feet, narrated their own stories and said nobody had the right to trade their rights. That shows that the people hoped at the beginning transitional justice would be implemented, but their hopes gradually faded. They got organised and took to the streets. There is a group of victims in Badakhshan now. There are groups in Bamian, Yakawlang, several groups in Kabul, in Jalalabad...

**Many national and international organisations have been waiting for the AIHRC's Conflict Mapping Report for several years to use it more forcefully to seek justice.**

**N.N.:** As far as the AIHRC is concerned, the report is ready. It does not belong to the Commission or any person. It is bigger than any institution, it belongs to the people of Afghanistan; it is a historical document. It cannot fulfil the objectives for which it has been documented if there is not proper management and approach to it at the national level. That objective is not to take revenge. The first idea is that our people have a common history that arises from a common suffering. That is the reason why we should look at our bad past once and for all. How should it be published? There is a need for national leadership in the first place. There is a need for courage on the part of the national and political leadership.

**Why does the government not agree to publish it?**

**N.N.:** The government has other priorities. The first priority is transition of security. Also the question has not been answered as to how this report can take Afghanistan one step forward or engage us in another crisis. There is also no political willpower even to the extent to discuss about the report. The

second reason is that they think the report has limited support and only a few people in the AIHRC support it. They bring this up because the civil society institutions are silent on the issue. Even the Transitional Justice Coordination Group is doing less than before and one does not even feel the existence of the Group.

**Justice cannot be achieved without peace and vice versa. What is the perspective for transitional justice in view of the increasing violence in Afghanistan? Can peace be achieved under the present national conditions?**

**N.N.:** No country has achieved peace by hiding past injustices. You cannot achieve peace without admitting the suffering and problems of a vast group of people throughout the country, establishing the related mechanisms, identifying the perpetrators and obtaining their apology. Otherwise, we shall not achieve political stability in view of the increasing political differences that lead to religious, ethnic and factional differences. Implementation of justice is the foundation for political stability.

Transitional justice does not concern individuals and institutions. It concerns families, victims and nations. Injustice against individuals and oppressors who commit it shall not remain unaccounted for.

**One of the prerequisites for implementation of transitional justice worldwide has been the belief of the conflicting parties in ending the violence. That belief does not exist in Afghanistan yet.**

**N.N.:** Not now. The opportunity existed until 2007 and 2008 when the conflict was not as extensive as the present. One reason for the conflict is that some people have lost hope that justice will be implemented. Therefore, they think that they should pursue revenge. This is facilitated by people who distribute arms. Nevertheless, Afghanistan has still the possibility to control the growing trend of armed conflict by means of transitional justice mechanisms, according to which there must be administrative reforms, various public departments must be purged from criminals... If that is done, trust will automatically increase and the number of the opponents and terrorists will be reduced. This can provide peace on a long-term basis.

## Report

## Transitional Justice Coordination Group – a record sheet

Ajmal Baluchzada

Transitional Justice Coordination Group (TJCG), comprising 27 local and international groups, was established in 2009 to coordinate the work of groups operating in the field of transitional justice.

TJCG endeavoured to have the deadline of the 2005-2007 plan of action of the government of Afghanistan (Peace, Reconciliation and Justice in Afghanistan), because it knew from the beginning that without government support for the process and in view of the weakness of the national justice system, the transitional justice process would face grave problems. The presence of human rights violations suspects in important government departments has made the fulfilment of justice a difficult task.

The General Amnesty and National Reconciliation Law that was approved by the Parliament on 6 May 2007 granted amnesty to all perpetrators of human rights abuses and relieved them of accountability for inhuman actions they had committed. In view of the growing culture of impunity and the government's lack of commitment to transitional justice process, TJCG made efforts to achieve its fulfilment through consultations on the national and international levels.

On the other hand, the government did not pay attention to the transitional justice process with the argument that it would harm national security and could undermine the trust of a large number of people in the government. Today, 10 years on, the dossier of transitional justice has been closed on the official level.

Nevertheless, the achievements of the past 10 years have displayed that TJCG has played a prominent role within the human rights community Afghanistan, defending rights of the victims, and is continuing to seek justice.

TJCG has issued statements to underline justice and fulfilment of transitional justice about the second presidential election, parliamentary elections, London Conference, Kabul Conference, Peace Consultative Jirga, establishment of the High Council of Peace, abolition of the General Amnesty Law, and the killing of civilians.

TJCG has been trying to underscore the role of the victims on the national and international levels and to prevent them from being forgotten. Some groups of victims have begun operating in some of the provinces.

TJCG has underlined the following topics in its press conferences: strengthening the justice system in the country, purging the government departments from human rights violators, preventing civilian casualties, implementation of transitional justice, providing compensation to victims of three decades of war, bringing impunity to an end, attending to the demands of the victims, preventing discriminatory attitudes to the citizens and to war victims in particular.

Simultaneous with the Peace Consultative Jirga in 2010, TJCG organised the Victims Jirga in which about 150 victims from three decades of war took part and shared their painful memories and stories with other participants and human rights groups. They demanded that war criminals be accountable for their actions. They expressed their deep concern with the culture of impunity and believed that the armed opposition groups, in particular the Taleban, must not be allowed to join the peace process in an un-transparent process, before being accountable and facing justice. However, victims were absent from the Peace Consultative Jirga.

There is a consensus among the human rights activists and institutions that the human rights violations may take a strong root if an accountable government does not come into office and the international community does not demand the government to pursue transitional justice.

Absence of a War Crimes Law also poses a challenge to transitional justice and there have been extensive discussions to enact such a law. Whereas the government of Afghanistan signed the Rome Statute in 2003, in meetings with representatives of the International Criminal Court, TJCG has asked the court to initiate its preliminary investigations in Afghanistan.

While the Afghanistan Independent Human Rights Commission has been unable to publish its Conflict Mapping report, owing to expediency raised by the government, the TJCG has demanded its publication. Its publication would help to identify of suspects of human rights violations and to prevent their candidacy in presidential and parliamentary elections. The Electoral Complaints Commission has failed to do much in this respect and this has caused problems in the Parliament.

Irresponsible individuals have occupied some positions in the government and judiciary. TJCG believes that it is essential to purge government departments from criminals. This would prepare the conditions for strengthening democracy, rule of law, justice and equality.



## International Federation for Human Rights (FIDH) Armanshahr Foundation/OPEN ASIA

### Press release

**Paris, Tokyo, Kabul, 5 July 2012. On the occasion of the Tokyo Conference, FIDH and Armanshahr Foundation/OPEN ASIA urge the international community to take immediate steps in safeguarding and consolidating democratic achievements accomplished since 2001, as well as ensuring that Afghanistan does not revert back to a situation of widespread and systematic human rights violations and repression. The prospect of the forthcoming NATO military disengagement from Afghanistan by the end of 2014, combined with the Taliban's increasing presence in key positions and institutions, demonstrate more than ever the fragility of rule of law in Afghanistan, as highlighted by FIDH and Armanshahr Foundation/OPEN ASIA in their joint report, "[Human rights at a crossroads: The need for a rights-centred approach to peace and reconciliation in Afghanistan](#)".**

The Tokyo Conference will take place on 8 July, and bring together approximately 70 countries and international organisations with the objective of securing financial, development and security assistance from international donors to Afghanistan beyond 2014. The conference is a direct follow-up to the Bonn Conference of 5 December 2011, with the aim of translating into action the commitments made last year.

More than ten years since the fall of the Taliban regime, there are clear signs today that the Afghan government established in December 2001 has been unable, hand in hand with the international community, to effectively strengthen the democratic institutions, ensure separation of powers, establish the rule of law, eradicate widespread corruption, put an end to impunity, and place human rights at the core of reconciliation, peace-making and development in Afghanistan.

