



Extrait du FIDH - Worldwide Human Rights Movement

<http://www.fidh.org/No-peace-without-justice-in>

No peace without justice in Afghanistan

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Description :

The road-map to peace in Afghanistan appears more obscure than ever. After more than three decades of war, the people of Afghanistan do not know what awaits them in the coming years. It is certain, however, that the current political context, with the progressive withdrawal of international troops, will have a strong impact on the human rights situation in the country.

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The road-map to peace in Afghanistan appears more obscure than ever. After more than three decades of war, the people of Afghanistan do not know what awaits them in the coming years. It is certain, however, that the current political context, with the progressive withdrawal of international troops, will have a strong impact on the human rights situation in the country.

Meanwhile, the security situation on the ground is extremely worrisome. The main aim of insurgents seems, as attested by various acts of terror including the recent assassination of the Chairman of the High Peace Council Burhanuddin Rabbani, not to be reconciliation but to force an earlier departure of international troops, which will allow them to impose their terms in the new balance of power. The Taleban have anyway already infiltrated some power structures. The Afghan government's ability to guarantee the rule of law and security is very doubtful, as testified by recent attacks by insurgents in the heart of Kabul and the loss of control of many districts and even entire provinces throughout the country.

Since 2001, thousands of civilians have died in the course of operations and raids by either the international coalition troops or the Taleban insurgents. The perpetrators have enjoyed total impunity in the absence of any independent and public monitoring. In addition, it has been ascertained that secret detention centers, where torture is widely practiced, have been established by some countries leading the international coalition. All those responsible for such war crimes need to be brought to justice under the international law. The Prosecutor of the International Criminal Court (ICC) has, for this purpose, been undertaking preliminary investigations since 2007 into the alleged crimes committed by all actors in Afghanistan, including the international forces. Afghanistan has been a State Party to the ICC Statute since February 2003.

Many documents, including UN reports, prove that the Taleban and their allies have been the main perpetrators of exactions and other human rights abuses targeting civilians since 2001. The present situation somehow recalls the pre-2001 period when the Taleban were in power. In the absence of a functioning judiciary and with the proliferation of parallel informal justice systems, the following violations are continuously reported: extra-judicial killings, torture, persecution against women and minorities, human trafficking...

The international community's commitment for the past 10 years to support the Afghan authorities in rebuilding the country, is undeniable. However, there remain serious shortcomings and there are clear indications that the ineffectiveness of aid, combined with the pervasive corruption and weak democratic institutions, make these efforts marginal. Worse still, many Afghans today fear a return to the situation of civil war that prevailed in the 1990s and the repression under the Taleban, especially in regards to women.

The ongoing political process that aims at reconciling with Taleban insurgents at any price is dangerous. It may exclude from the negotiation table the supporters of a democratic Afghanistan where justice and respect for human rights would be pursued above all. There is no hope for democratic principles and institutions to take root if the perpetrators of war crimes and atrocious acts are not brought to justice. There can be no peace without justice.

The Afghan people deserve more attention to protection of their fundamental rights and prosecution of war criminals. This should be clearly reflected in the upcoming agreements that will emerge from the Bonn conference on December 5. Taking into consideration the fragility of the current Afghan government and its growing lack of legitimacy, the responsibility of the international community in ensuring that human rights will receive full and effective protection in Afghanistan is a must. The United Nations and the NATO member countries, who have been part and parcel of the conflict and bear direct and indirect responsibility, have an even greater duty to see to it that Afghan people's human rights are not sacrificed for political expediency.

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