

## **We're not seeking to wash blood with blood!**

### **A report on Victims Jirga for justice**

The Transitional Justice Coordination Group (TJCG), consisting of 25 national and international civil society organisations, organised a one-day conference under the heading "Victims Jirga for Justice" on 9<sup>th</sup> May 2010. Victims from across Afghanistan, representatives of the foreign media as well as the domestic media attended the conference, where for the first time the voices of victims were heard by the officials and the people.

More than 100 victims of various wars and violent conflicts of the past nearly four decades from different parts of the country attended the conference. Victims from the Communist era (1978 – 1992), civil wars (1992 – 1996), Taliban (1996 – 2001) and the present era (2002 onwards) spoke of their bitter memories about losing relatives, imprisonment and torture.

In the past few months, following the London Conference on Afghanistan (28 January 2010) "Peace Jirga", an extensive Afghanistan-wide traditional consultative assembly, came to be frequently mentioned. At the London Conference, President Karzai offered his proposals for talks with the armed opponents of the government. The absence of transparent information expected from the government on the agenda and objectives of the Peace Jirga and the memory of previous "Jirgas" throughout the history of Afghanistan and increased concerns, prompted the various civil society organisations and popular groups to seek to bring their views on peace and the Jirga to the attention of the government and the international community. Hence, the Victims Jirga took shape.

An elderly lady from Konar province told the Victims Jirga: "I was very young when I got married. Later, there occurred in our village a massacre in which my husband, my brother and all our people were killed." The massacre in the Communist era took the lives of 1,000 in her village.

Another victim from the Afshar area of Kabul talked about the looting of his brother's house during the civil wars, when he, only a young adolescent, spent 48 days in prison and under torture, just because he came from a different ethnic group and spoke a different language than the perpetrators: "I saw with my own eyes the bodies of the victims hanging from ropes." He elaborated on the tortures he had endured, adding: "One day, a member of the group that had taken us hostage smeared my hair with petrol and set fire to it. I was in the air for several seconds."

Another lady, who said she had been a victim of all eras of wars and violence in Afghanistan, said: I lost two of my children during the civil wars. They imprisoned my husband, a medical doctor, for 10 months under the Taliban and he lost his mind under their tortures. Under the

present government, a judge who had been bribed deprived me of the ruins I had converted to a house, and gave it to somebody who had arrived from Canada.

A male victim from Takhar province relayed the reaction of one government official in relation to disappearance and murder of two of his sons in recent years: "That government official told me that I was still young and could have other children." He added: "If we achieve justice, all perpetrators must stand trial."

Prosecution of criminals and violators of human rights was the common demand of all victims at the conference. One victim of the Taliban atrocities in Kabul said: "A criminal is a criminal, regardless of his ethnic origin or religion. They must all be brought to justice. If we were to have real peace instead of short-term peace, at least the past events should come to light."

Stuttering about the beating to death by cable of his brother by the Taliban in 1997, he added: "We don't want revenge, we don't want to wash blood with blood, and we want justice." And a victim of the civil wars era from the Parvan province compared peace without justice with "prayers without ablution."

In the second part of the conference, the victims were divided to eight working groups to discuss two questions: 1) how should we deal with the past? 2) how can we achieve peace?

Following discussions, the eight groups offered their views in the plenary session. The following points are indeed the outcome of discussions and the resulting demands on the civil society, government of Afghanistan and the international community have been formulated:

1. Examining the past and recognising the crimes against humanity, war crimes and human rights violations as well as their perpetrators and investigating the abuses and crimes of present time;
2. Putting an end to non-transparent talks and negotiations with the opposition groups, including armed opposition, and avoiding any political deals that would violate human rights;
3. Requiring the government of Afghanistan to recommit itself to the Action Plan on Justice, Peace and Reconciliation and to establish a special department, in close cooperation with the civil society, to implement it;
4. Ending the culture of impunity and immediately nullifying the Amnesty Law;
5. Enhancing the system of justice – judiciary to investigate crimes against humanity;
6. Mobilising the people and establishing a spirit of cooperation and coordination among the government, civil institutions and victims in regard to truth and justice seeking and establishment of peace;

7. Enhancing the processes and mechanisms for investigating and preventing the presence and influence of human rights violators and suspects of crimes against humanity and war crimes in important government positions, parliament, judiciary and other civil and local elected institutions and removing them from their positions;
8. Introducing the existing national and international mechanisms to support victims of war and to offer them reparations;
9. Requiring the international community to support the transitional justice process and underline the full implementation of the Action Plan on Justice, Peace and Reconciliation by the government of Afghanistan as one of the mechanisms for providing justice and peace;

The Transitional Justice Coordination Group (TJCG) is planning to translate the outcome of the conference into its future strategy and plan its subsequent steps on the basis of its results.

The Victims Jirga was given wide coverage in the national and international media, including:

<http://blogs.reuters.com/afghanistan/2010/05/21/where-does-taliban-reconciliation-leave-victims-of-war/>  
[http://8am.af/index.php?option=com\\_content&view=article&id=11724:----q--q&catid=3:2008-10-31-09-37-07&Itemid=488](http://8am.af/index.php?option=com_content&view=article&id=11724:----q--q&catid=3:2008-10-31-09-37-07&Itemid=488)  
<http://www.warisboring.com/?p=5181>  
<http://www.aan-afghanistan.org/index.asp?id=747>  
<http://www.cbsnews.com/stories/2010/05/09/world/main6469935.shtml>  
[http://www.bbc.co.uk/persian/afghanistan/2010/05/100509\\_k01\\_af\\_protest.shtml](http://www.bbc.co.uk/persian/afghanistan/2010/05/100509_k01_af_protest.shtml)  
<http://www.torontosun.com/news/world/2010/05/09/13882866.html>  
<http://www.guardian.co.uk/world/feedarticle/9068838>  
<http://www.newsnow.co.uk/h/World+News/Asia/Afghanistan>