For economic development to be sustainable in Afghanistan, it must be fair and lead to adequate wealth redistribution, in line

with fulfilment of the social, economic and cultural rights of all citizens in their diversity. The international community's commitment to support Afghanistan's development and to provide humanitarian assistance, as indispensable as it is, must be strictly based on internationally recognised human rights principles.

"We have taken note of the long-term commitments concerning the capacity-building of Afghan security forces, announced at the NATO Chicago Summit last May; however, this is only one piece of the puzzle for the stability of Afghanistan's future", said Souhayr Belhassen, FIDH president. "We therefore urge NATO member States and other donor countries to ensure that the progressive withdrawal of international troops is accompanied by an ambitious plan aiming at safeguarding Afghanistan's democratic institutions presently at risk, and based on transparency and sound accountability mechanisms", she added.

"Donor countries must strongly support the still fragile civil society and NGO community in Afghanistan, including human rights and victims' organisations, and ensure that development assistance fully addresses the needs defined in consultation with Afghan civil society actors, including women. They need to hear the call for justice and protection of democratic processes expressed by the Afghan people, especially the youth", concluded Guissou Jahangiri, executive director of Armanshahr Foundation/OPEN ASIA.

FIDH and Armanshahr Foundation/OPEN ASIA submitted their recommendations in an open letter to the government of Afghanistan and the international community.



## Open Letter

Paris, 4 July 2012

### Tokyo Conference on Afghanistan – benchmarking development to key human rights indicators

#### Excellencies,

FIDH and Armanshahr Foundation/OPEN ASIA welcome the opportunity as well as the objectives of the Tokyo Conference which will discuss, on July 8 2012, ways for the international community and the government of Afghanistan to secure financial, development and security assistance. The Conference, which is a follow up to the Bonn Conference of 5 December 2011, aims to translate into action the commitments made last year and strengthen international support to the country.

In the ten years since the fall of the Taliban regime, some democratic achievements have been achieved amidst a context of extreme challenges on the ground, including violence and insurgency, but there are clear signs that the Afghan government has not effectively established the rule of law, secured democratic institutions, ensured the separation of powers, eradicated widespread corruption, nor put an end to impunity, as highlighted in a report published by FIDH and Armanshahr Foundation/OPEN ASIA, in May 2012, "[Human rights at a crossroads: The need for a rights-centred approach to peace and reconciliation in Afghanistan.](#)"

The international community, amid stated objectives to support the realisation of human rights, needs to strengthen its support by developing its aid in a more efficient way. It should move from stating generic goals for its support to using clear, specific and publicly stated benchmarks and indicators of realisation of fundamental rights.

In this context, FIDH and Armanshahr wish to underline a series of key benchmarks which need to be addressed and met, in order to ensure tangible realisation of the rights of women, effective support to the fight against impunity, and strengthened independent institutions and civil society and NGOs in Afghanistan, including human rights and victims' organisations. We call on the international community and on the

Government of Afghanistan to refer and use them and in the outcome of the Tokyo Conference.

#### 1. Effective promotion and protection of women's rights

Eight years after the UN Special Rapporteur on violence against women last visited Afghanistan, indicators on the ground continue to show significant discrimination against women. Although progress has been achieved regarding Afghan women's rights during the post-Taliban period (e.g. the establishment of a Ministry of Women's Affairs, the participation of women in governance institutions, and the accession to the Convention on the Elimination of All Forms of Discrimination against Women), violence against women and girls continues to be persistent and widespread, including sexual violence and harmful traditional practices such as *ba'ad* (providing women in retribution for murder and other crimes), so-called "honour" killings, early and forced marriages and rape. In particular, violence targeting educational institutions remains a major concern. Girls' schools are particularly vulnerable to attack, as exemplified by an incident in April 2012 where the drinking water at a school in Takhar province was purposefully contaminated, poisoning 150 schoolgirls. Many cases of acid being thrown in the faces of women and girls walking to school have also been reported in the last few years.

The widespread nature of gender-based violence is particularly worrisome in light of the discrimination against women in the Afghan justice system and impunity enjoyed by perpetrators. The *jirga* and *shura* systems (traditional conflict resolution mechanisms) are organized around exclusively male gatherings during which the dispute or conflict is discussed, thereby completely



excluding women from the process.

Therefore, donor countries should benchmark development assistance using specific indicators on women's rights. In this context, FIDH and Armanshahr support the recommendations put forward by the Afghan Women Network<sup>1</sup> to the Tokyo Conference, which reflect the recommendations of over 200 Afghan women leaders.

We in particular recommend that the Afghan Government and the International Community adopt the following benchmarks:

**1. the substantive participation of women to peace building processes, notably through a greater representation in Provincial Peace Councils and on the High Peace Council (where a minimum of 15 participants should be guaranteed), consistent with UN Security Council Resolution 1325;**

**2. the deployment of strengthened protection in and around girls' schools;**

**3. the repeal and revision of discriminatory laws against women, notably the Shiite Personal Law, the Law on Marriage, as well as of the discriminatory provisions of the Criminal Code and Property law;**

**4. the strengthening of the "formal" justice system, notably through the effective participation of women in the judiciary (attorneys and judges at all levels of the judiciary), and their effective protection to ensure the free and independent exercise of their function;**

**5. the deployment of training on gender-based violence, and of awareness raising campaigns on violence against women.**

## **2. Effective and independent justice system**

Several issues inhibit the fair and transparent administration of justice in Afghanistan. An incoherence between practised legal norms and an uncertainty over who possesses the right of constitutional interpretation result in disputes over legitimacy in the justice system. Insufficient resources have also fuelled endemic corruption. Moreover, the lack of separation of powers and a long tradition of political interference in both the legislative and judicial branches continues to prevent the enforcement of checks and balances in

the justice system.

Impunity is widespread and systematic in Afghanistan. In 2007, the adoption of the National Reconciliation, General Amnesty and National Stability Law effectively granted amnesty to those accused of past human rights violations. Only cases brought forth by victims themselves can be tried under this new law. No procedure for investigation has been established by the state, placing all responsibility for investigating and ensuring accountability for past violations on the victims themselves. In the absence of a complaint by the victim, the Afghan authorities are prohibited from prosecuting war criminals on their own.

The prevalence of informal justice mechanisms also contributes considerably to a sense of impunity in Afghanistan, particularly in regards to gender-based violence. The unwritten nature of Afghan customary law makes it vulnerable to arbitrary application and abuse; women are completely excluded from the jirga process, decisions are intrinsically subjective, and the legitimacy of the jirga system is questioned by many, especially among educated and non-Pashtun groups.

These mechanisms are being employed not only in areas where there is little or no presence of the formal justice system, but are also being promoted as acceptable mechanisms for political reconciliation at the national level, in spite of the risk they entail for universal human rights. As such, important provisions of the Constitution have not been adequately implemented, in particular mechanisms for checks and balances, judicial capacity to determine constitutionality, or the precedence of human rights over other norms.

As a consequence, donor countries should support as a matter of priority the development of the "formal" justice system and the development of accountability mechanisms. In this context, development assistance should be evaluated against the following benchmarks:

**1. effective and independent investigation into human rights violations taking place in Afghanistan, and victims' access justice and reparation for these violations. Such benchmarking should measure in particular the accountability of the Afghan**

<sup>1</sup> See Afghan Women's Position Paper on the Occasion of the 8 July 2012 Ministerial Conference on Afghanistan in Tokyo, June 2012, <http://www.afghanwomennetwork.af/>

police forces.

