

A periodical on human rights and civil society  
4th Year, Issues 27-28, January 2013

# Armanshahr



E-mail: [armanshahrfoundation.openasia@gmail.com](mailto:armanshahrfoundation.openasia@gmail.com)

Facebook: <http://www.facebook.com/armanshahr.openasia>

Facebook Armanshahr Publishing: <https://www.facebook.com/groups/Armanshahr.Publishing>



## Armanshahr Foundation

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## 15 years Armanshahr, celebrated with Simorgh peace prize awards

A caravan of books leaves; a caravan of affection returns



The 15<sup>th</sup> anniversary of the establishment of Armanshahr Foundation/Open Asia was celebrated in its 100<sup>th</sup> Goftegu meeting during which the winners of the first and second Simorgh peace prize were announced. Furthermore, the Ministry of Culture of the Republic of Tajikistan and the National Library of Tajikistan were praised for two decades of publishing services and cultural achievements, respectively. Two thousand books were donated to the National Library.

The National library of Tajikistan hosted the 15th anniversary of Armanshahr on 7 December 2012. During the celebration, Tajik actors performed a play with the title of the Simorgh Peace Caravan based on the winning poems of the Simorgh Peace Prize as well as a selection of poems by well-known poets.<sup>1</sup>

1- The script was based on the works of poets from Tajikistan, Afghanistan and Iran: Attar of Nishapur, Mehdi Akhavan Saless, Layegh Shir-Ali, Bazar Saber, Golroksar Safi Ava, Eskandar Khatlani, Nezam Ghassem, Elias Alawi, Zahra Hosseinzada, Wahid Talat, Ebrahim Amini, Seyyed Mehdi Moussavi, Rooholamin Amini, Hamed Rahmati, Amanollah Mirzaei, Mojgan Sadat, Alireza Labash, Mohammad Ali Siavosh Jonaydi, Zahra Zahedi, Javad Kelidari, Sanaz Beheshti, Sohrab Sirat, Taymour Barghi, and young members of Pierre Jouannon Poetry Workshop. The actors were: Artegh Ghader, Hemmat Khoda Amri Khodayov, Ghanijan Alemov, Molane Najmeddin Ava, Ghadamshah Nazarov, Guissou Jahangiri, Rooholamin Amini, Shourangiz Dadashi, Guissou Mohammad Shayova and students of Mirz Torsanzada Industrial College.

More than 100 cultural activists of Tajikistan took part at the meeting, which was covered by the media in Tajikistan as well as the international media, e.g. BBC, Radio Azadi and Radio Zamaaneh.

The play started with "I pray to God for the grapes to ripen," a poem by Elias Alawi, a winner of the 1<sup>st</sup> Simorgh Peace Prize. The final sentence of the play created many questions for the audience: "Perhaps we have not realised yet that we are the Simorgh, it is the blessed peace of Simorgh that conquers the hearts; it can be accepted unconditionally as a law."

The play concentrated on the contrast between peace and war, which kept recurring on the stage. War went, peace came, peace went and war came. Sometimes: "War ended. That was the last news they had heard on the radio. They had returned home in dirty attire/nobody waited for them/nobody said hello/nobody opened the door." However, there was a reply: "They do not wish to answer your hello/heads are bent into the collars/nobody raises their head to answer and meet friends..." The ending of war does not mean its conclusion. It is the beginning of a cold season during which

the past must be redressed. Achieving peace is not the final destination. The consequences of war must be eradicated. "The world must get drunk/the streets must stumble/Presidents and paupers must rub shoulders / the world must get drunk/ the borders must get drunk and Mohammad Ali can meet his mother after 17 years."

"Drunkenness must spread to objects." The evil brothers of Joseph must be told: "This was not expected/ throwing in the well, okay, but why kill?" The war films must be watched: "The camera filmed two corpses/the frame was



shut and the woman was on the other side of the window." One must be concerned with the war to protect peace: "Don't go out, the gutters are not void of blood, my blood is flowing where your blood is flowing where his blood is flowing." We should not forget that: "Mother was still whispering, don't say anything, silence was medicine as well as sickness."

The whole text of the play was not as bitter as this, especially when sisters and brothers from the three corners of this great lingual geography came together and joined hands, "without the Earth going crazy and the Heaven falling apart," when they cried out: "There are a thousand Khorassans in my heart," and "the rain washed away the 40-day grief/ it washed clean my heart and eyes/ it washed every window/ it washed the mirror of my heart/ Ringing passed the rain/ agile and young passed the rain."

Despite all the joy and grief, all the peace and war, the truth was still the final sentence of the play: "Perhaps we have not realised yet that we are the Simorgh, it is the blessed peace of Simorgh that conquers the hearts; it can be

accepted unconditionally as a law."

After the play, two special sculptures were awarded to the Ministry of Culture and the National Library of Tajikistan. Subsequently, Ms Golrokhsar Safi Ava, mother of the Tajik nation, spoke sweetly about 15 years of Armanshahr's activities. She described Armanshahr as an institution that had stood by the people of Tajikistan in the most difficult days of the suffering land.

The caravan of 2,000 books of Armanshahr, thousands of poems and stories of solidarity and common language went to Tajikistan and returned to Kabul as a caravan of affection, memories, friendships, and love and set up its 101<sup>st</sup> meeting with a good number of the people of pen, poetry and literature.

On 17 December 2012, the participants of the meeting at the Culture and Civil Society Foundation in Kabul heard a report about the 1<sup>st</sup> and 2<sup>nd</sup> Simorgh peace prizes, when the statutes of Simorgh and plates of honour were awarded to the winners. They then watched a film of the play performed in Tajikistan.

The Simorgh Peace Prize also issued a press release:



## Press release

9 December 2012

Armanshahr/OPEN ASIA

### Winners of the 1<sup>st</sup> and 2<sup>nd</sup> Simorgh Peace Prize named

Armanshahr Foundation/OPEN ASIA founded the Simorgh Peace Prize in 2009 with the motto "We want peace 365 days a year, not a day less, but a day more!"

The first call of the Simorgh Peace Prize to poets and writers on 15 September 2009 asked them to send their works to the Secretariat on the following topics:

- Victim: victims of the recent tumults, conflicts and wars
- Torture: physical, sexual, psychological and social ill treatments
- Rejection of war: violence and militarism

We received about 1000 works from the Persian-language writers and poets from all over the world for the 1<sup>st</sup> Simorgh Peace Prize.

The 2<sup>nd</sup> Simorgh Peace Prize was specified for non-governmental publishers in Afghanistan, who were asked to send in samples of their titles to the Secretariat.

On Friday, 7 December 2012, the 100<sup>th</sup> Goftegu public debate meeting of Armanshahr Foundation, marking 15 years of its operation, was held in Dushanbe in Tajikistan, where winners of the 1<sup>st</sup> and 2<sup>nd</sup> Simorgh Peace Prize were announced. At this meeting, Tajik artists staged a play and recited poems, and special prizes were awarded to the Ministry of Culture of Tajikistan in praise of its publishing services in the past two decades and the National Library of Tajikistan to highlight its significance. Also 2,000 books were donated to the National Library of Tajikistan.

Winners of the 1<sup>st</sup> Simorgh Peace Prize are:

- Elias Alawi in the Afghanistan Poetry Category for the poem "I pray to God for the grapes to ripen"
- Seyyed Mehdi Moussavi in the Iran Poetry Category for the poem "Those dark clouds and

these shadows are ominous"

- Aman Pouyamak in the Afghanistan Story Category for the story "No harm in trying"
- Hossein Shekarbeigi in the Iran Story Category for the story "There was the war"

Furthermore, 10 people were praised: Ms. Zahra Hosseinzada (Afghanistan), Mr. Amanollah Mirzaei (Afghanistan), Mr. Sohrab Sirat (Afghanistan), Mr. Ebrahim Amini (Afghanistan), Ms. Zahra Zahedi (Afghanistan), Ms. Sanaz Beheshti (Iran), Mr. Vahid Talat (Iran), Ms. Mona Shojaei (Iran), Ms. Sadigheh Bastani (Iran), and Mr. Javad Kelidari (Iran)

The winning publishers of the 2<sup>nd</sup> Simorgh Peace Prize are:

- Erfan Publishing House for books on literary critique and research, poetry, stories and history
- Taak Publishing House for publishing stories and focusing on the new generation of writers
- Qalam Publishing House for publishing poetry anthologies and focusing on ethnic languages spoken in Afghanistan, in particular the non-official languages

The call for the 3<sup>rd</sup> Simorgh Peace Prize will be published soon.

Armanshahr Foundation is an independent non-profit making citizenship organisation that is not affiliated to any economic, political, religious, and ethnic group or any government. We endeavour to create the foundations appropriate for achieving social demands geared to democracy, human rights, justice and rule of law; take cultural initiatives and publish books to serve the shaping of collective consciousness of the citizens. Armanshahr Foundation is working toward exchange of ideas and dialogue in the region with the goal of achieving solidarity, peace and progress. Armanshahr Foundation is a member of the International Federation for Human Rights (FIDH)

[openasiafrance@gmail.com](mailto:openasiafrance@gmail.com)

<http://jayezasimorgh.blogfa.com/>

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## Violence against women is political



The 98<sup>th</sup> Goftegu public debate (7<sup>th</sup> year), a bridge between the elite and the citizens, of Armanshahr Foundation, entitled “Political Violence against Women in War and Peace” was organised in Kabul, on 15 November 2012. The speakers were: Ms. Masouda Karokhi (Parliamentarian), Professor Reza Hosseini (Specialised in women’s affairs). Moderator of the meeting was Jawad Darwaziyani. The speakers discussed such issues as violence against women, the Constitution, Peace Council and women’s participation. The Armanshahr title “Justice for women, in war and peace” was also distributed.

The question of violence against women is a political issue, social and cultural problem and an economic requirement. Fortunately, in the past few years, the media have informed the public opinion of the horrible examples of events nationwide: rape, beating to death, burning the girls, forced and early marriage, giving girls and women to solve disputes, kidnapping women, preventing education of women in the family, lack of access to health, death at giving birth, exploiting women in the family, prohibition of visits to relatives and friends, insults and degradation, family rape and other instances.

Outside the home, the clearest examples of political violence against women included

omission of women from politics, society and the labour market. Afghanistan has left behind the experience of the Taliban era, whose ideology led to the almost total omission of women from the society and all aspects of the political life. Some people referred to that era as “sexual apartheid.” It was only international pressure that forced Afghanistan and its statesmen to accept women’s presence in the national parliament, to establish the Ministry of Women’s Affairs and allow women to run for council elections. Rape, honour killing, family violence – in short, societal force – have marginalised women. Political violence has equally condemned them. During several decades of war, women were never involved in macro and micro decisions to prevent the war. Hence, 50% of the population were deprived of their right to self-determination.

Ms Masouda Karokhi, MP for Herat, discussed political violence against women, saying: “Women received the greatest harm from numerous coup d’états, system change and several decades of war in the contemporary history of Afghanistan, because there were no laws to support us. After the April 1978 coup d’état, when the people rose against the Soviets, the first thing the mujahedin did was to close the girls schools in remote villages and districts. Gradually, women’s visits to their relatives were also prohibited.

***“We women have not been able to establish a strong political organisation and have mostly followed men. To combat the present-day despotic conditions, violation of human rights and absence of the rule of law, strong political organisation and public mobilisation of the people is essential.”***

“The current modern and advanced Constitution, which is the outcome of the Bonn Conference, is one of the most advanced constitutions in the world and the region. Unfortunately, the prevailing insecurity has prevented all its provisions from being realised. For example, Article 22 has rejected any discrimination between men and women. Article 33 has deemed the women’s right to elect and be elected. Article 43 has deemed education to be the right of all the people, men and women alike. Articles 44 and 82 have paid special attention to women and guaranteed quotas for women in the lower and upper houses of the parliament. Articles 53 and 54 have paid special attention to unprotected women and the family. Furthermore, the government of Afghanistan has acceded to the Universal Declaration of Human Rights, the Convention for Elimination of Violence against Women and numerous other international conventions. Nevertheless, the situation is worse in comparison even with five years ago. Despite the support of the international community for establishment of the Ministry of Women’s Affairs, membership of women in the parliament and the establishment of Afghanistan Independent Human Rights Commission, the conditions of women today are more worrying.