**2. the setting-up of transitional justice mechanisms, in collaboration with the Afghan Independent Human Rights Commission (AIHRC), Afghan civil society, human rights organisations and victims' groups, in compliance with the 2005 Action Plan for Peace and Reconciliation.**

**1. the repeal, through the Parliament, of the Public Amnesty and National Stability Laws;**

**2. the setting-up of effective, transparent and efficient vetting procedures (for nominations at the Afghan Local Police, in public posts and for any elections). In this context, the vetting commissions should be independent, establish public criteria for vetting, provide vetted persons access to all information used for the vetting, and the practical means to challenge their vetting before an independent court.**

### **3. Support to independent civil society and international monitoring mechanisms**

In the post-2001 era, Afghan society has been characterised by the expression of its diversity more than ever before. Its political, social and cultural as well as ethno-linguistic diversity shows that Afghanistan cannot be reduced to stereotypes. Factors of change do exist in Afghanistan, as illustrated by the mushrooming of NGOs, the development of education institutions, and the emergence of media outlets in the country, both quantitatively and qualitatively. The number of civil society, cultural, human rights and media organisations has grown rapidly. They represent positive factors of democratic change and require renewed support for the above-mentioned challenges to be addressed.

Like many other independent figures and institutions, the media have seen serious deterioration in their working conditions in Afghanistan, particularly since 2008.

In addition, while the establishment of the AIHRC, enshrined in the Constitution, was originally hailed as one of the achievements of the post-2001 government, and considered to be a landmark in creating conditions for accountability for past abuses, its progress has been surreptitiously hampered by the government itself. The AIHRC is being sidelined and the government has attempted to discourage the AIHRC from documenting and investigating past war crimes and atrocities on the preposterous grounds that "a

violation of the [amnesty] law is a punishable crime". The decision of President Karzai to remove three commissioners in December 2011 is also seen as an evidence of this trend, as these commissioners were perceived as among the most critical of Karzai's regime.

The United Nations Assistance Mission in Afghanistan (UNAMA) has dedicated human rights staff only since 2007. Currently, it has 66 human rights staff, deployed throughout the country to monitor the situation of civilians, coordinate efforts to ensure their protection, promote accountability and assist in the full implementation of the fundamental freedoms and human rights provisions of the Afghan Constitution and international treaties to which Afghanistan is State party, in particular those regarding the full enjoyment by women of their human rights. In the context of the trends explained here-above, such independent monitoring mechanisms are vital and should be sustained and strengthened.

**Therefore, donor countries should develop and strengthen their support to**

- 1. the Afghan civil society and NGOs community in Afghanistan, including human rights organisations, ensuring as well that development assistance fully addresses needs defined in consultation with Afghan civil society, including women's organisations, independent media and human rights organisations;**
- 2. the Afghan Independent Human Rights Commission, ensuring that its independence is guaranteed;**
- 3. the human rights component of the UNAMA, under the auspices of the UN Office of the High Commissioner for Human Rights (OHCHR).**

Thanking you for your consideration and inclusion of these indicators for an efficient and human rights oriented development of Afghanistan; we wish you success at the Tokyo Conference.

Sincerely yours,

Souhayr Belhassen  
FIDH president

Guissou Jahangiri  
Armanshahr Foundation/OPEN ASIA  
executive director



## We demand peace with the just not with human rights violators and war crimes suspects

Statement of Afghanistan Women's 50% Campaign on Tokyo Conference  
3 July 2012

Afghanistan is going through one of its most important periods of history. Decisions taken in this period will either take Afghanistan towards a democratic, advanced and progressive country or will once again spread the horrendous shadows of the dark days of Taliban upon it. Insecurity, suicide attacks, killings of civilians and violent and reactionary actions against the people, in particular the women, are on the rise.

Eight years since the last visit of the UN Special Rapporteur on Violence against Women, the indicators point at gross discriminations against women. In spite of positive achievements in respect of women's rights, e.g. establishment of the Ministry of Women's Affairs, women's participation in government institutions, and Afghanistan's accession to the Convention for Elimination of all Forms of Discrimination Against Women, violence against women has continue and is increasing. Sexual violence, tribal customs such as *bad*

(giving women in exchange for settlement of violent disputes), holding of informal parallel courts, imposing stoning sentences, murder, torture, threats and intimidation, poisoning of water in girls' schools, acid throwing etc indicate both the perpetuation and extent of violence against women as well as throw into question the prevalence of law and government control in many regions and provinces.

The government of Afghanistan shall be raising the issues of peace, security and good governance for a democratic Afghanistan in the Tokyo Conference. The fundamental question, however, is: how can those important goals be achieved in view of the government's endeavours, actions and macro decisions to share power with the Taliban?

Reconciliation with the Taliban, for which the government and its international partners have most endeavoured in the past few years, has gradually become the only scenario to take Afghanistan out of the crisis. On the one hand, the government and its international supporters insist on inefficient strategies and tactics. On the other hand, the opposite party is pursuing new tactics to achieve its goals by misusing the chances provided in the context of «peace process».

How can we hope for a stable and democratic Afghanistan, when all the developments described as «peace process» are repetitions of the inefficient, violence generating and inhuman trends of the past? Based on the data and information available to us, to talk of peace, security, good governance, social and economic development and political participation, in these days, when the fate



of millions of men and women is surrounded in a veil of ambiguity, in our opinion, is but intended to keep busy the active but weak civil society of Afghanistan and offer persuasion to the international community.

It is clear to all that peace without accountability and shedding light on the past, is impossible and can only be called a ceasefire. How can violators of human rights and war crimes suspects be given a share of power under the title of peace? The government and its international supporters are keeping a deaf ear to the frequent demands of representatives of the civil society, in particular women, to take an active and influential role in the peace process.

The Women's 50% Campaign is renewing its demands to the government and its international supporters to fulfil women's rights and we warn that a civil war is looming ahead if the present undemocratic, unaccountable and unclear trends continue.

**We call on the government of Afghanistan to:**

- Investigate human rights violations with determination, to bring their commanders and perpetrators to justice and to offer adequate redress to the victims.
- Abolish, through the parliament, the «Public Amnesty and National Stability Law», because this law is in contravention of the Constitution of Afghanistan and its treaty obligations as well as an obstacle to a just and sustainable peace.
- Guarantee the independence of the Afghanistan Independent Human Rights Commission. The government must ensure the full participation of the Commission in all processes of peace and reconciliation and immediately publish the Commission's mapping report on human rights violations in

Afghanistan during the conflict.

- Invite the United Nations to investigate and document the crimes under international law, which the Taleban and other armed groups have committed.
- Ensure equal participation of women in all stages of peace talks, in particular in the provincial peace councils and the High Council of Peace, based on UN Security Council's Resolution 1325 on women and armed conflicts, and appoint women to key positions in the government, the judiciary and decision-making bodies.
- Abolish all the discriminatory laws against women, in particular the Shiite Personal Status Law, the Marriage Law, discriminatory provisions of the Penal Code, Property Law and the customary laws. With the support of the international community, the government must take actions to end the use of customary informal courts and guarantee full and effective access of women to the formal justice system.
- Take effective security measures inside and outside girls' schools to prevent female students from harm and violence.
- Take practical steps to reduce violence by initiating campaigns, organising educational courses and raising awareness in respect of sexual violence and violence against women.
- Ensure that all the development assistance fully addresses needs defined in consultation with the Afghan civil society, human rights groups and women's organisations in particular.

Afghanistan Women's 50% Campaign

Kabul, Afghanistan

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## **NATO Chicago Summit should go beyond discussing the quick-fixes of military disengagement in Afghanistan**

**New York – Paris, 18 May 2012.** On 20-21 May, several announcements are expected to be made at the NATO Chicago Summit regarding NATO's strategy in Afghanistan. Beyond fixing a timetable for a military disengagement, it will be crucial for Afghanistan's key partners to make new commitments to support the building of democratic institutions and fully protect human rights in the country.

In a report released today, "[Human rights at a crossroads: The need for a rights-centred approach to peace and reconciliation in Afghanistan](#)", FIDH and Armanshahr/OPEN ASIA recall that it may not be possible to build an autonomous and effective Afghan army and police force in such a short time span. Indeed, Afghanistan has never had a long-standing, stable security force, and many factors clearly demonstrate a high risk that the present force may be unable and/or unwilling to stop the insurgency, or refrain from engaging in human rights violations. The numerous human rights violations and active anti-democratic forces at play in Afghanistan present clear threats to the transition process towards peace and reconciliation and seriously undermine hard-won democratic processes. If adequate measures are not put in place, they may generate conditions that could be conducive to civil strife. In such a fragile context, the prospect of the forthcoming NATO military disengagement from Afghanistan combined

with the Taliban's increasing presence in important positions and institutions make the adoption of such preventive measures even more urgent.

"NATO member States and Afghanistan's other donor countries must ensure that the progressive withdrawal of international troops is accompanied by a serious commitment to support the strengthening of democratic institutions countrywide and full capacity-building within the Afghan National Security Forces (ANSF). NATO and other international military forces as well as the ANSF must also ensure that systems are in place so that incidents causing civilian harm and misconduct of international troops come to an immediate end", said Ms. Souhayr Belhassen, FIDH president.

"The recommendations for supporting and strengthening institutional capacity through the United Nations Assistance Mission in Afghanistan, made by the United Nations High Commissioner for Human Rights and conclusions and recommendations made by UN Special Procedures must be implemented. We believe the UN Human Rights Council should monitor this more thoroughly through the establishment of a Special Rapporteur on Afghanistan. Related to this, we also wish to underline that the Afghanistan Independent Human Rights Commission must receive appropriate support, and its independence must be guaranteed", added Ms. Belhassen.

"Since 2001, the international community's half-hearted and inconsistent efforts at legal and judicial reform have led to the present disorganised, inefficient, corrupt, and at times counterproductive justice system. Donor countries should support the still frail civil society, including women and human rights organisations, and it should ensure that development assistance fully addresses needs defined in consultation with Afghan civil society and also contribute to the strengthening of democratic institutions and the rule of law", said Ms. Guissou Jahangiri, Executive Director of Armanshahr/OPEN ASIA.

**International Federation for Human  
Rights (FIDH)  
Armanshahr/OPEN ASIA**



## Peace, justice, transparency, participation

### Statement of Transitional Justice Coordination Group on Chicago Conference

The Transitional Justice Coordination Group appreciates the ten-year achievements in government-building, civil and political rights, human rights, women's rights, education, reconstruction and other fields that have been reached with the participation of the people by the government and the international community for fulfilment of democracy. However, those trends have not taken root in our country and they constitute initial steps on the path to a stable and affluent society in peace and Justice.

More than 30 years of violence and war have destroyed the social, cultural and economic foundations in Afghanistan. Throughout all those years, millions of human beings have been killed, disabled, displaced, become refugees or have migrated. The people of this land have been the principal victims of war crimes, crimes against humanity, genocide, massacres, rape and violence.

Violation of human rights and women's rights, corruption, poverty, failure to implement laws, discrimination, release of terrorists without bringing them to trial, and unconditional negotiations with them and other armed opposition groups in the absence of concrete mechanisms are serious concerns of the people. All those problems and injustices are rooted in the inefficiency and inability of the government as well as the strategic mistakes of the international community in fulfilling justice in Afghanistan. To protect the achievements of the past decade and to reduce human rights abuses, the commitment of the government and the international community as well as their concrete and specific strategy for achieving peace and justice are essential. The people want peace but not any peace! Everybody knows that peace without justice is not peace among the just but among the unjust. To arrive at peace and justice in our country, we offer the following recommendations:

- The Constitution of Afghanistan is the most important achievement of the people, government and the international

community during the past decade. This Constitution must in no way be sacrificed for political deals.

- Ensuring the separation and independence of the three branches of the State, abolition of the Amnesty Law and other discriminatory laws, holding transparent elections in due course; granting full powers to election commissions and Afghanistan Independent Human Rights Commission, granting powers to independent observers, civil society of Afghanistan and the international community to fully investigate election irregularities and transparent investigation of election-related complaints, in particular the cases concerning human rights abuses.
- Initiating public debate on transitional justice and rights of the victims with the participation and cooperation of the State institutions (the Executive, the Parliament and the Judiciary) in collaboration with the Afghanistan Independent Human Rights Commission, civil society and human rights organisations and groups of victims; preparing and implementing transitional justice mechanisms, and complementary measures, e.g. truth commissions, redress for victims, building memorial monuments, and reviving and implementing «Action Plan for Peace and Reconciliation»;
- Strengthening the Afghanistan Independent Human Rights Commission and guaranteeing its independence; releasing the Commission's «mapping report»; inviting a special rapporteur of the United Nations to investigate crimes and human rights abuses of the Taliban and other armed groups as well as the international armed forces based on international law and obligations;
- Implementing the UN security Council Resolution 1325 and ensuring active participation of women in all-day stages of the UN's peace negotiations;
- Fighting administrative corruption,

combating arms trafficking from abroad, establishing transparency and accountability; preparing and implementing a disarmament plan nationwide;

- Preparing and implementing a specific plan of action to investigate mistreatment and torture of detainees and prisoners by the security forces of Afghanistan and the international forces; including the human rights concepts and conventions as principle topics of educational courses of these forces;
- The Taliban and other armed groups must not be permitted to impose their terms on the reconciliation process that will unfold between 2012 and 2014. The Constitution, human rights, women's rights and civil and political freedoms are non-negotiable. Peace with the Taliban and other armed groups should not take place in a non-transparent and unfair process. Evidently, the Constitution and the international obligations of Afghanistan may not be sacrificed in any negotiations. Should the Government of Afghanistan manifest an inability or unwillingness to protect its population from genocide, war crimes, ethnic cleansing, rape and crimes against humanity, the international community should be prepared to take collective action in a timely and decisive manner through the UN Security Council.
- In consideration of the failure of the peace process in Afghanistan led by the High Council of Peace and in the absence of any clear and efficient strategy and in consideration of the presence of non-specialised persons accused of past atrocities, the High Council of Peace is incapable of preparing the ground for peace in Afghanistan. Therefore, we propose the dissolution of this Council to prepare the ground for establishing more effective mechanisms and true peace through the participation of the people.
- Relevant UN Security Council committees must, in collaboration with international organisations and expert groups, set up appropriate institutions to implement efficient mechanisms to guarantee full respect for human rights, foster regional security and coordinate the fight against international terrorism.
- Systematic action must be taken based

on Geneva Conventions to prevent the killing of civilians. The national and international military forces must establish a transparent reporting and follow-up system in regard to incidents causing harm to civilians. All those affected must be offered appropriate redress, including guarantees of non-repetition, uniform compensation to all victims, apologies, investigations, and other measures.

- NATO member states and donor countries must ensure that the transition process does not focus solely on the handover of security responsibilities, but also provides sustained and professional training for security sectors. Forces parallel to the National Armed Forces including the tribal militia forces must be demobilised and outlawed.
- The systematic withdrawal of international troops must be accompanied with strengthening of democratic institutions including the justice system and capacity-building within the Afghan National Security Forces.
- Governmental bodies (in particular the security forces) and elected institutions of Afghanistan must be purged from criminal perpetrators.
- The imprisoned members of the Taliban, who are accused of commission of crimes, must be released only after investigation and trial not as prerequisite for the peace process.
- The Office of the Prosecutor of the International Criminal Court should pursue the case of Afghanistan and issue regular reports on the status of Afghanistan. In the event of inability or unwillingness of the national justice mechanisms to genuinely investigate and prosecute the main perpetrators of international crimes, the Office of the Prosecutor should open an investigation into crimes committed in Afghanistan since 2003, and respond to victims' needs.

The Transitional Justice Coordination Group, consisting of 27 national and international organisations, is working to fulfil transitional justice and to raise the voice of the victims. We endeavour to achieve a lasting peace and justice in Afghanistan.