“Even though the rights of women, in particular their civil and political rights, have been emphasised in all international conferences, in particular the recent conference in Tokyo and the National Development Plan has emphasised that 30% of all important and decision-making positions should go to women, it has not been fulfilled to this date. According to an Oxfam report, the proportion of working women



has fallen from 27-28% to 18%. Women’s presence in the Ministries of Education, Higher Education, and Health has drastically been reduced. Even though the president has been frequently requested to appoint a woman to the Supreme Court, it has been ignored on various pretexts.”

Ms. Karokhi concluded by criticising the active women and saying: We women have not been able to establish a strong political organisation and have mostly followed men. To combat the present-day despotic conditions, violation of human rights and absence of the rule of law, strong political organisation and public mobilisation of the people is essential.

The next speaker, Mr Reza Hosseini discussed the active participation of women in the peace process and argued that there are two types of peace in the political and legal literature worldwide: negative peace (absence of war) and positive peace (absence of war plus the motion of the society towards fair structures). Transparency, justice and pervasiveness are components of positive peace, which the peace process in Afghanistan lacks. He explained: “The first key principle is transparency, i.e. awareness of the conditions for peace. According to a recent study, 28% of the people are aware of the conditions and demands of the government, whereas 45% of the people are aware of the conditions of the opposition, even though the media are in control of the government. If we deem peace to be a social contract, awareness of its conditions is a prerequisite for participation in it, i.e. the people must be fully and clearly informed. The important aspect of transparency is that we require the women’s rights to be brought up quite clearly and specifically in peace negotiations, otherwise the pervasiveness of peace will be open to doubt and we shall move towards negative peace.

“The next component of a lasting peace is its pervasiveness. However, the High Council of Peace includes only nine women, i.e. 12% of its members are women. Therefore, the peace process in Afghanistan lacks this component. The third key principle is justice. There are two viewpoints in this relation. The politicians (Conservatives) believe that this topic will push the peace process to a deadlock. That is the prevailing viewpoint within the government. The more realistic viewpoint contends that peace shall not be sustainable without justice and crimes against humanity must be prosecuted. We know that many crimes have been committed against humanity Afghanistan. In particular, the historical memory of women is inundated with the bitter memories of the events under the Taliban. If the question of justice is not pursued, and the High Council of Peace fails to devise a mechanism to deal with the issue of justice, the peace process shall not be an enduring one.”

Referring to the need for the presence of women in this process, he said: “Asking this question, i.e. ‘the need for the presence of women in the peace



process’, indeed indicates the existence of discriminatory assumptions, i.e. the women’s presence is not really necessary. However, women’s participation in the peace process is necessitated by three issues: 1) war and peace both impact women and it is their certain right to take part in this process; 2) participation of women in the peace process helps the fulfilment of social justice; 3) from a realistic and pragmatic viewpoint, women care more than men for issues such as health, child care, social welfare and security. Their participation in the peace process will help highlight the significance of these issues. Unfortunately, women are marginalised under the pretext that the conflict took place among men and peace must also take place among men. However, the peace process in Afghanistan is a political-security process, which is why the presence of women is dangerous, whereas we demand that peace should have a social aspect in addition to the political aspect.”

Pointing out women’s expectations from the peace process, he said: “In an opinion poll conducted by the Human Rights Research and Advocacy Group on the need for the participation of women in the peace process, the people were asked: what do you expect from the government if the Taliban do not recognise the women’s right to education in peace talks? Ninety-one per cent of the people demanded that the government must end the talks if the Taliban refused to accept this condition. Another question was: what do you expect from the government if the Taliban or the armed opposition refuse to recognise the right of political and social participation of women? More than 90% of the people were of the opinion that the government must not go ahead with reconciliation on those terms.”

In the question and answer section, Ms Karokhi was asked why the Law for Prohibition of against Women had not been approved, and

she replied: “The influence of the clergy in the Parliament has prevented it from being approved.”

In reply to the question of one of the participants about social peace and its differences with political peace, Mr Hosseini said: “Political peace takes place among the elite and it does not address issues such as nation building, but social peace stands for fair structures such as educational institutions, family, economy, politics and religion.”

More than 70 people had attended this meeting, one-third of whom were women. Some parts of the meeting were broadcast on Aryana TV. New titles of Armanshahr, “For recording in history”, “Prison, prisoners and human rights” in two Persian and English versions, as well as “Justice for women in war and peace” were distributed.



## Goftegu 89

### Two women, two poetesses:

**Makhfi Badakhshi  
&  
Mahjouba Herawi**

**Caravan of 5,000 Armanshahr  
books in Badakhshan**

To mark the arrival of Caravan of 5,000 Armanshahr books in Badakhshan, the 89<sup>th</sup> Goftegu debate (6<sup>th</sup> year), a bridge between the elite and the citizens, of Armanshahr Foundation, entitled “Two women, two poetesses: Makhfi Badakhshi & Mahjouba Herawi” was organised in Fayzabad, provincial capital of Badakhshan, at Badakhshan’s Culture Department’s Hall on 28 August 2012. The collaborators were the Culture and Information Department and the local division of Afghanistan Independent Human Rights Commission. More than 250 people attended, half of them women. The local media covered the meeting.

The meeting began with the screening of a drama piece with the same title that Armanshahr Foundation had produced in Kabul about the life and poetry of the two poetesses. Next, the speakers, comprising Ms Zofonoun Hassam Nategh (director of Women’s Affairs Dept and former Kabul University professor), Mr Mohammad Dinkhahani (director of Culture and Information Department) and Mr Abdulmanan Shivaye Shargh (poet and writer) offered their insights into the life and work of the two poetesses.

The meeting’s moderator, Mr Sadighi Lazard, said: History of Afghanistan is very dark for women. The dark aspects are noticeable in the poetry of the two ladies. Makhfi Badakhshi was born, grew up, was educated and wrote poetry, all in exile.

“Life has gone by, but my sad heart has not grown happy.”

Ms Hassam Nategh reported on Makhfi’s life and literary, social, and political work based on her work and works of her contemporaries: “Makhfi was able to represent unknown women from behind the chadors and walls. Her life





was full of tragedy and sadness; she suffered displacements and hardships. Three women can be well identified in her time among 6-7 million women: She, Mastoureh Ghorri and Mahjouba Herawi. She was fortunate to see the first girls' school in Badakhshan. She has said: 'I am fortunate to be alive and witness the fulfilment of the wishes I had nurtured about education of women for many years.'

"She spent more than 20 years in prison and exile; witnessed the death of her father and brothers in exile. When the king summoned her to a meeting, she refused to go. Finally, the king went to meet her. Instead of cringing before the king, she drew his attention to destruction in Badakhshan. She always stood up against despotic rulers, and oppressive governors and civil servants.

"She was born to an arts and literature nurturing family. Her brothers chose her alias in honour of Makhfi Hendi. When she wrote poetry, her brothers corrected them for her."

The next speaker was Mr Mohammad Dinkhahani, director of Culture and Information Department, who spoke about a strange time, when the young generation is going through moral degeneration.

He went on: "Even though the class origins of Makhfi Badakhshi and Mahjouba Herawi were far apart, they both spoke about oppression and suffered from it. In response to bullying and fanaticism, they say: 'We have broken the seal of silence of our fathers.'"

He argued that the two women were among the founders of women's movement in Afghanistan.

"Makhfi Badakhshi's poetry is now available to the public in many districts of Badakhshan. We organised a seminar in our Department in 2007, where many writers, poets and researchers read out their writings and research papers."

Addressing the young people of Badakhshan, he said: "Cultural degeneration is on the rise despite the growth of cultural and social institutions. The young people are not interested in reading books now. Instead, they engage in permissiveness and moral corruption. Young boys and girls do not have security in Badakhshan today. The structure of life in Badakhshan is in disarray now."

The last speaker, Mr Shivaye Shargh spoke about the historical despotism that plagued all the progressive people of the era of Abdur-Rahman Khan. He said: "If history has brought blood, rage and violence for men, it has brought the worst for women of Afghanistan; whereby the king has written in the exile order of Makhfi Badakhshi: 'You may not even get married.'

"We have only two women in the history of Afghanistan, who have offered their thoughts on freedom and rights in the context of poetry: Makhfi Badakhshi and Mahjouba Herawi."

He went on to argue that the lack of consciousness on the part of women has pushed them to deprivation and lower status. Women of Afghanistan shall gain their human value when they review their past context. Women of the present day must revive the historical courage of Badakhshi if a repetition of that context is to be avoided, deprivation is to come to end and they are to achieve justice, freedom and rights."



## Women's participation in peace process

Reza Hussaini<sup>1</sup>

Women's presence in the peace process is of special significance, because they represent the group that has experienced deprivation for many years. On the other hand, the issue of women is especially sensitive in talks with the Taleban, because our collective historical memory remembers the Taleban's attitude towards women quite well. Therefore, that makes it all the more important to focus on women's participation in the peace process.

Resolution 1325 of the United Nations provides a legal framework for women's participation in the peace process and its proper implementation can lead to an enduring peace and a response to women's concerns; enacting it will give more legitimacy to the peace process in Afghanistan.

The reality, however, takes a different trend in Afghanistan; women have a minimal and symbolic presence in the peace process. The questions to be asked are: how will the participation of women in the peace process be protected? Will the peace process help change the discriminatory social and political structures by promoting women's rights and gender equality? Will it prevent the regeneration of deprivation and marginalisation as the foundations of any war and conflict? Does the peace process enjoy the features of an enduring peace (justice, transparency, pervasiveness)? What are the concerns of the people, in particular the women, about the peace process? What are their expectations?

Theoretically, there are three reasons for the women to have a maximal and active participation in the peace process: 1) Women are influenced by the results of the peace process in the same way as they are by conflicts.

<sup>2</sup> When conflicts come to end, violence against women often continues. 2) It is essential to include women in the peace process to realise social justice.<sup>3</sup> 3) From a pragmatic and realistic viewpoint, women attach more importance to education, health, child care, social welfare and security. They focus more on the quality of life and human security. They have a special understanding of the needs of the family and the society. This proper understanding and proper response increases security in the society.

In analysing women's participation in the peace process, we are facing the 'glass ceiling', which means the invisible obstacle preventing the progress of individuals based on structural prejudices. This expression refers to the small number of women and minorities in governmental departments and private sector. The glass ceiling indicates that women and minorities fail to reach the higher levels of hierarchy.

The quantitative of women's participation in the consultative Loya Jirga was considerable, but its quality was questionable. The low number of women in the High Council of Peace and the provincial peace committees is also worrying.

Marginalising women in peace talks is caused by the absence of a specific trend and mechanisms in the High Council of Peace to support women's participation. Even though resolution 1325 and the consultative Peace Loya Jirga of 2010 prepared the legal grounds for it, the government and the High Council of Peace have not defined a process for women's

<sup>1</sup> Researcher of the Human Rights Research and Advocacy Consortium

<sup>2</sup> Porter, Elisabeth, "Women, Peace and What Security? Assessing Resolution 1325," APSA Conference paper, 24-26 September, 2007, Monash University, Melbourne, ([arts.monash.edu.au/psi/news-and-events/apsa/refereed-papers/feminism-and-gender-politics/porter.doc](http://arts.monash.edu.au/psi/news-and-events/apsa/refereed-papers/feminism-and-gender-politics/porter.doc), September 2007), 18 July 2012

<sup>3</sup> Ibid.