**19 May 2012; Kabul - Afghanistan**  
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## CSHRO Statement on the occasion of Chicago NATO Summit

On May 20<sup>th</sup> and 21<sup>st</sup> the NATO summit will be organized in Chicago. The summit will be hosted by the president of the United State. Important issues such as the Arab Spring, the issue of Libya, the international economic crisis and the issue of Afghanistan are core topics of Chicago summit. Therefore international attentions have been oriented toward Chicago international conference.

The Chicago summit is the continuation of NATO summit in Lisbon 2010 where the heads of the member states discussed the issue of gradually withdrawal of NATO troops from Afghanistan.

Chicago summit decisions have vital impact on the situation in Afghanistan. The summit will be held on the day after G8 summit in Camp David of United State. The conference will discuss the imperative role of international community in Afghanistan and upheavals of political situation of the region. That is why both gatherings have received a lot of prudence of international communities.

The Civil Society and Human Rights Organization (CSHRO) closely studies the situation and relevant events to the conference and voice its concerns regarding the situation of Afghanistan. CSHRO believes that the monitoring role of international community in the current situation and maintaining this role after 2014 when the NATO troops leave Afghanistan will positively affect the situation in Afghanistan.

Meanwhile in a common sense based all civil society institutions, human rights activists and defenders, women rights defenders and activists in the field of gender equality predict that dramatic decrease of support of international community as well as imprudently limitation of monitoring role of the international community endangers all gained achievements of Afghanistan. Consequently Afghanistan will face the crisis

of legitimacy of the Afghan state.

The CSHRO calls upon the head of states of NATO summit in Chicago for the following elements:

- Withdrawal of international military forces should not limit the political support of international community in Afghanistan. We call upon NATO to create the mechanism of strengthening its political support to Afghanistan. This will be granted and ensured by an active representation of NATO in Afghanistan via an active office of NATO in Afghanistan. Coordination of NATO via its offices with security sectors of Afghanistan generates confidence and moral support for the Afghan people.

- The limitation of military role of international community should be organized in a transparent and understandable way. Still there are a lot of Afghans who do not know about NATO and its withdrawal strategy from Afghanistan. The Afghan civil society calls upon the political and military offices of NATO in Brussels to organize feasible and transparent programs about the NATO role in Afghanistan and it's gradually withdrawal. These programs should be disseminated by the national and international Media in Afghanistan. Lack of such a program could be understood as defeat of NATO in Afghanistan and the enemies of Afghanistan will also misuse the situation.

- The Afghanistan civil society calls upon Chicago summit to support democratic institutions of Afghanistan. Afghanistan will organize presidential election during the implementation of withdrawal plan of NATO from Afghanistan. Upcoming presidential election should receive a lot of political and economical supports of international community to ensure Afghan people that international community do not leave Afghanistan alone.

- The Afghanistan civil society would like to ask the head of states of NATO to strictly stand for implementation of rule of law in Afghanistan. We ask NATO to advocate and urge the Afghan state on the implementation of rule of law in our country. Weakness of rule of law in Afghanistan profoundly affects the legitimacy of state in our country. Corruption is a major outcome of weak rule of law. People of Afghanistan do not intend to bear any more a state with no control on widespread corruption in the country.

- The civil society of Afghanistan would like to call upon the NATO summit to emphasis on human rights and humanitarian law, rights of women and strengthening of civil society in Afghanistan. We believe these values

should form the main elements of NATO strategy for partnership with Afghanistan. The Afghanistan state as a member of united nation and as a state, committed to international human rights conventions, should respect and implement these values strictly.

Civil Society and Human Rights Organization (CSHRO) the Network of human rights based civil society organizations in Afghanistan (13-May-2012), Kabul-Afghanistan.

[http://www.cshrn.af/CSHRN\\_English/Documents%20of%20CSHRN/Statements%20and%20Messages/Statements37.htm](http://www.cshrn.af/CSHRN_English/Documents%20of%20CSHRN/Statements%20and%20Messages/Statements37.htm)

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## Chicago Conference on Afghanistan Afghan Civil Society Forum's declaration



The Chicago Conference is taking place when situation in Afghanistan is precarious than any time in the last decade. Insecurity has spread in more parts of the country and is compounded with public uncertainty, distrust and disappointment. Moreover, deals concluded behind the curtains more often than not by the regressive government elements, have created a general fear that the commitments of international community and the government of Afghanistan to establish an accountable government based on the will of citizens that strives to promote civic and political liberties may be compromised. The relative achievements of the last decade seem more threatened than ever.

A situation analysis can only paint a grim picture of Afghanistan. The spread of corruption, poppy cultivation and opium trafficking, unsustainability of government's macro policies about security and development, weakness of Afghan security and intelligence forces, open interferences of neighbouring countries and their agents in Afghanistan's internal affairs, the lack of coherent government policy and international community's lack of adequate support to justice, governance and democracy have made the citizens and the civil society increasingly concerned.

Against this backdrop, we consider the Chicago Conference another golden opportunity for Afghanistan, and therefore present the following recommendations:

1. The international community and the government of Afghanistan should come to an agreement about a common definition of the enemies of Afghanistan;
2. The security and military initiatives in Afghanistan should share the long term goal of strengthening good governance, justice, democracy, transparency and accountability;
3. Military efforts are not the only way to achieve peace and therefore they should be complemented by development programs, anti-poverty measures and interventions to tackle social and cultural challenges;
4. International community's long term commitment to equip and strengthen Afghan security forces should form an integral part of international commitments both in official papers and in practice;
5. The government of Afghanistan should take the lead in forging shared regional interests with its neighbours having the support of international community; and
6. As peace cannot be ensured in isolation from justice, the civil society of Afghanistan urges that justice be the cornerstone of all efforts that are aimed to achieve prosperity for the people of Afghanistan.

## 87<sup>th</sup> Public Debate

### From the fairy of arts to the monster of war

Rooholamin Amini

«From the fairy of arts to the monster of war» was the title of the 87<sup>th</sup> Goftegu(6<sup>th</sup> year), a bridge between the elite and the citizens, of Armanshahr Foundation, which was held in cooperation with the French Cultural Institute of Kabul in the Institute on 25 April 2012.

The monthly public debates have been held every month in Kabul and Herat in the past six years and they are still held regularly.

The latest public debate was organised to mark the publication of the «Flames of Love», comprising an exquisite collection of 12 calligraphy masterpieces by Master Najibullah Anwari of poems by Mowlana Jalaleddin Rumi, Hafiz of Shiraz, Bidel-Dehlawi, Mowlana Abdurrahman Jami, and Master Shahriyar, which Mehdi Banaei had gilded.

This publication is one of the first of its kind to be published in Afghanistan.

The first speaker of the public debate was Professor Alem Farhad (Director of the Faculty of Fine Arts, Kabul University), who took a social approach to arts and described the relationship of art and society in particular in Afghanistan. His basic argument was that an artist must be committed to their surroundings and the society must be committed to arts and artists. Reminding the cultural and social differences of our society with other countries, he pointed out that an artist living in Afghanistan has to take into consideration the social and cultural conditions in this country.

The next speaker, M. Jawed Farhad (poet and researcher), discussed the minimalist interpretation of arts as well as that of the modernists and post-modernists. Mr. Farhad referred to theories of Adorno, Croce and Tolstoy on arts. The main part of his speech however concerned the relationship of arts and commitment. He said there were at least two different theories in this respect. The first theory combines arts and commitment. The second regards arts to be independent of any



restriction even restriction by commitment.

He said: In my opinion, even if arts aim to create beauty for the sake of beauty, it cannot be done without commitment. What kind of commitment? One kind of it is when we decide to create our work based on our conviction. The second kind is that an artist is intrinsically committed.