**“Women’s role in the peace process has been restricted and become symbolic under the influence of patriarchal views. They have been deprived of the opportunity to express their views and concerns. On the one hand, their absence at the negotiations table is a green light for the Taliban to enter the talks. On the other hand, their limited presence in the High Council of Peace provides a pretext to offer to the public opinion and the international community to obtain their support.”**

participation. Even in the provincial peace committees, women’s selection depends on their closeness to the power structure.

Women’s role in the peace process has been restricted and become symbolic under the influence of patriarchal views. They have been deprived of the opportunity to express their views and concerns. On the one hand, their absence at the negotiations table is a green light for the Taliban to enter the talks. On the other hand, their limited presence in the High Council of Peace provides a pretext to offer to the public opinion and the international community to obtain their support.

The government accepts women’s participation in the peace process, because it shows to the international donors that women are also present, but it is not interested in their

qualitative participation in the peace process. The question is why?

The argument in favour of restricting women’s maximal participation in the peace process is that the Taliban do not want them there. In other words, they believe that women should stay at home. As a result, women are kept away from the negotiations table and key roles in the High Council of Peace.

In other words, the government is facing two groups: 1) The international community that is giving financial assistance to help women’s participation in the peace process as well as the civil society and the people who demand

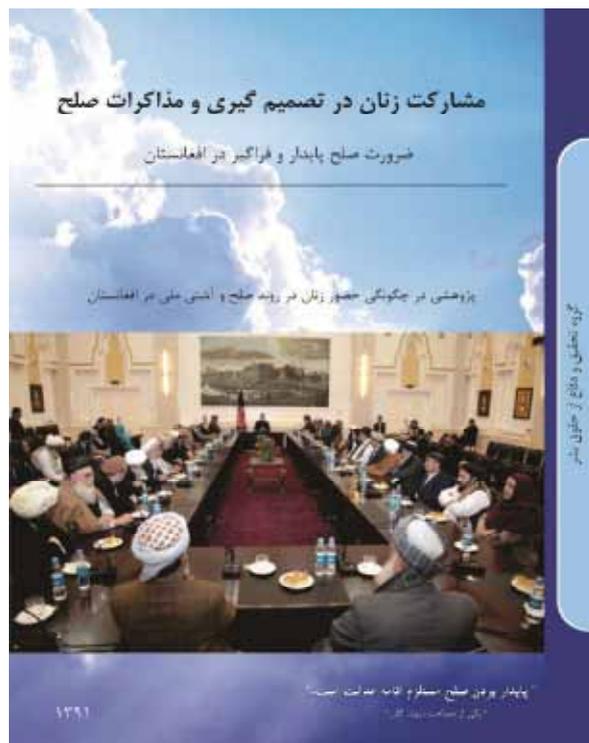
their participation. 2) The Taliban who are not prepared to sit with women at the negotiations table.

The government is trying to bring these two groups closer to each other, as a result of which women’s role in the peace process is restricted.

Transparency, justice and pervasiveness are the fundamental features of a positive and comprehensive enduring peace that can focus on the interests of all social groups. The present trend, however, lacks those features. The people are not properly informed of the conditions set out for the negotiations. That indicates lack of transparency. Above all, women’s rights are shrouded in full ambiguity. However, their historical memory is full of bitter experiences of the Taliban era. Therefore, the peace process, in particular in relation to women, must be totally transparent. Their presence at the negotiations table could provide relative assurance to prevent the re-emergence of discriminatory structures.

Regarding the second feature, the question is: has a mechanism been devised to establish justice and prosecute the people who committed abuses against the people of Afghanistan, in particular the women? There is also a lack of transparency in this regard.

Pervasiveness of peace means participation of all the people, in particular the women.



Women must have an active presence in the peace process if it is going to be a pervasive peace. The other aspect of pervasiveness is the inclusion of different views from all social groups. That means that the peace process must reflect the diversity of opinions of the people of Afghanistan and address the demands of various social groups, in particular the women. On the other hand, it should provide for social and cultural freedoms.

The main problem lying ahead of an enduring peace is the traditional approach of the High Council of Peace under which such issues as women's rights and democratic values fade away. In the assemblies or Jirgas that take shape to settle conflicts and disputes, young people and women are always left out. More importantly, women are sacrificed and exchanged to settle differences and disputes. This traditional attitude to such a complicated issue shall not be adequate to solve the problems of our society and lead us to an enduring peace.

Opinion polls show that 96% of the respondents demand women's participation in the peace process, whose participation is essential for an enduring and pervasive peace. Therefore, they must enjoy equal opportunity with men to express their demands, concerns and expectations. What are women's concerns and expectations from the peace process?

Women are concerned with lack of transparency in the peace process and demand transparent talks with the Taliban. "The government of Afghanistan must give assurances that talks with the armed opposition groups shall take place in a transparent manner and any political deals violating human rights shall be avoided."<sup>4</sup>

Another concern of the women of Afghanistan, on which they insist, is the realisation of justice as an important factor for achieving an enduring peace. Without

investigating the crimes, there shall not be an enduring and pervasive peace. An enduring peace shall not be realised without justice. "Women of Afghanistan know well that without justice and rehabilitation of the victims of four decades of wars, reconciliation shall mean sharing of power with the armed opposition, not a justice-centred peace, and it will not provide a favourable ground for reconciliation in the whole country."<sup>5</sup> Peace and justice are interdependent and consolidate one another.<sup>6</sup> If justice is demanded by the women of Afghanistan, it should be included in the agenda of the High Council of Peace. That is what Resolution 1325 also emphasises.<sup>7</sup>

5 Ibid.

6 International Center for Transitional Justice, "Peace versus Justice: A false dilemma" (<http://ictj.org/news/peace-versus-justice-false-dilemma?gclid=COC88dmKt7ECFUp76wodv2QA-Q>, 5 Sep. 2011) 26 July 2012.

7 United Nations Security Council, "Resolution 1325," ([http://www.un.org/events/res\\_1325e.pdf](http://www.un.org/events/res_1325e.pdf), 31 Oct 2000), 18 July 2012.



4 Joint statement of the 50% Campaign of Women and women's political participation committee to Bonn Conference

## Access to justice and challenges to it



In celebration of the International Human Rights Day and the Victims Week, Armanshahr's 99<sup>th</sup> Goftegu public debate, a bridge between the elite and the citizens, entitled "Access to justice", was held in the hall of the French Institute in Afghanistan in cooperation with the Institute and the Open Society Afghanistan on 9 December 2012.

The speakers were: Dr Gholam Haydar Allameh (University professor and lawyer), Ghislain Poissonnier, in charge of the French Embassy's Justice Mission of Pole de Stabilite in Kapisa and Surobi, Zia Moballegh (human rights activist and researcher), Mashal Afrooz (Integrity Watch Afghanistan), Abdolhamid Sahak (from the International Development Law Organisation), Jamili (from Nijrab district, Kapisa province) and Mr Agha Muhammad Kaker (from Tagab district, Kapisa province).

Addressing the issue of victims and access to justice, Dr Allameh said: "the people have formed a government and sacrificed some of their freedoms to allow the government to provide them with security and justice. If access to justice is difficult and combined with degradation, it indicates the government's inability to fulfil its obligation.

"The Constitution of Afghanistan has not addressed the principle of access to justice or judicial authorities and guarantee of fair treatment; there is a vacuum. There are some general provisions about the rights of the harmed

persons. This principle has not been directly emphasised in the common laws of Afghanistan either, but they have referred to victims under the title of harmed person. Their rights have not been recognised. Therefore, these laws are far from international standards.

"A harmed person is sidelined in regard to access to justice and the prosecutor decides as their representative in all stages. They have even been deprived of the right to appeal. Under article 62, only the prosecutor may appeal against the first instance verdict. None of the 10 remedies provided by the International Criminal Court's statute to the victims have been mentioned in the laws of Afghanistan.

"The laws only emphasise financial compensation. Psychological and emotional compensations are unknown. Victims do not have access to medical and psychological care. It is therefore essential to amend the penal laws in Afghanistan to protect the victims."

Mr Poissonnier was the next speaker, who said: "access to justice is a human right on the international level. If it does not exist, people's human rights would not be guaranteed. However, access to justice is not only a problem in Afghanistan; it is a problem in other countries as well. Even in France, the majority of the people do not have access to justice."

To have access to justice, according to Mr Poissonnier, "prosecutors, judges and judicial

employees must be educated. Government institutions must cooperate, the police be educated, the laws be simplified, the people must receive capacity building to demand their own rights; the law schools, lawyers and the legal aid system must be strengthened.”

Next, Mr Zia Moballegh addressed the meeting: “Access to justice has been a serious problem for all in the past four decades, in particular for the women and children who have suffered most. The various studies show that 80% of the people in Afghanistan wish their problems to be resolved through the formal system, but they are mostly settled through the informal courts.”

According to the speaker, the most significant



problems of women and children are as follows: weakness of judicial organisations and absence of accountability, lack of transparency and low capacity of the employees in the judicial sector. “The prolongation of the judicial process leads to disappointment. Children are also facing numerous problems. Forced and early marriages constitute more than 60% of marriages nationwide. The children’s courts will not exist at any part of the country, their offences are usually investigated by courts for adult people, they are detained in prisons for adults. Three per cent of judges are women, but there are no women in the High Council of the Supreme Court. As a result, there is a one-sided approach to laws and criminalisation.”

Mr Moballegh argued that structural discrimination against women is another problem: “Even though 10 years have elapsed since the signing of the Convention on the Elimination of All Forms of Discrimination against Women, the convention has hardly been put into practice. The laws of Afghanistan systemically discriminate against women. Besides, the authorities consistently fail to reform the strategies concerning women and children, e.g. the amendment of the Family Law that is facing problems.

“When there is corruption, you can buy justice with money. When the question of money comes up, women and children suffer the most harm. Studies show that more than 70% of women who go to courts do not have any income and cannot pay bribes. That is a double oppression. Under these circumstances, there is no clear perspective except the implementation of the Constitution, not to confine the transition to a political transition, to provide for meaningful participation of women at all levels of the state including the judiciary, to liberate justice from corruption, to raise awareness, to take collective action to eradicate violence against women and children, and to eliminate cultural obstacles facing women.”

The next speaker, Mr Sahak said: “Laws have been established in Afghanistan since 100 years ago. We do not lack laws. We have more than 1,000 laws, but we keep complaining of the absence of the rule of law and access to justice. Why are laws never implemented? A country needs a government to administer its affairs and the government needs laws. Laws must be based on the nation’s willpower.”

The other two speakers, Messrs Jamili and Agha Muhammad Kaker discussed the local jirgas. They argued: it is not possible to deal with the problems through formal authorities owing to lack of access to courts, corruption, war and other issues. The people stand a better chance of resolving their problems through the jirgas.

Mr Afrooz said: The Integrity Watch Afghanistan has made recommendations about justice. One of the most important solutions is to provide for the people to monitor the process of trials. The IWA has taken a series of actions in this regard and had some achievements.

About 100 citizens and activists as well as foreign nationals were present at the meeting and some of the media covered it.



Goftegu 92

## Justice & rights in Balkh

The 92<sup>nd</sup> Goftegu public debate (6<sup>th</sup> year), a bridge between the elite and the citizens, of Armanshahr Foundation, entitled “Justice & rights in Balkh” was organised in Mazar-i-Sharif, on 6 September 2012. The discussions centred on the performance of human rights activists in the past 10 years to achieve justice in the country and ‘what should be done’ in the future. Human rights and civil society activists, women’s rights activists, journalists, and university professors attended the meeting.

The speakers were: Mr Nassim Bahman (professor of Balkh University), Mr Hayatollah Javad (director of the Afghan Human Rights Research and Support Institute), Mr Nasser Amini (professor of Balkh University), Ms Zahra Ahmadi (director of Child foundation) and Ms Malali Ossmani (director of Women’s Rights Assistance Institute). Moderator of the meeting, Ms Farkhondeh Rajabi, a student of Mazar-i-Sharif University, opened the meeting by saying: “The discussions in this meeting shall centre on the working of the civil society to achieve human rights, national and international opportunities to achieve human rights and justice, achievements of women for women during the last 10 years and an image of children in Balkh. We shall seek to know what to do in the future.”

Discussing civil, justice and human rights institutions, Mr Hayatollah Javad said: “After 12 years of generous support of other countries and international organisations to prop up the civil society in Afghanistan, there are still many unanswered questions about the procedures of establishment, goals and operating method of these institutions. It is quite likely that after the withdrawal of international support, the civil society in Afghanistan will plunge in a dark situation.”

Discussing the role of civil institutions in realising the transitional justice programme and human rights of the citizens of Afghanistan, he went on: “There were legal protections in Afghanistan law and international law and unique financial resources for the civil society that could organise a great civil movement by relying on those laws. However the Peace, Reconciliation and Justice Plan provided a ground for civil movements based on justice. Unfortunately, the absence of civil institutions from this process offered a good opportunity to violators of human rights within the government structure to get the General Amnesty Law passed by the Parliament that was contrary to said plan. Hence, the people of Afghanistan were deprived of justice.

“There are major problems ahead of civil society institutions in regard to their share in the process of quest for justice and human rights. The absence of adequate capacity to use the opportunities, absence of strategy on the part of the international community to organise support for the civil institutions in Afghanistan, and the presence of warlords within the government structures are among the major problems facing the civil institutions. Furthermore, as a result of lack of understanding of civil values, they have

**“Political leaders do not trust channels other than secure bureaucratic channels. Furthermore, party, ethnic and religious considerations in reports given to higher officials have occasionally led to instability of the administrative system and helped bureaucratic policy-making. One more problem is related to the nature and functioning of the civil society.”**

been unable to give shape to popular structures through reliance on the people of Afghanistan; they have relied on the financial protection of the international community to perform their activities. The extensive support of the international community has prepared the ground for extensive corruption. Thousands of civil institutions have been formed to obtain funds. Millions of dollars have been spent, but proportionately tangible achievements have not been obtained. Those institutions have become executive

arms of the international institutions and their activities have been confined to the wishes of those institutions rather than the social and civil needs of the people of Afghanistan. The people deem the majority of these institutions to be representatives of foreign institutions and regard their presence to be in contrast to their traditional values. Those mistakes have prepared the ground for the re-emergence of warlords.”

In the opinion of Mr Javad, the civil institutions lack a popular base; as a result, their activities wasted the opportunities that existed for achieving human rights and justice. Hence, Afghanistan is suffering from serious social, cultural, civil and political abnormalities for which the civil institutions are mainly to blame. “These organisations must first endeavour to reform themselves. Reviewing their past activities, capabilities, shortcomings and failures as well as transfer of civil knowledge to their members are important steps to be taken in the future.”

Mr Nassim Bahman said: “One of the serious problems in the past 10 years was the lack of structural diversity and lack of relative independence of subsystems. The second problem was the absence of the rule of law. The civil society is an independent sphere of institutions that take shape with the protection

of the law. If there rule of law does not exist, civil activities will not grow as expected. The third problem was the unsuccessful and incomplete state-nation-building process. As long as a transition to the modern national state has not taken place, the subsystems and substructures of democratic systems, civil society, political parties and social organisations shall not be created. We have not prepared the ground for a modern state yet. The other problem is the politicisation of bureaucracy.

“Political leaders do not trust channels other than secure bureaucratic channels. Furthermore, party, ethnic and religious considerations in reports given to higher officials have occasionally led to instability of the administrative system and helped bureaucratic policy-making. One more problem is related to the nature and functioning of the civil society. At the same time, an encounter between cultural and civil features on the one hand and the tribal culture and features on the other is also a problem. One more problem concerns the perception and expectation of the people; they do not have a proper understanding of the functioning of the civil society. Therefore, they occasionally have undue expectations from the civil society.

“In the past 10 years, the ground for participation has been prepared as a result of civil discussions and activities. The discourse of support for human rights and citizen rights has become a significant part of the activities of civil institutions.

“The civil institutions should focus on intellectual growth and political knowledge, in which case realism and optimism shall replace pessimism. Attention to political culture and development, extensive support for human rights and citizen rights, in particular for freedoms of citizens and protection of the people’s private spheres, coexistence of social relations, respect for the bilateral trust between the government and the nation must form a bridge between the two.”

Mr Nasser Amini discussed the national and international guarantees for human rights and the background of human rights in the Oriental and Western thoughts. He said: “Human rights have a long-standing historical background, but we witnessed gross atrocities against humanity in the 20th century. Indeed, millions of people were cruelly killed in World War II. This seriously moved humans and brought up the question as to how guarantees for human rights should be found to prevent governments or systems or groups from violating human rights and to punish

them in case of violation.”

He further examined the development of human rights from first-generation to third generation and pointed out how citizens were able to gain a status before international authorities as independent legal entities. In his words, the international courts were established and the international conventions were approved and recognised the rights and freedoms of citizens to lodge complaints against the systems and governments with international courts. Furthermore, organisations such as Amnesty International, the International Committee of the Red Cross and the International Jurists Association were international non-governmental human rights that always defended human rights.

Ms Zahra Ahmadi, a child rights activist, argued that the conditions of children have improved in the past 10 years. As she put it, 10 years ago less than one-tenth of children had access to education; the access of female children to education was almost zero. At present, two thirds of male children and half of female children have



access to education. On the other hand, health services that help keep children alive at birth and up to 6 years have increased considerably. Nevertheless, some spheres have not experienced any change. Children are still used in forced labour and prevented from education; the latest UNICEF report has identified Afghanistan as the worst place for children. The increase in casualty of children is also another concern; every day 5-6 children reportedly die in the war.

She also said: “in the past few years, the government and human rights institutions have not had any plans to respect the rights of children and improve their conditions. Insecurity, absence of the rule of law and economic poverty are other major problems children are facing.”

The last speaker, Ms Malali Ossmani, emphasised the achievements of the past 10 years: 10 years

ago, women were not allowed to leave the house, but fortunately they have an active role in all governmental and non-governmental institutions today. Presence of women in the parliament, cabinet, decision-making bodies on the one hand and the existence of such laws as the Law for Prohibition of Violence against Women, Family Law and Marriage Law, on the other, are our most important achievements in the field of legislation. The most important problems of women are political, economic and social problems and it is not clear what will become of them after the withdrawal of international organisations.

In the question and answer section, the speakers were asked why the civil institutions in Balkh have done very little in the past few years in comparison with other provinces such as Bamian, Herat and Kabul and sufficed to a few programs, educational seminars and debates.

Mr Javad replied: “The civil society institutions in Afghanistan have not developed systematically. Their programmes in remote areas were not welcomed and failed to bring positive results. Thus, the people were disappointed with these institutions and their activities. They confined themselves to the cities and, within the cities, to a particular group. We did not realise we should take those ideas to all parts of Afghanistan.”

Mr Amini said: “There is an artificial atmosphere in Balkh, where the ordinary citizens feel content and believe that their conditions are ideal. The civil society institutions are seeking profits rather than enlightenment. They think that they will lose their financial resources if they criticise the incumbent government and will fail to implement their programmes. Therefore, they do not touch the popular issues. The civil institutions in Herat and Bamian are by far more active.”

Mr Javad was asked: The transitional justice process has been marginalised; how can it be brought back on to the agenda again? He replied: “The quest for justice always existed. However, there are times when we can take action more easily, but sometimes the situation is complicated. These topics could be discussed more easily in 2005 and 2006, but those organisations failed to do anything. The conditions have now changed. The civil institutions can operate more than ever now, but they seriously need to take stock of their 10-year performance. Otherwise, there will be no chance for going forward.”

## Goftegu 90

## Justice & rights: 10-year experience; a way for the future



The 90<sup>th</sup> Goftegu public debate (6<sup>th</sup> year), a bridge between the elite and the citizens, of Armanshahr Foundation, entitled “Justice & rights: 10-year experience; a way for the future” was organised in Fayzabad, provincial capital of Badakhshan, at the hall of Afghanistan Independent Human Rights Commission on 29 August 2012. Human rights and civil society activists, women’s rights activists and many young people attended the meeting to hear discussions based on human rights, victims and justice.

The meeting started with the screening of the film ‘Eyewitness’ produced by Armanshahr Foundation and directed by Mr Rafii Behrouzian and Ms Elka Sadat. Later, Mr Jawad Darwaziyan presented a speech with the title of ‘Universal Jurisdiction: A mechanism to pursue violators of human rights,’ covering topics such as the definition of the UJ, its history, its relationship to human rights conventions, covenants and other related instruments, its achievements, challenges and solutions.

One of the speakers was Ms Maryam Amvaj, director of the Women for Women institution who discussed justice based on the problems of women in Badakhshan: “The last 10 years, despite the shortcomings, were full of promises especially for women.

“In the first few years, we witnessed the development of education for women and their liberation from captivity, bias and extremism. Their status rose after the passage of the new Constitution, which emphasised the equality of men and women and protection of the family, and banned discrimination. Other achievements included the establishment of the Ministry of Women’s Affairs, the Afghanistan Independent

Human Rights Commission, women’s active presence in the government and the parliament and the passage of the Law for Prohibition of Violence against Women. Women of Badakhshan also benefited from those developments and made progress in education, work and basic rights. It is unfortunate that disorder and regression as well as atrocities such as assassinations, violence, stoning, customary informal courts, poisoning of female students, burning the girls’ schools, reduction of women’s role in the parliament and the cabinet have led to decrease in women’s share.”



On the specific problems of women in Badakhshan, she said: “The improper conditions in Badakhshan have made it difficult for women to have access to health facilities and, despite the great interest of girls in education, they are deprived owing to lack of female teachers. The traditional culture prevailing in our society has influenced all aspects of life. That culture, which is inundated with discrimination against women, has always prevented them from achieving their

basic rights.”

In her opinion, such factors as the low level of literacy, poverty, lack of security and absence of the rule of law bring the greatest harms to women. Even though the passage of the Law for Prohibition of Violence against Women has raised new hopes for implementation of justice, it has not yet taken a practical form. Women of Badakhshan suffer from violence in the family. Obstacles such as the prevailing traditions, women’s economic dependence on men, and their emotional attachment to their children have always prevented women from objecting to men’s violence in the family. Nevertheless, they have been raising their voice lately to achieve liberation.

She expressed also a tone of optimism: “Those instances may indicate a rise in violence against women, but women have found an audience to reach their voice. Girls do not wish to live in an unwanted marriage and suffer for a life time.”



She criticised the justice and judicial institutions: “Women still face problems with having access to justice institutions. The corruption that prevails over the government, failure to implement the laws, and influence of patriarchal ideas on all judicial organisations pose serious challenges to women’s quest for justice. Thus, if young girls dare to avoid forced marriage, they must endeavour for a long time to achieve their basic right of choosing a spouse. The traditional issues of engagement and marriage are still obstacles. Young girls are married traditionally by their families and when they refuse, they have to face dangerous consequences, to be punished and spend a long time behind bars. In many moral instances, girls are punished but boys are not questioned at all. Even in cases of adultery, only girls are punished, but men get away somehow.

“A long time is needed to combat injustice,

because social change cannot be achieved overnight. Civil, human rights and women’s institutions play an important role in protecting the values.”

Subsequently, participants of the meeting voiced their criticisms, suggestions and opinions for improvement of the conditions of civil institutions and the media in Badakhshan. Most



of them complained of the failure of government bodies to implement the laws, bullying of the strongmen, economic problems and emergence of fundamentalism.

Mr Samiollah Sayhoun, a Badakhshan journalist, was of the opinion that emergence of the Taliban in Badakhshan was the result of lack of seriousness on the part of the government to uproot them. He said: The strongmen are so powerful in every aspect that journalists have to engage in self-censorship and not disclose the truth.