In our society today, interpretations of cinema, dancing and drama are superficial. Even though painting and miniature are rooted in Afghanistan, they are afflicted generally with some kind of cliché type attitude. There are admirable and occasionally amazing works of painting and miniature, but on individual basis. We have had two types of commitment in arts in Afghanistan. The first was based on the leftist ideology and the second on the right wing ideology. Neither impacted the growth of arts in Afghanistan

The last speaker was Professor Aslam Jawadi (Dean of the Faculty of Social Sciences Kateb University) who started by asking a question: What is the relationship between arts and society?

There are different answers to this question. I shall try to advance my arguments based on Adorno's theories. Marxists believed that artist must be at the service of the society and reflect the problems, suffering and social grievances. From this viewpoint, arts that did not reflect social problems were alien to people's suffering and at the service of the oppressors.

However, Adorno, a thinker of the Frankfurt School with Marxist roots, believed that arts do not have to serve the society. Arts cannot be reduced to commitment. An artist has to operate under the laws and rules of the world of arts. That means, they may occasionally be at the service of the society and occasionally not.

## Six years of public debates about justice

Armanshahr Foundation has organised 87 public debates known as «Goftegu, a bridge between the elite and the citizens» in Afghanistan (Kabul and Herat) during the past six years of its ongoing activities. One of the aims of these debates has been the creation of the climate of exchange of ideas between citizens and the officials. «Transitional justice and reconciliation» and the related topics and concepts have been subjects of discussion in several debates.

While the people have a common fate in tyrannised countries such as Afghanistan with decades of experience of war and violence, general discussion of suffering is a taboo. The intellectuals and thinkers know, however, that it is not possible to soothe the injuries and prevent the repetition of violence without discussions between citizens and victims on the one hand and perpetrators of violence and human rights violators on the other.

Transitional Justice is not an abstract concept. All the structures of society have to nurture this concept. Therefore, it is not possible to talk of peace but turn a blind eye to war crimes and victims of violence. It is not possible to refuse to recognise the need for the participation of women, as the biggest losers and victims of the war, in peace talks. It is not possible to ignore the role of the civil society in talks with the rulers and power holders. That is why women, citizens, victims and the civil society have constituted the themes of the discussions in many public debates of Armanshahr.

On the other hand, pursuit of war crimes and endeavouring to end the culture of impunity is not confined to trial and punishment of a few individuals or keeping them away from positions of power. The principal goal is to reform the unaccountable and inefficient structures. That is so important that there are now legal mechanisms to pursuit violation of human rights on an international scale. It is possible to employ international mechanisms in regard to countries where the independence and ability of the judiciary to investigate those cases are open to question. One such mechanism is universal jurisdiction,

which has been the topic of several public debates.

Avoidance of violence, refutation of war, torture and violation of human rights should not be confined to legal frameworks. Literature and arts are other means that can provide spiritual relief to the society and picture ugliness. By screening of a film or writing a poem, citizens can gain a tangible understanding of the importance of collective memory, tolerance, democratic values and living in peace.

It is also possible to mobilise the people against war, violence and militarism and picture an ideal society in their own language. More than 1,000 works were collected for the Simorgh Peace Festival that Armanshahr organised. A selection of those works was presented in a combination of poetry recital and drama in one of the meetings.

Titles of some of the public debates of Armanshahr that concern transitional justice and peace in the past six years are as follows:

1. Role of citizens in seeking truth and justice
2. In search of truth and justice in Afghanistan
3. Transitional justice and functions of civil society in this regard
4. Who celebrates peace? Peace thinking, peace brokers and the role of citizens – Kabul
5. Who celebrates peace? Peace thinking, peace brokers and the role of citizens – Herat
6. National dialogue with women: justice rendered or a step back?
7. Women and justice
8. Simorgh Peace Festival
9. Universal Jurisdiction
10. Revisiting our collective memory
11. Universal jurisdiction; a new mechanism to prosecute human rights violators
12. Revisiting 60 years of history in Afghanistan
13. Truth, justice and justice seeking in Afghanistan: National and international mechanisms
14. Women and justice in war and peace
15. In search of truth and justice: a study of half a century of crisis in Afghanistan
16. Against Oblivion and screening of Fahrenheit 451 – Kabul
17. Against Oblivion and screening of Fahrenheit 451 – Herat



## 6 years of publishing for justice

Any Afghan man and woman has a bitter story to tell about forced migration, disappearance, death or torture of a beloved by this or that government and group. Kabul is a city divided among the various ethnic groups, which has lost its social cohesion. The relationship of trust between the people and the government has been undermined. Everybody feels the suffering on their own. Individual memories are inundated with unpleasant remembrances, but a collective memory has not taken shape yet.

Collective Memory does not seem to be the only remedy to so much pain and suffering. The society has to go through the path of transitional justice as well. "Truth" should be unveiled to all. Otherwise, justice will not be fulfilled and a real sustainable peace shall not be achieved. The cycle of violence will also continue. Along that path, awareness, knowledge and tolerance should be the guiding principles not revenge and retribution.

Transitional justice is a rather new concept. Its correlation with corrupt and dictatorial structures has forced it to the background not only in Afghanistan but in the entire region and the Persian-speaking domain.

Armanshahr Foundation is among the few civil society institutions operating in Afghanistan that are trying to introduce a new insight to the topic. Most of the Foundation's work in the field of publishing aims to enhance collective memory, respect for human rights, citizenship rights, victims' rights, truth seeking and transitional justice.

Armanshahr Foundation's books on human rights and transitional justice are published in the 'Let's break the silence' series. Some of them have appeared for the first time in the Persian-speaking domain, e.g. "A Practical Guide for Victims to the International Criminal Court" which deals with crimes under the jurisdiction of the ICC, crimes against women and children, attendance of victims in courts, protection and safety of victims and witnesses and redress for victims.

"Voice of Victims for Justice" reports the

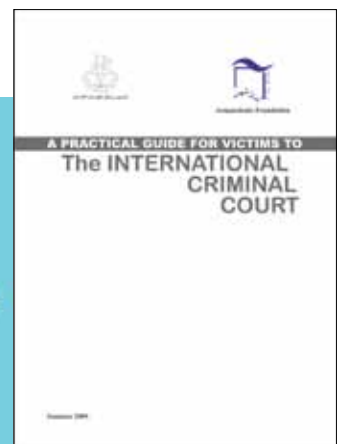
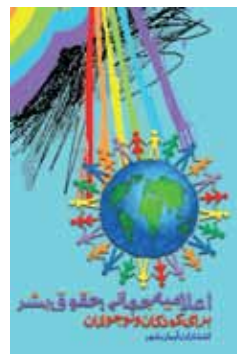
demands and voices of victims from all over Afghanistan, who have been victims of violence and human rights violations in various eras.

"Afghanistan: In Search of Truth and Justice" deals with women's access to justice and the backdrop to transitional justice in Afghanistan. It also examines the government's 'Plan of Action for Peace, Reconciliation and Justice in Afghanistan.'

"Justice for Women in War and Peace" is an anthology of articles on women, transitional justice, reparations, reconciliation and security. It endeavours to show a gender-based approach to transitional justice concepts and mechanisms.

"The Past Enlightens the Future" and "A Review of War Ruins" are narratives of victims of successive decades of war and violence and offer objective pictures of war and destruction.

Several issues of the "Politis asia" periodical have dealt with issues of human rights violations and judicial approach to them. Issues 1 and 2 were titled "Violations of Human Rights and US Policy" and contained discussions about violations of human rights through the US policies under George W. Bush. Issue 3 had the title of "NATO, Exceptions to Democracy and Decline of Empires" dealt with NATO's policies that contravene international standards and human rights. Issues 6-7 with the title of "Universal Jurisdiction, mechanisms to prosecute human rights violators" detailed



the emergence of universal jurisdiction, its history and background, definitions and other related topics. Issues 8-9, titled "A Handbook of Transitional Justice, A to Z", a bilingual Persian-English glossary, constituted the first work of this kind to be published in the entire expanse of the Persian-speaking countries.