Some participants were of the opinion that the civil society has not taken shape in Badakhshan yet.

Some publications of Armanshahr Foundation were distributed among the participants.

## Interview

# National interests, peace, justice: questions and ambiguities

We interviewed Mr Abdulhafiz Mansoor for this issue.

- **How does the parliament define national interests?**

The parliament in Afghanistan, just like parliaments in any other country, sets out the dos and don'ts in the framework of the Constitution. What the Constitution prescribes are national interests. However, there is no specific resolution to clarify the national interests and that has led to contradictory interpretations within the parliament and outside it.

- **In that case, what are the foundations for political, social and cultural peace?**

Definition and interpretation of peace are also different. Sometimes, peace is interpreted to mean a stop to armed confrontation; sometimes, it means the domination of an ethnic group and a political party; sometimes, it is seen in the growth of civil institutions and a stop to physical, mental and spiritual violence. Civil institutions do not view peace to mean a stop to armed confrontation. They say, there was no armed confrontation during the Taleban reign, but we cannot call it peace. The country was a big prison, a graveyard where silence had been established by force; they said they do not wish to have such a peace. Under the present Administration, some groups aim to prop up the ethnic and political status of their own specific groups. It is not important for them what will happen to the women and children, minorities, political parties and unions. On the other hand, the majority of the people in Afghanistan desire internal and external peace and provision of individual and collective rights. Therefore, the political elite and leaders are behind the masses of the people. With their experience of homelessness and migration as well as the knowledge they have gained from the media, the masses do not believe in classical security and peace. They do not want the Taleban to return.

- **The High Council of Peace is in charge of the peace process. Why have the parliament, the**



Mr Mansoor is Member of the House of Representatives from Kabul. He was a candidate in the first presidential elections. As a member of the mujahedin of the Islamic Association of Afghanistan, Mr Mansoor was in charge of their cultural section, the Bakhtar News Agency in the government of the mujahedin, managing editor of the Mujahed (the newspaper of the Islamic Association of Afghanistan) and the weekly Payam-e Mujahed.

- **civil society and human rights activists have criticised it and questioned its legitimacy?**

Since its inauguration two years ago, the parliament has had concerns about the establishment of the High Council of Peace. The parliament demanded that it should be a legitimate, official and with a recognised structure, as part of the government with a specific status so that it can be questioned about its functioning. The fundamental question arose because it was born out of a traditional Loya Jirga. Transitional structures cannot be effective in a modern government and society. Good intentions do not necessarily lead to peace. Their means and methods are important. Nobody is authorised to establish military force outside the framework of the government's military forces. Similarly, nobody can create a parallel structure and say they are building peace. We are of the view that it is not clear to whom the council should be accountable, where it should obtain its budget, who should decide its policy and where it stands within the government. These questions do not have any answers yet.

- **Does the parliament hold this council to be legitimate?**

Yes, its legitimacy means that some members of Parliament are on the High Council of Peace. On the other hand, Master Burhanuddin Rabbani and Salahuddin Rabbani were called to the parliament for hearing last year and last week, respectively. We could not impeach them because it was not

clear in which framework they were operating. It is not clear if the High Council of Peace is a part of the government or not.

• **Why were they called to a hearing session if they do not have legitimacy?**

Parliament can call anybody or any organisation to a hearing session. We called the Independent Electoral Commission to a meeting yesterday, but the Commission is not related to the government. Therefore, we cannot disband it. This problem persists.

• **Does Parliament have a strategy for peace? If yes, why did parliament not advance the process?**

We suggested that a new commission be set up to take over the questions of peace and security alongside the existing 18 commissions owing to the significance of the process. Unfortunately, we could not convince the majority of MPs.

Parliament cannot establish a new department. Its task is legislation and overseeing the implementation of laws. Talks must go on and we shall support any step that can reduce bloodshed in Afghanistan and save the life of even one person or stop injury to one person, but not at the cost of destruction of achievements that were pointed out.

• **A large part of the achievements of the past 10 years concern the rights of the people: women's issues, migrants, victims of the war and the issue of justice. What are the related specific plans of parliament?**

We have the law for elimination of violence against women.

• **Was it approved?**

Yes. We have legislated other laws and regulations to improve the conditions of women. The institutions concerned have been summoned to the relevant committees of the parliament for failing to investigate crimes against humanity; the general assembly of the House has resolved that the government must take more serious action in this regard. Last week, we witnessed a public trial for rape in one of the provinces; that was brought about as a result of pressure from MPs.

Parliament has neither been satisfactory nor has it neglected its tasks. Parliament has had resolutions to protect rights of journalists, rights of women, rights of children and so on.

• **Every time that the government and the international forces raise the question of peace,**

**the Taliban launch extensive attacks. What is the reason? Have the government and the international forces failed or are there are other plans underway?**

Unfortunately, I'm not convinced with the peace efforts. We have said many times that government policies on peace and reconciliation are not clear. When the general policies of the government were submitted to the parliament after 10 years, the parliament rejected them unanimously. They were not recognised as basic lines of policy, because they were irrelevant. One of the major shortcomings concerned talks with the Taliban, which had not been mentioned at all. Government policies regarding talks with the Taliban are sporadic, irrelevant and inconsistent.

As to the failure of the government and the international forces, there is no doubt that the Taliban are in a position to make more regions insecure after 10 years. The international community has decided to pull out of Afghanistan. We do not have a strong army; we cannot collect even one quarter of our annual budget within the country. These things are clearly encouraging for the Taliban. They would not join the peace process under these conditions.

• **Assuming that the Taliban and the government reach a joint conclusion, war or peace, how will the mujahedin forces react?**

I do not pretend to represent the whole of Afghanistan. However, there are two red lines in my opinion: 1) Nobody is prepared to let Afghanistan to return to 10 years ago. 2) Nobody will allow the freedoms enshrined in the Constitution and the rights of citizens to be suppressed. Nobody is prepared to deal over them under the pretext of talks and a stop to fighting. For example, a change in the national anthem, type of the system, election of the president, change in the Cabinet and the like are open to negotiations. However, freedom of expression, women's rights, education and the like are not negotiable.

**“There are laws in this case. The restrictions can be heard in a fair trial. It is not possible to shoot somebody in the name of justice or by the same methods of dictators. We must recognise the complications and challenges.”**

The people will defend themselves and they do not need anybody to mobilise them. The people did not rise against the Taleban, the Taleban forced the people to rise. The Taleban policy and attitude instigate responses. That does not need the media and the like. When they harass women, close the schools, do not give any rights to ethnic groups and languages, the people are forced to defend themselves.

• **Does that mean that the mujahedin will resist?**

Yes, no doubt.

• **How will wars to come to an end then?**

Causes of war are different in each country and for each nation. Sometimes religious factors cause them, sometimes economic factors, at other times ethnic supremacy or ideological issues. There may be side factors as well. The question is: what is the fundamental cause of the wars in Afghanistan that has enhanced the other factors?

In my belief, the religious issue is more significant. Interpretations of freedom, independence and national sovereignty have influenced the thinking of some of the people. Some people think of freedom and independence. They think that their country is occupied. Besides, there is the ethnic issue as a motivation.

I have said many times that we cannot stop Talebanism by creating an All Afghanistan Ulema Council. The predominant religious discourse in Afghanistan is Talebanism. Speeches of many ulema in Kabul are not much different from the viewpoint of the Taleban. We have to offer efficient and good interpretations of religion.

• **Justice has always been referred to as both a social demand and a solution; how do you view it?**

Nobody is opposed to justice. Even criminals would benefit from it, because it would prevent them from committing more sin. It is not important if it is called transitional justice or something else, but we should distinguish between human justice and political justice. The Marxists killed some people on the pretext of being reactionary and imperialist, the mujahedin killed some people under the pretext of being Marxists and traitors, the Taleban also did that. We must not do it on the pretext of transitional justice. Two points, however, should be clarified in regard to transitional justice: 1) when should it begin from? 30 years ago? Why?

2) All perpetrators should be punished or only a certain number of people? For example, look at

the list. Should only the mujahedin be tried or the Communists and the Taleban too? Why are the Taleban not on the list? Why are the Russian officers, who committed the most crimes, Milosevic and Gorbachev not on the list? Why are the Pakistani officers not on the list? Why are Perez de Cuellar, then UN Secretary-General, US Presidents Reagan, Brzezinski (they gave the stingers to Afghanistan) and Thatcher not on the list? There shouldn't be any exceptions. Anybody who created problems here, no matter where they are, must be investigated. In that case, we will strongly cooperate with it.

The Independent Human Rights Commission should have done that. At that time, I said this is a political issue, not a humanitarian project. When the Americans came first, the issue of transitional justice was frequently raised. Why is it not raised now? If they are independent, why do they not issue statements now? The American officers have killed so many people during the past 10 years. Why are their names not on the list of the criminals? If the Commission is independent, why did it not issue a statement to say that Master Rabbani's name is on the transitional justice list, when he was appointed as the head of the High Council of Peace? That is because the Commission is not independent. It is political.

We have said many times that nobody would be harmed if transitional justice is free from ill intentions and even offenders would benefit.

• **You published a report on the conditions of the Pul-e Charkhi prison last year, in which it was stated that many political prisoners had not been tried after several years of detention. How then is it possible to bring them to the negotiation table?**

There are laws in this case. The restrictions can be heard in a fair trial. It is not possible to shoot somebody in the name of justice or by the same methods of dictators. We must recognise the complications and challenges.

• **Are you in favour of the International Criminal Court investigating Afghanistan?**

It is not necessary to call the international court. They will take the initiative if they find it necessary. We have two conditions for every court, not only the ICC: 1) when will they begin from? 2) There must be no exceptions. The international courts may be more useful and take less influence from the rulers.

## Interview

# Amnesty International: results and achievements of a decade

- **What topics has Amnesty International focused on in Afghanistan in the past 10 years?**

Amnesty International established its first office in Afghanistan in 2002 and I was a member of its team. It mainly focused its work on the restructuring and revival of the national police, prisons and the judicial system in Afghanistan. Our reports and recommendations were generally accepted by the international community. Most donor countries (Italy, Germany and the US) were motivated as a result of our research to help with the revival of the police, the judicial system and legislation. At the time, in most courts, the judges ruled on the basis of their own understanding. At the same time judges did not enjoy higher education.

The other important issue was the prevalence of systematic discrimination against women in those institutions. When they went to judicial organisations, they were subjected to discrimination in certain cases such as violence against women and running away from home. We published a report on Women's access to justice, which was well received. Many donors were interested in using the women's issue as a political tool.

The other issue concerned the internally displaced people (IDP), both those who have been displaced during the civil wars and the ones displaced after the fall of the Taliban. They were facing severe problems in many provinces at the time; e.g. in Herat, Qandahar, Helmand, Nangarhar, Balkh and Faryab. The UN Organisation for Migration was annoyed with our report, because they were criticised in that report.

Our focus has changed since then. For example, in 2007, we mainly focused on transitional justice, transfer of detainees to prisons, impunity for the Taliban, the attitude of international forces to Afghanistan and their promotion of impunity that facilitated violation of the laws. We were also concerned with the increased figures of civilian casualties and illegal treatment of prisoners and detainees by the international forces, which were clear violations of the laws and international human rights standards in many cases.



Horia Mosadiq, Amnesty International's Researcher for Afghanistan, answered our questions for this issue.

At the same time, people were subjected to violence by the international forces as well as by the Taliban. Therefore, our subsequent report concerned violations and human rights abuses of the Taliban against civilians. In all those reports, we underlined human rights abuses, violation of human rights and humanitarian law.

Since 2009, we have focused on three issues: IDP, civilian casualties caused by all parties to the conflict and violation of women's rights. We published a report on IDP in Afghanistan in February to 2012, in which we described their conditions as a humanitarian crisis. That report received a lot of publicity in Afghanistan and abroad and prompted the government to establish a commission headed by the second deputy president, which formulates policy in collaboration with the Ministry for Returning Migrants. At present, we are working on getting aid to such people and the ones who are living in the cold areas of Afghanistan before winter.

Regarding civilian casualties, we have initiated advocacy work with the international and domestic forces to reduce the figures of those casualties.

Since 2007, we have not been able to have direct relations with the Taliban, but we have always called on them in our statements to avoid killing civilians and targeting civilian facilities.

In the past two years, we have frequently called on the international criminal court to examine the war crimes, which are taking place to this date in Afghanistan. We have not received a positive response yet, but we hope that the court will accept our request and investigate all conflicting parties for commission of war crimes.

• **You have talked about defending human rights activists. Some of those activists have taken refuge abroad. What are you doing to help them?**

We cannot help these people. We are trying to get the government of Afghanistan, the international community, UNAMA and the UN High Commissioner to help human rights activists and women's rights defenders. When somebody encounters a serious security problem, the only suggestion of the security agencies is that they should leave Afghanistan. We believe their conditions will worsen after 2014. If the government is criticised, the authorities are likely to take the opportunity to threaten the activists. We proposed the establishment of a working group, in which the Afghanistan Independent Human Rights Commission, Ministry of Women's Affairs, some of the governmental and non-governmental institutions concerned, foreign embassies, UN High Commissioner for Refugees and UNAMA took part to attend to any such problems on an emergency basis.

• **What have you done for the migrants abroad?**

My work concerns only Afghanistan. Our other sections concerned with such issues have taken action accordingly. For example, our sections and researchers in other countries have focused on the arrests of Afghans in Iran on drug charges, execution of Afghans, detention of Afghans in Pakistan, discriminatory attitudes in other countries etc.

• **Have you reported on school burnings, acid throwing and security threats against students?**

We published a report to mark the 10 years of military intervention in Afghanistan, in which we assessed the failures and achievements of the government and the international community in a chapter on 'failed promises and slow progress' regarding attacks against education. Our report displayed a fragile and critical state of affairs and showed that neither of them had been successful.

• **What was your achievement regarding the restructuring of the judiciary?**

There were many problems at the time. Today, the judiciary is in quite different conditions in comparison with 2002. There have been many reforms also within the police. It has been established that judges must hold a bachelor's degree in theology or law, a judicial reforms commission has been established that amended many discriminatory or non-standard laws; new laws such as the Press Code, Election Law, the Law

for Elimination of Violence against Women and others have been enacted. However, this system is still far from our expectation. Discrimination is still seen in the judicial organisations and the influence of the strongmen has thrown into question the independence of the judicial system.

• **How do you choose your topics?**

We first check to see what topics other human rights organisations, e.g. Human Rights Watch, UNAMA and AIHRC are working on and then choose other missing issues. We cannot deal with every issue. We mainly choose the pressing important issues.

• **How do you identify a pressing issue?**

A pressing issue is an issue, which causes harm to a lot of people, takes place in an extensive area, has not been reported on yet, there has not been a solution for it and we consider it to be a human rights violation. For example, in 2009, the conditions of IDP were very grave, because it was a problem in most parts of Afghanistan, but nobody had paid attention to them.

• **Transitional justice covers a large cross-section of the society, but Amnesty International's statements in the past one year have rarely referred to the issue. Why?**

The fact that we call on the International Criminal Court to investigate Afghanistan is a part of the transitional justice process.

• **But the ICC covers a limited period of time. What about the time before it?**

We have written research reports about the period of the civil wars, since the reign of the Communists to 2001. When the Constitution was being approved, we sent an open letter to all representatives of the Constitutional Loya Jirga and emphasised that we shall not have a secure future so long as we have not dealt with the past. Therefore, we have always believed in transitional justice. We have placed a lot of emphasis on it in our interviews. During the presidential and parliamentary elections, we emphasised that people who were accused of violating human rights should not be allowed to stand. Lately, we proposed it to Bonn Conference 2 and asked it to include transitional justice on its agenda. We are of the belief that impunity has led to the increase of the Taleban's barbarism. They have never been accountable for their actions.

• **How do you assess the situation of human rights after 12 years; improving or worsening?**

It is very difficult to say it is improving or deteriorating. This situation is more ambiguous than we think. It depends on what will happen after 2014, when the military forces pull out of Afghanistan. Does that mean also an end to the political commitments of those countries? It could well be so. Even the financial commitments made in Tokyo conference end at the conclusion of 2015, but the Afghanistan projects continue to 2025. It is possible that those countries will reduce their support after withdrawing their forces and then sever their relations.

If the legislative and law enforcement institutions are enhanced and be accountable, the situation could improve, but unfortunately that has not happened yet. Our police are not accountable and do not uphold the basic rights of the citizens, the judiciary is not independent and cannot implement justice, the Army is not able to defend the borders in the face of problems from outside. In that case, the future is certainly dangerous. If the government commits itself to create strong police, an independent and competent justice system, we may retain what we have gained to this date.

• **What will happen to the 10-year achievements and results?**

We are not worried about our activities; we are worried about the loss of achievements. We cannot prevent losing them, because we're not the executive. That is the task of the governments; if the governments fail to do it, we will do advocacy work to prevent Afghanistan from entering a worse situation than it is. We will lobby them to adhere to their obligations towards Afghanistan. If those commitments are not upheld, all our efforts of the past 10 years shall be last.

The people, however, do not wish to go in that direction. Afghanistan today is different from the 1980s and 1990s or even the 1970s or 1960s. The people are more informed and raise their voice. We have freedom of expression which is unprecedented even in the neighbouring states. Surely, freedom of expression is in better conditions in Kabul, but the provinces are still under the influence of the armed groups, local commanders and the Taleban. If you speak up, it will lead to your death or escape. However, societal awareness plays an important role, free press have provided a proper platform for the people to speak up. We do not have much confidence in the parliament, because they are involved in political dealings and compromises at the governmental and regional levels. However,

I hope we will have an accountable and efficient parliament by then.

• **There have been quite a few customary courts recently. Have you responded?**

Always. We have frequently responded, in particular in the past few weeks when there have been more cases of this kind. The customary courts remind us of the period of the civil wars and the Taleban reign. In the words of a member of the Supreme Court, these are fortunate cases, which are reported by the press and the culprits are arrested, but there are more important cases, which do not come to the attention of the justice system.

• **One of the culprits said in an interview that the government is informed of these cases and has authorised them. What is your opinion?**

I can neither confirm nor reject it. In the case of the flogging of Ms Sabera, the governor and the police commander of Jaghori did not wish it to be revealed. It was even reported that a policeman had struck the woman. Our concern is that some of our international colleagues are making efforts to give credence to the informal justice system. We have not succeeded to convince them that this leads to sacrificing the women.

• **What is your view about the next election in comparison with the past two elections?**

We criticised some of the candidates in the previous elections and argued that we should find a mechanisms to prevent human rights violators from standing for election. However, the head of the European Union Mission told me: "they have been accused, but they have not been convicted. Until they are convicted, they have a right to be elected to any post." This was a shock and bad news. We realised that big compromises were on the way and they did happen. If they had cooperated with us at that time, we would have stopped them in the parliamentary elections and presidential elections similar to what we did in the Loya Jirga elections. However, we have always been alone in the field of the struggle for justice. I'm not optimistic about the forthcoming elections. There were two foreigners, as a symbolic gesture, in the Electoral Complaints Commission last time, but this time they are to be left out. The coming elections do not promise to be better than the previous ones. In the last election, 'slippers' came out of the ballot boxes. I'm sure that this time other things will come out of the box.

## Interview

# Human Rights Watch in Afghanistan, 10 years on

Heather Barr, Afghanistan researcher of Human Rights Watch, answered our questions for this issue.

### • What were your priorities in the past 10 years?

I can start telling you a little bit about Human Rights Watch. It has existed since the 1960s. It was originally established as Helsinki Watch and then it expanded to work in all parts of the world. At this point Human Rights Watch is working in 90 countries around the world, but our operations are very small in each country. For example, we have four or five people in China or five people in Congo and in Afghanistan we are two people. With this small staff, our priority cannot be to monitor everything that happens in this country, to provide training or things like this. We have to have a very specific progress.

What we do mainly is we monitor what is happening through media, our relationships with local NGOs, with organisations like UN and we try to respond quickly when there is an issue coming up, which we think is a problem for human rights. In addition, we choose one or two topics each year to do in-depth investigation and to report and when we produce reports, we do a lot of advocacy and try to get people to adopt the recommendations we make in the report.

So in the last 10 years, we have worked a lot, on any issue you can imagine, but I think I'm going to choose two issues that I think have come up again and again in our work over the last 10 years. The first one is the situation of women in Afghanistan, because we see this as one of the most important human rights violations in this country and one of the areas where we should have expected a lot of progress after the end of the Taliban government and to see some progress but we need to see much more. So this is an issue we are trying to fight with the donors about, with the governments about.



Ms. Heather Barr is from Alaska, USA. She has been working for HRW in Afghanistan for more than a year. Before coming to Afghanistan, she worked in Africa for UNDP for two years. She has also worked seven years as a lawyer with prisoners in the US.

The second issue is impunity. If you go over the past 30-35 years in Afghanistan, different crimes have happened which have not been investigated and not been punished but also things that are happening now. For example, the last report we wrote was on women and the one before that was about Afghan local police and how many of the people who have a history as being warlords are becoming empowered again by the Afghan local police programme.

### • You only consider the past 30 years. Why not the events prior to that period?

Our work is more focused on the present. In terms of looking at the past, mostly what we have done is to call for a transitional justice process. For example you may have seen us speaking in Tolou TV yesterday about how the AIHRC Mapping Report should be released. So, we wouldn't see it as being our responsibility to investigate everything that happened over the last 30 years or over the last 100 years. This is a very big project, which should be done by the Afghan government as part of the transitional

justice process.

I mean that a very important thing that has happened is the creation of this report by the Afghanistan Independent Human Rights Commission. But if this report is not released, it doesn't mean anything. It is four years of wasted work.

When we decide we are going to work on, we ask ourselves to the questioned. We ask ourselves: Is there a right to be violated? How many people are affected by this human rights violation? What is the likelihood that Human Rights Watch being involved can make a difference?

• **What about the prisoners?**

We have looked at the issue of prisoners in several ways. This report about women is about women

**“They are using physical evidence, which is not valid. For instance, examinations of women that they are doing have no medical validity. They treat them like animals.”**

in prison for running away from home or Zena, so we have looked at what we think is the wrongful imprisonment of women in many of these cases. We went to Bagram prison in March and after this visit we have raised concerns with the US government about the number of children who were in Bagram. We opposed the transfer of prisons from the Ministry of Justice to the Ministry of Interior, because we believe that having the prisons under the control of the Ministry of Interior increases the

likelihood of torture. In March we learned that the general in charge of Pul-e Charkhi prison had ordered these invasive searches of all the women who came to visit, so we fought hard to try to end this practice. Our organisation opposed the appointment of Assadollah Khalid to head NDS and we worked a lot with UNAMA and other organisations to try and talk about the torture that is happening in the NDS facilities and some of the Ministry of Interior jails.

• **Why did you oppose the appointment of NDS director? Furthermore, what have you done about the justice system's failure to investigate many cases owing to the extensive backlog of cases?**

On the issue of Assadollah Khalid, we've reviewed all the evidence against him about the abuses

**“I should also add that it is very important as to how we work with the local NGOs.**

**I don't want to make it sound like we are working on our own, or we know everything. We can't do our work without the relations we have with Afghan NGOs.**

**We rely on Afghan organisations for everything. They give us information, they tell us what we should focus on, what work we should do. We ask them to think carefully about how we can do advocacy in a way that we each use our own strength. Sometimes if you are trying to change an issue, the last thing you should have is a partner talking about it. On the other hand, if you go to Washington DC and you want to tell Hillary Clinton,' do this, this, this,' then it is easier for us to do that, so we have to work together.”**

that he is accused of committing in the past. We understand that he has never been convicted for any of these abuses or charged with any crimes, but we believe that there have been a lot of allegations and they should be investigated carefully before someone who has been accused of these things is appointed.