The "Goftegu" (public debates) and "Simorgh" series are initiatives to enable the citizens' direct involvement in accumulating and shaping collective memory. "Re-visiting 60 years of contemporary history in Afghanistan" and "Revisiting our Collective Memory" are examples of pamphlets published under those two series.

The Simorgh Peace Festival provided an opportunity for the citizens to enthusiastically take part by sending in verses and narrations against war, violence, torture. "Simorgh's Feather (Selected poems of Simorgh Peace Prize)", "Simorgh Stories", Selected Stories, and "Simorgh, the Thirty Wise Birds (an English anthology of poems and photographs for peace in Afghanistan)" have been published in this series so far.

Armanshahr Foundation has recently published "Universal Declaration of Human Rights for Children and Adolescents" with illustrations.

The Foundation has been publishing the bimonthly "Armanshahr" in Persian and English separately since 2009. This is a periodical on human rights and civil society, each issue of which contains a considerable amount of items about violations of human rights, women's rights, transitional justice and other related topics.

**Armanshahr titles on human rights, transitional justice and peace are as follows:**

(For all other details, see Armanshahr Publications in this issue)

1. Caravan of Poetry for Peace and Democracy in Afghanistan (An anthology of poems)
2. Role of Citizens in Seeking Truth and Justice
3. Against Oblivion, Experience of Truth and Justice Commissions
4. Women Celebrate Peace (An anthology of national/international poems by women for Afghanistan)
5. Violations of Human Rights and US Policy
6. Simorgh (An Anthology of Poems for Peace)
7. A Practical Guide for Victims to the



International Criminal Court

8. National Dialogue with Women: Justice Rendered or One Step Back?
9. NATO, Exceptions to Democracy and Decline of Empires
10. Voice of Victims for Justice
11. Simorgh's Feather (Selected poems of Simorgh Peace Prize)
12. Afghanistan: In Search of Truth and Justice
13. Universal Jurisdiction, mechanisms to prosecute human rights violators
14. Simorgh, the Thirty Wise Birds (an English anthology of poems and photographs for peace in Afghanistan)
15. Revisiting our Collective Memory
16. The Past Enlightens the Future (a collection of interviews with victims and political personalities)
17. A Review of War Ruins (an eye-witness account of war, Herat 1989)
18. Justice for Women in War and Peace (international contributions)
19. Truth Seeking and the Role of Forensic Science
20. From illiteracy to war, from war to illiteracy
21. Writers without readers, readers without books
22. "Simorgh Stories", Selected Stories of Simorgh Peace Prize
23. Re-visiting 60 years of contemporary history in Afghanistan
24. A Handbook of Transitional Justice, A to Z
25. Universal Declaration of Human Rights for Children and Adolescents
26. Political system and social justice
27. Armanshahr (a periodical of human rights and civil society)

## “Transitional Justice Manual”

“Transitional Justice Manual” was published by the Transitional Justice Research Group of the Civil Society and Human Rights Network in 2011 and dedicated to all unknown and defenceless victims of more than four decades of war and insecurity in the country. The Manual has four chapters and 172 pages.

Chapter I concerns the general concepts of Transitional Justice including the concept, definition, components of TJ, the idiomatic expression, significance and goal of TJ, redress for abused rights, peace and security for the people, crimes considered under TJ, crimes against humanity, war crimes, genocide, truth seeking process, attention to victims, acknowledgement of suffering of victims and preventing their oblivion, judicial remedies and actions, reforms in administrative, security and political systems, reconciliation or national reconciliation?, torn societies, differences

in conceptual approaches to reconciliation, logic of national reconciliation, national reconciliation, truth seeking and TJ.

Chapter II deals with the history and experience of TJ and discusses such topics as the history of TJ, emergence of the concept of TJ, Transitional Justice and criminal justice, experience of South Africa, Rwanda, Argentina and Cambodia.

Chapter III is concerned with TJ actors such as national actors, government, independent human rights commission, parties and civil institutions, media, victims, private sector, international actors, UN, International Criminal Court, international civil organisations and the government.

Transitional Justice Opportunities and Challenges in Afghanistan is the title of Chapter IV and its topics include TJ opportunities and grounds in Afghanistan, legal challenges, political challenges, cultural, social and economic challenges.

## New books by Armanshahr

### Fahrenheit 451 published for the first time in Afghanistan

For the first time in Afghanistan, Armanshahr published Fahrenheit 451 by the American writer Ray Douglas Bradbury with a print run of 1000 copies. Unfortunately, the news of its publication coincided with the news of the great writer’s demise.

Fahrenheit 451 is about book burning in a world, where firefighters have a different duty than what we have known up to now. Their task is to burn books and to fight reading. The book originally appeared for the first time in 1953.

When Ray Douglas Bradbury died on 6 June 2012 at the age of 91, a friend said: «I don’t think he ever realised that we published his book in Afghanistan for the first time a few days ago.»

Publishing House:  
Armanshahr  
Foundation



Graphic Designer: Rooholamin Amini

Print-run: 1,000

Published: 2012

### Flames of Love

“Flames of Love” is the title of an exquisite collection of 12 calligraphy masterpieces by Master Najibullah Anwari of verses by Mowlana Jaleddin Rumi, Hafiz of Shiraz, Bidel-Dehlawi, Mowlana Abdurrahman Jami, Master Shahriyar, and others.

The calligraphy works have been gilded by Mehdi Banaei.

Master Najibullah Anwari is an instructor at the Herat Calligraphers Association. He was born to Master Hajji Nasrullah Mo’allem in Herat in 1969 and studied with Masters Mohammad Ali Attar Herawi, Master Hakem Ghanam and Master Mostafa Mehdizada.

Publishing House:  
A r m a n s h a h r  
Foundation

Graphic Designer:  
Rooholamin Amini  
Print run: 1,000  
Published: 2012





## Other articles in the Dari Issue 25-26 of Armanshahr

The following articles appeared in the Dari version either in original or in translation: **Nazi crimes, a past that is still alive**, an article about the case of John Demjanjuk and his trial in Munich; adapted by Monireh Baradaran

**Liban : une mémoire défaillante** Aurélie Carton, <http://www.mission.catholique.fr/publications-documentation/revue-mission-de-l-eglise/162-janvier-mars-2009/liban-une-memoire-defaillante.html>

**Seeking justice for massacre in Rwanda**, adapted by Monireh Baradaran  
**Commitment in enlightenment of the text**, Rooholamin Amini

**Innover plus pour tuer plus**; Jean-Paul Hébert & Philippe Rekacewicz; Le Monde Diplomatique, October 2010; <http://www.monde-diplomatique.fr/2010/10/HEBERT/19747>

**Argentine Mothers mark 35 years marching for justice**; Vladimir Hernandez; BBC April 2012; <http://www.bbc.co.uk/news/world-latin-america-17847134>

**L'Alliance atlantique présente sa facture à l'Europe**; Olivier Zajec; Le Monde Diplomatique, May 2012; <http://www.monde-diplomatique.fr/2012/05/ZAJEC/47657>

**Two reports on two truth commissions in South Africa**; adapted by Ja'afar Behkish

**A letter to Master Abolqassem Ferdowsi** (great poet of the 10<sup>th</sup>-11<sup>th</sup> Century); , Rooholamin Amini

**It is time to find a solution to war in Afghanistan**, BBC interview with Paul Arpaia of the September Eleventh Families for Peaceful Tomorrows

**Nouveaux défis**; Antonio Guterres; Le Monde Diplomatique, June 2012; <http://www.monde-diplomatique.fr/2012/06/GUTERRES/47893>

**The input and recommendations of the Civil Society and Human Rights Organisation to the Tokyo International Conference on Afghanistan**; [http://www.cshrn.af/CSHRN\\_English/Documents%20of%20CSHRN/Statements%20and%20Messages/Statements.htm](http://www.cshrn.af/CSHRN_English/Documents%20of%20CSHRN/Statements%20and%20Messages/Statements.htm)