In terms of problems in the criminal justice system, we are very concerned about these problems. We talked a lot about the weaknesses in the justice system in this report, «I had to run away». The report is specifically about moral cases, but the findings about the justice system could be applied to any case. The police are relying in almost every case on a confession. This confession is usually taken from people as soon as they are arrested with no lawyer being present. They are using evidence, which is not really evidence. For example, somebody says this guy is a bad person; my wife is a bad woman, which is not actually evidence but someone's opinion.

They are using physical evidence, which is not valid. For instance, examinations of women that they are doing have no medical validity. They treat them like animals.

There are so many problems with corruption in the justice system that people have very little confidence that police, prosecution and judges make their decisions based on evidence rather than based on bribes. We should also say that the justice system is very prejudiced against women.

**“We don’t accept that peace and justice are enemies of each other and you must choose one. We have been criticising the US very strongly since 2001 for the fact that the US has pushed the Afghan government to work with powerful people regardless of their background. We are also criticising the people who are now saying: ‘Oh, the Taleban have changed much; they are much kinder; they are very different from 2001. We can get along with them.’”**

If a man accuses a woman of something or a woman accuses a man of something, he says that she has committed adultery and she says she left because he beat her, they always believe the man.

• **Why has the HRW paid little attention to education and civilian casualties as well as the internally displaced people?**

We have been involved on these issues somewhat, but not much, you’re right. On education, we have talked with the media about school poisonings. We were very concerned about these people who have been arrested in Takhar, even though there is no physical evidence of poisoning. We have talked with the media and called on the government to try to figure out what has really happened with school poisonings and then have an appropriate

response. We did a report before about attacks on education, but this was some years back.

On the issue of civilian casualties, we go once every month usually to the meetings that ISAF has with the civil society organisations and we try to use this as a chance to do advocacy about civilian casualties. Before the NATO summit, we put out a statement, calling for funding for the Afghan security forces to be linked to better

mechanisms for accountability for the security forces. We have also collaborated with Oxfam and other organisations to put out a letter that should come out this week, I think, about the renewal of ISAF mandate. Those are some examples of things relating to civilian casualties.

On the issue of internally displaced people, as you know, Amnesty International did a big report about IDPs that came out in the spring. Of course, we try to choose subjects to work on that will complement the work of other organisations and not duplicate it. But, we have been working on some research about the situation of Afghan refugees.

We had a report on migrants in Iran. This work has strong connections with internally displaced people, because many people are displaced within Afghanistan after they are deported.

• **How do you do advocacy at national and international levels?**

For example, the last report that we put out was this one about moral crime, which we put out in March. At that time, the executive director of Human Rights Watch for the whole world came to Afghanistan. We held a press conference at Serena Hotel. We had a lot of media there and we presented the report. We did a lot of outreach to the Afghan media and international media to ask them to write about this issue. We arranged meetings with different people who we thought we should share the report with and ask them to follow the recommendations of the report. We arranged meetings with the Ministry of Women’s Affairs, Minister of Justice, Chief Justice, and the AIHRC. We had a meeting with human rights NGOs. I think someone from Armanshahr was there. We had a meeting with the service providers that are working with women in prison. We asked to meet with the Ministry of Interior but they refused to meet with us. Our executive director had a debate on the BBC with Presidential spokesman Aimal Faizi.

We met also with internationals. There is a meeting of all ambassadors that happens every week at the SRSG’s house. We went there to explain the report. We met also with the deputy head of ISAF, with the US ambassador, with the deputy head of EU and people like this.

Now we continue to follow this issue. For example a month and a half ago, there was a meeting in the Wolesy Jirga [Parliament] held by the human rights committee, where the minister of justice and deputy minister of interior said that running

away from home is not a crime. After this, we went to meet with the deputy minister of interior and we said: you said that running away from home is not a crime. That is great, but your police are still arresting people. How will you change that? I don't think we got a good answer.

• **Have you seen any impact of your work in regard to impunity? What is your position now that there are attempts to separate peace from justice?**

We don't accept that peace and justice are enemies of each other and you must choose one. We have been criticising the US very strongly since 2001 for the fact that the US has pushed the Afghan government to work with powerful people regardless of their background. We are also criticising the people who are now saying: 'Oh, the Taleban have changed much; they are much kinder; they are very different from 2001. We can get along with them.'

We don't oppose the idea of peace negotiations. Who can oppose this idea? We oppose the idea that justice for things that were done in the past should be forgotten as part of the peace process. We oppose any agreement that will sacrifice rights.

• **You reported on women, but did you have any achievements in regard to impunity?**

Not a lot, honestly. I think for any human rights organisation doing advocacy, it is hard to measure your impact. I think maybe your organisation has the same challenge. Sometimes you feel the most you can hope for is to make things get worse more slowly. I mean all of the issues that we work on, we can't say that we changed things, we did this, because these are issues that so many Afghan organisations and other international organisations are working on as well, so all of us together sometimes we succeed, sometimes we fail. But, in Human Rights Watch, we wouldn't say we take the credit for this.

On impunity, you know that there are so many organisations that have been talking about this issue over and over again. There are some people in the international community, like the Netherlands in particular, who have been talking about this issue. What success have we had all of us together? I don't know. I mean, I think it is a success that this plan was made for transitional justice, even if it was not implemented. It is a success that this Mapping Report was written, even if it has so far not been released. We have two keep pushing every day.

• **What is your assessment of the human rights conditions after 10 years?**

I think there has been some important improvement since 2001. I think there has been less improvement than there should have been and that improvement could disappear.

• **How do you view the deterrent role of foreigners in electoral commissions in the next election?**

In Afghanistan today, foreigners are not popular. People are tired of having foreigners in their country. To see that both the parliament and the political opposition are demanding that they should have foreigners on the Electoral Complaints Commission is very significant. I think, what happened in the elections in 2009 and 2010 and the way people felt about these elections were very damaging for Afghanistan. In the end people didn't have a good impression of most of the institutions that were involved in these elections. But the Electoral Complaints Commission was one exception. I think that people had a lot of respect for the Commission after the elections. I think the man who was the head of the Electoral Complaints Commission, who is a guy from Canada, didn't care who won the election, he just wanted to it to be there.

The election was still not fair, but the Electoral Complaints Commission was the one body that made it a little fairer. Why should be take apart even this institution? I worry so much about what will happen after this election if Afghan people watch this election and they think that voting means nothing. Then maybe they will choose a different way

I should also add that it is very important as to how we work with the local NGOs. I don't want to make it sound like we are working on our own, or we know everything. We can't do our work without the relations we have with Afghan NGOs. We rely on Afghan organisations for everything. They give us information, they tell us what we should focus on, what work we should do. We ask them to think carefully about how we can do advocacy in a way that we each use our own strength. Sometimes if you are trying to change an issue, the last thing you should have is a partner talking about it. On the other hand, if you go to Washington DC and you want to tell Hillary Clinton, 'do this, this, this,' then it is easier for us to do that, so we have to work together.

## Interview



Interview with Wahideddin Arghun  
Head of the local office of Afghanistan  
Independent Human Rights  
Commission in Badakhshan

## Human rights in Badakhshan

movement, freedom of assembly, right to health, education, housing etc. There are shortcomings that prevent human rights from taking root. Things may improve in some areas, but there are extensive problems in some other areas.

### • What is your human rights-centred perspective of Badakhshan at present?

In the past three decades, our country has been plagued with crisis in political, social and cultural fields. Injustice, lawlessness, war, massacre, plunder, insecurity, homelessness, drug smuggling and other problems have plagued the people.

Human rights concepts were raised after the establishment of the provisional administration. With 28 admin divisions, 2000 villages and an estimated 1 million people, a number of urban and semi-urban districts, Badakhshan has its specific problems. Human rights activists concentrated mainly on two issues: monitoring and support. Specifically in relation to human rights, the situation was improving from 2003, when the AIHRC office was established, to 2006. We also witnessed progress and developments in regard to press laws, media, political parties and people's participation in elections nationwide as well as in Badakhshan.

Unfortunately, things have not changed since 2006. Security concerns have increased. Suicide attacks, mines and security concerns have been combined with restrictions imposed by the Taliban on the people and their civil and political rights in some districts. Unfortunately, we are concerned with maintaining a series of progresses achieved in the past.

We monitor 17 human rights including the right to life, freedom of expression, freedom of

### • How do you see the security situation?

Our studies nationwide in the first quarter of the year show that there have been more than 1,000 civilian casualties, including women and children. The security situation is not good in some districts and we are concerned with the absence of the rule of law in those areas and the rising number of the insurgents. This means that in some districts such as Warduj, Tagab Kasham, Shahr-e Borozg and others, the people's rights have been restricted. We have reached some degree of understanding with the security officials and hope that measures will be taken to improve the situation.

• **We did not see the Taliban in Badakhshan in the past, but they have created insecurity in some districts in the last few years. What is the reason?**

There are domestic reasons as well as the interference of Afghanistan's neighbours. Badakhshan has a significant location. Some people talk about the interference of neighbouring countries such as Pakistan.

There are also internal reasons: there are people who are discontented with government's measures. The imbalance in development projects is one of those reasons. The opposition also demands the implementation of the Islamic sharia and the implementation of its punishments. Some other reasons for discontent in the region are caused by the inefficiency of some of the operations of security commanders in the districts. The insurgents also make use of poverty and economic problems. There are a

number of people in the ranks of the opposition who are facing accusations of crimes. They can only take shelter within the ranks of the Taleban.

• **Which human rights are violated more than others?**

We had recorded 105 human rights violations last year, most of which concern physical and domestic violence and violence against women. In some cases, they concern the right to health, right to housing, right to live, personal security, education, employment. However, in the past few months we have recorded 35 cases of human rights violations, which means the total number at the end of the [solar] year may exceed last year's. Sometimes, insecurity and increased violence hamper our access to such reports, even though the media help us in this respect. There are 500 newspapers, more than 200 radio stations and 34 private television channels nationwide. The presence of the media in Badakhshan is not comparable with large cities. We have only one local television channel, four local radio stations and six print media. Nevertheless, they help us transmit our ideas and experience, and human rights concepts. They have not however grown as much as we had expected them to.

Most cases of violence that we recorded last year occurred against women, i.e. beating, refusal to pay expenses or physical violence, personal security, property rights, freedom of movement.

Fortunately, there were fewer civilian casualties during the joint operations of the international forces and the government in the Warduj area. There were only two casualties and it was rumoured that they were affiliated to the Taleban, but the security forces were unable to prove it. A number of people were displaced. Crimes have been on the rise in the current year and in the past one month, when we recorded six cases at the centre of Fayzabad. It is a small city. On the other hand many of the people who have recently come to the town are not familiar with the urban culture. The population is on the rise.

• **The strongmen are said to rule in government departments and to determine how the various departments operate.**

Exactly. The strongmen interfere not only in human rights related issues but in others as well. We have described them as "a state within the state." That is the case not only in Badakhshan but also in some other districts as well.

In some districts, e.g. Warduj, government officials are unable to get by. In some villages

of Shahr-e Bozorg, there is no rule of law. Tagab Kasham is also facing the same problem.

• **How much long-term impacts will the human rights activities of the past 10 years?**

What has been done here and there in the past 10 years has led to some positive developments. The conditions of health, education, road construction, citizen rights, women's presence in government departments, people's participation in elections, freedom of expression are some of the areas which people have experienced. There are more than 40 institutions engaged in reconstruction in Badakhshan, but they have not made a considerable achievement. Some of the remote areas have not benefited from the construction and renovation plans. In remote areas, where they do not have roads, progress has not been achieved.