**Civil society groups: Do not forget human rights in Chicago (BBC report on FIDH/Armanshahr Foundation's joint report)**

## Armanshahr/OPEN ASIA Publications



1. One Thousand and one Poems for Afghanistan (anthology of writings and poems trilingual edition), 2003
2. Caravan of Poetry for Peace and Democracy in Afghanistan (An anthology of poems); 2003
3. Caravan of Light (for young readership); 2003
4. Poems for Peace (Tajik edition in Cyrillic), 2003
5. In praise of Ahmad Shamlou, Living Conscience of International Poetry, 2006, Goftegu series
6. Who is a citizen? What are their obligations and rights vis-à-vis the government and the society? 2006, Goftegu series
7. Role of Citizens in Seeking Truth and Justice, 2006, Goftegu series
8. Social Justice in Islam, Systems of Governance and other Schools of Thought, 2007, Goftegu series
9. Challenges of Freedom of Expression, Media and Press in Afghanistan, 2007, Goftegu series
10. Democracy and Social Justice in Multi-ethnic Countries, 2007, Goftegu series
11. In Search of Civil Society, International Experiences and Local Realities, 2007, Goftegu series
12. Cultural Incursion and Impact of a Quarter of Century of Immigration on Cultural and Political issues, 2007, Goftegu series
13. Against Oblivion, Experience of Truth and Justice Commissions, Monireh Baradaran, 2007 Let's break the silence series
14. Do Afghanistan Universities have the Capacity to Produce Elites? 2007, Goftegu



series

15. Two Interpretations of Globalization, 2007, Goftegu series

16. We are All feminists (Perhaps we don't know it), 2007, Goftegu series

17. Women's Movement: A National Movement or an Artificial Process? 2007, Goftegu series

18. Women Celebrate Peace (An anthology of national/international poems by women for Afghanistan), compiled by Guissou Jahangiri, 2009; Let's break the silence series

19. Tradition and Modernism, Confrontation or Correlation? 2009, Goftegu series

20. Sayyed Jamaledin and New Religious Thinking; 2009, Goftegu series

21. What has gone astray in Afghanistan's Higher Education System? Causes and Solutions; 2009, Goftegu series

22. The 50% Campaign: Afghanistan Women's Demands from the Future President, 2009; Let's break the silence series

23. Violations of Human Rights and US Policy, Editors Guissou Jahangiri and Khalil Rostamkhani, 2009 (Politis asia 1-2)

24. Simorgh (An Anthology of Poems for Peace); 2009; Let's break the silence series

25. Youth and the Provincial Council; What is the Provincial Council doing? What do People Want? 2009, Goftegu series

26. A Practical Guide for Victims to the International Criminal Court, Reporters without Borders, 2009; Let's break the silence series

27. National Dialogue with Women: Justice Rendered or One Step Back? 2009, Goftegu series

28. It is an Abandoned Time Here, Rooholamin Amini; 2010; Let's break the silence series

29. NATO, Exceptions to Democracy and Decline of Empires, Editors Guissou Jahangiri and Khalil Rostamkhani, 2010, (Politis asia 3)

30. Voice of Victims for Justice, Transitional Justice Coordination Group, 2010; Let's break the silence series

31. From Structure of Parliament to a Critical Evaluation of First Parliament in Afghanistan; 2010, Goftegu series

32. Simorgh's Feather (Selected poems of Simorgh Peace Prize); 2010, Let's break the

silence series

33. Market Economy in Afghanistan, 2010, Goftegu series

34. From Book to Freedom of Expression, 2010, Goftegu series

35. Animal Farm, George Orwell, 2010, Simorgh series

36. An evaluation of a decade of international presence in Afghanistan, (Dari version) 2010, Goftegu series

37. An evaluation of a decade of international presence in Afghanistan, (English version) 2010, Goftegu series

38. Discrimination and Political Participation of Women: Role of Education, Editors Guissou Jahangiri and Shourangiz Dadashi, 2010 (Politis asia 4-5)

39. Afghanistan: In Search of Truth and Justice, Editors Guissou Jahangiri and Delphine Carlens, 2010, Let's break the silence series

40. To the 21st Cigarette, Rooholamin Amini, 2010, Simorgh series

41. Universal Jurisdiction, mechanisms to prosecute human rights violators, Editor Khalil Rostamkhani, 2010, (Politis asia 6-7)

42. The Afghanistan Women's 50% Campaign Pamphlet, Winter 2010; Let's break the silence series

43. Simorgh, the Thirty Wise Birds (an English anthology of poems and photographs for peace in Afghanistan), Guissou Jahangiri, Rooholamin Amini, Photographs by Mohammad Asef Rahmani, 2010, Simorgh series

44. Violations of Human Rights and US Policy, Editors Guissou Jahangiri and Khalil Rostamkhani, 2nd Edition, 2011, (Politis asia 1-2)

45. NATO, Exceptions to Democracy and Decline of Empires, Editors Guissou Jahangiri and Khalil Rostamkhani, 2nd Edition, 2011, (Politis-asia 3)

46. Against Oblivion, Experience of Truth and Justice Commissions, Monireh Baradaran, 2nd Edition, 2011, Let's break the silence series

47. Young people, a World Between Fear and Doubt, 2011, Goftegu series

48. Revisiting our Collective Memory, 2011, Goftegu series

49. Nothing Can be Said in Fifty Years (collection of poems), Homeira Nekhat Dastgirzada, 2011, Simorgh series
50. Discrimination and Political Participation of Women: Role of Education, Editors Guissou Jahangiri and Shourangiz Dadashi, 2nd Edition, 2011 (Politis asia 4-5)
51. The Past Enlightens the Future (a collection of interviews with victims and political personalities), 2011, Let's break the silence series
52. A Review of War Ruins (an eye-witness account of war, Herat 1989), Rasoul Pouyan, 2011, Let's break the silence series
53. Justice for Women in War and Peace (international contributions), 2011, Let's break the silence series
54. Truth Seeking and the Role of Forensic Science, Physicians for Human Rights, 2011
55. From illiteracy to war, from war to illiteracy, Summer 2011, Goftegu series
56. Writers without readers, readers without books, 2011, Goftegu series
57. "Simorgh Stories", Selected Stories of Simorgh Peace Prize, 2011, Simorgh series
58. Re-visiting 60 years of contemporary history in Afghanistan, 2011, Goftegu series
59. A Handbook of Transitional Justice, A to Z, Editors Guissou Jahangiri and Khalil Rostamkhani, 2011, (Politis asia 8-9)
60. Zeer o Bam, a Study of Traditional Music from Badakhshan, Herat and Badgeis, Wahid Qassemi, 2011, Goftegu series
61. Federalism and democracy, Editors Seyyed Jawad Darwaziyan and Guissou Jahangiri, 2011, (Politis asia 10-11)
62. Universal Declaration of Human Rights for Children and Adolescents, 2011, Children & Young People series
63. Political system and social justice, 2012, Goftegu series
64. The Little Prince, Antoine de Saint-Exupéry, 2012, Children & Young People series
65. A review of conditions of women in Afghanistan and Tajikistan, 2012, Goftegu series
66. Ringing passed by the rain; a review of contemporary poetry of Tajikistan, Mujib Mehrdad and Behrooz Zabihullah, 2012, Simorgh series
67. 1984, George Orwell, 2012; Simorgh series
68. Flames of Love, Calligraphy of Master Najibullah Anwari; gilded by Mehdi Banaei, 2012, Simorgh series
69. Universal Declaration of Human Rights for Children and Adolescents, 2011, 2<sup>nd</sup> Edition, 2012, Children & Young People series
70. Fahrenheit 451, Ray Douglas Bradbury, translated by Ali Shi'a Ali, 2012, Simorgh series
71. Armanshahr (a periodical of human rights and civil society), 26 issues, (Year IV)