On the whole, when a school or a clinic or a road is constructed, we can call it an improvement in human rights situation. However, our assessments of development plans show that the people are not optimistic. There are 10 organisations working for drugs reduction in Badakhshan, but if you were to ask the farmers and the people about their services, the people are not satisfied with their performance.

• **What can be expected in the future?**

Unfortunately, it is getting worse. The structure of the state within the state is expanding. Parliamentary groups invest in different areas to employ people. Some people tried to employ their own affiliates. Corruption within the government structure is another problem. The people do not know about many things, in particular about laws and they do not have access to urban centres and judicial organisations as a result of the distance. Religious advocates propagate a negative picture of the civil institutions as if these institutions are Western phenomena; they offer an upside down interpretation of democracy. On the other hand, poverty and unemployment are problems that lead to injustice.

• **What are your priorities in Badakhshan?**

We have to evaluate the past. We have new elections two years later which may lead to major changes. There is also serious concern about the transition of security responsibilities in 2014. People are worried. The human rights institutions must concentrate on advocacy and lobby the government to pass and implement laws to strengthen the valuable achievements.

## Human rights violations news

Violations of human rights occur in Afghanistan every day. We report the most important items for information of our readers and “for recording in history.”

### Women

- **52 killings of women recorded in 1<sup>st</sup> four months**

17 July 2012 – Afghanistan Independent Human Rights Commission has recorded 52 killings of women in the first four months of the solar year, 42 cases of which were described as honour killings and the total exceeded by 20 cases in comparison with the corresponding period of last year.

<http://da.azadiradio.org/content/article/24647379.html>

- **3500 cases of violence recorded against women in 1<sup>st</sup> six months**

25 November 2012 – To mark the International



Day for the Elimination of Violence against Women, Ministry of Women’s Affairs reported that 3,500 cases of violence had occurred against women in the first six months of the solar year. Minister Hassan Banu Ghazanfar said there was not an increase in the number of the cases in comparison with last year, but harsher violence had been recorded. At the same time, police in the north-eastern province Badakhshan reported that a woman had been killed by her husband.

[http://www.bbc.co.uk/persian/afghanistan/2012/11/121125\\_k02-afg-women-violences.shtml](http://www.bbc.co.uk/persian/afghanistan/2012/11/121125_k02-afg-women-violences.shtml)



- **Women’s rights activists protest execution of Najiba**

11 July 2012 – Execution of Najiba in the Parwan province by armed men, brought scores of women’s rights activists on to the Kabul streets, who demanded punishment of the perpetrators. The protesters criticised the judicial authorities, the local officials and the Council of Ulama for failure to fulfil their responsibilities. Sima Samar, president of the AIHRC, who joined the protesters, said: “Culture of impunity” is the reason for the ongoing cycle of violence against women in Afghanistan.

20 July 2012 – A study by the Women’s Affairs Committee of the Wolesy Jirga (Parliament) of Afghanistan shows that Najiba had been detained in a Taleban base for three months. Fowzia Koofi, head of the Women’s Affairs, Civil Society and Human Rights Committee of the Wolesy Jirga said at the sitting of the Parliament: “Najiba had been forced to marry six months ago and had escaped two months later.”

[http://www.bbc.co.uk/persian/afghanistan/2012/07/120711\\_k01\\_kabul\\_women\\_demo.shtml](http://www.bbc.co.uk/persian/afghanistan/2012/07/120711_k01_kabul_women_demo.shtml)

<http://www.dw.de/dw/article/0,,16131680,00.html>

- **Director of the Laghman province Women’s Affairs Department killed in explosion**

10 December 2012 – The local authorities in Laghman province in eastern Afghanistan said

that the director of the local Women's Affairs Department, Najia Sadighi, was killed in the explosion of a bomb planted in her car. The spokesperson of the governor of Laghman said



that 11 other civilians had also been injured in the explosion. Ms Sadighi had taken over the post after her predecessor Ms Hanifa Safi was killed by a magnetic bomb on 13 July.

[http://www.bbc.co.uk/persian/afghanistan/2012/07/120713\\_k02-laghman-women-head-killed.shtml](http://www.bbc.co.uk/persian/afghanistan/2012/07/120713_k02-laghman-women-head-killed.shtml)

#### • Man sentenced to death in Herat for raping his daughter

12 November 2012 – The appeals court in Herat in West of Afghanistan sentenced to death a man for raping his young daughter. The governor's spokesperson said the trial was open to the public and the defendant's lawyers as well as civil and women's rights activists were present. A 13-year-old young person was killed in Herat after being raped by two persons two days ago.

[http://www.bbc.co.uk/persian/afghanistan/2012/11/121112\\_k02-herat-court-rape.shtml](http://www.bbc.co.uk/persian/afghanistan/2012/11/121112_k02-herat-court-rape.shtml)

### Armed opposition

#### • AIHRC condemns the killing of 40 civilians

7 June 2012 - The AIHRC strongly condemned the killing of about 40 civilians as a result of suicide attacks in Kandahar and the night operations of the NATO forces in Pul-e Alam city in the Logar province. According to 7 June media reports, 22 civilians were killed as a result of successive suicide attacks in Kandahar. Furthermore, 17 other civilians, all women and children, were killed in night operations of the NATO forces on six June in Logar.

<http://www.aihrc.org.af/fa/press-release>

#### • MP and 20 others killed in wedding

14 July 2012 – Spokesperson of the police in



northern Afghanistan said that MP Ahmad Khan Samangani Gen Mohammad Khan, head of the National Security Directorate of Samangan, and 20 others were killed as a result of a suicide attack in the wedding of the former's daughter. He added that 42 civilians had been injured in the attack.

[http://www.bbc.co.uk/persian/afghanistan/2012/07/120714\\_k02-samangani-killed.shtml](http://www.bbc.co.uk/persian/afghanistan/2012/07/120714_k02-samangani-killed.shtml)

#### • Civilian casualties on the rise in 3<sup>rd</sup> quarter

15 December 2012 – A new UN report published on 14 December indicates that the civilian casualties have increased 28% in the third quarter. During the reported period, 967 civilians were killed and 1590 were injured.

[http://www.bbc.co.uk/persian/afghanistan/2012/12/121214\\_mar\\_un-report.shtml](http://www.bbc.co.uk/persian/afghanistan/2012/12/121214_mar_un-report.shtml)

#### • Mine explosion in eastern Afghanistan kills 10 girls and injuries to others

17 December 2012 – The spokesperson of the governor of Nangarhar told the BBC that the girls were collecting firewood when one of them hit a mine.



[http://www.bbc.co.uk/persian/afghanistan/2012/12/121217\\_mgh\\_nangarhar\\_blast.shtml](http://www.bbc.co.uk/persian/afghanistan/2012/12/121217_mgh_nangarhar_blast.shtml)

### **Death Penalty**

- **Eight executed; 12 execution orders signed**

20 November 2012 – A source in the press office of the Presidential Palace, who wished to remain anonymous, told the BBC Persian Service that President Hamid Karzai had signed execution



orders of 12 people convicted by courts for murder, rape and kidnapping.

21 November 2012 – Human Rights Watch and the European Union condemned the execution of eight persons in Afghanistan and called on President Hamid Karzai to stop the implementation of death sentences. Mr Karzai signed the execution orders of 16 people yesterday, eight of whom were executed last night.

A source at the Prosecutor General's Office told the BBC that eight other convicts were due to be executed soon. After the fall of the Taliban regime in 2001, the number of executions had fallen in Afghanistan. Several people were executed in 2004 and prompted protests from the UN and the EU.

[http://www.bbc.co.uk/persian/afghanistan/2012/11/121120\\_k02-afghan-executions.shtml](http://www.bbc.co.uk/persian/afghanistan/2012/11/121120_k02-afghan-executions.shtml)

[http://www.bbc.co.uk/persian/afghanistan/2012/11/121120\\_k02-afghan-executions-reactions.shtml](http://www.bbc.co.uk/persian/afghanistan/2012/11/121120_k02-afghan-executions-reactions.shtml)

### **Other News**

- **One killed and 14 injured in clashes at Kabul University dormitory**

24 November 2012 – Student sources reported that three people had died. The Kabul police



said that clashes between students at the Kabul University dormitory had led to the death of one person and injury of 14 others. The ministers of interior, higher education and transport, head of the National Security Directorate, and a number of MPs decided during an extraordinary meeting at the Kabul University to close all the universities of the capital for 10 days, even though examinations were in progress in some of the Kabul universities.

[http://www.bbc.co.uk/persian/afghanistan/2012/11/121124\\_mar\\_ashora\\_university\\_clashes.shtml](http://www.bbc.co.uk/persian/afghanistan/2012/11/121124_mar_ashora_university_clashes.shtml)

- **69 cases of violence against Afghan journalists in 2012**

25 December 2012 – The Media Watch reported that 69 cases of violence had occurred against journalists in Afghanistan in 2012. Mujib Khalwatgar, head of Media Watch, told reporters on 25 December that two journalists had been killed and nine others had been injured.

[http://www.bbc.co.uk/persian/afghanistan/2012/12/121225\\_k02-journalists-violences-2012.shtml](http://www.bbc.co.uk/persian/afghanistan/2012/12/121225_k02-journalists-violences-2012.shtml)



# Correlation of peace and transitional justice

Achieving an enduring peace and a peaceful transition from conflict in Afghanistan

Mohammad Hossein Hasrat



Mohammad Hossein Hasrat Acting officer, Research & Policy Unit, Afghanistan Independent Human Rights Commission (AIHRC)

4. Agents and supporters of transitional justice
5. Decisions and implications resulting from transitional justice project (Elster, 2004, pp. 78-80)

Transitional justice in Afghanistan, just like other countries that have experienced or are experiencing conflict, is not a mere discourse about law, human rights or politics. The public will to accept transitional justice, cooperation of the victims, ordinary citizens, key stakeholders of the conflict, political activists, peace and human rights activists as well as civil society institutions are key factors to achieve success.

The term transitional justice, just like peace, has many applications even in Afghanistan. However, a superficial view of the two terms has kept them in an abstract framework. Transitional justice is a concept that deals with the societies and countries after conflict, in conflict, or in transition from conflict. The question is what mechanisms can help establish justice in societies that have experienced or are experiencing conflict. In this regard, transitional justice includes a wider spread spectrum of mechanisms through which the voices of the victims, families and friends of the victims and other citizens who have suffered violence can be heard and ultimately justice be provided. In the meantime, criminal justice, retaliatory justice and other forms of justice implemented by the justice system closely overlap with transitional justice, but dealing with a bloody and violent past does not necessarily mean adopting a penal or retaliatory approach to perpetrators of violence and crimes.

Implementation of transitional justice programs in Afghanistan, although resembling the programs in other countries and societies encompass differences and challenges in practice, which have rarely been dealt with. The topics that have not been paid much attention to in studies include mainly the following:

1. Status of justice as a general concept in the transitional justice process
2. Institution of justice in the transitional justice process
3. The balance or the sphere of implementation of transitional justice

In the meantime, truth commissions, national studies and other measures to document the abuses, crimes and gross violations of human rights can guarantee the success of the transitional justice program.<sup>1</sup> Implementation of the transitional justice program requires attention to historical, political and social conditions of various states and societies, as the two examples of the former Yugoslavia and South Africa clearly demonstrate. The South African Truth and Reconciliation Commission was established to provide justice and transition through the legacy of violence in that country. However, in former Yugoslavia, an international tribunal was established to investigate the crimes and violent actions of the ousted regime. Both were established, indeed, to achieve a single goal (Berghof Foundation, 2012).

The goal of engaging in transitional justice is to achieve a positive and enduring peace. A positive peace is not synonymous with absence of war and existence of ceasefire. On the contrary, in the Galtungian approach, peace means provision of justice, focus on human rights, expansion of the culture of nonviolence and meeting human requirements. The concept of 'positive peace' is an idea of Johan Galtung, the Norwegian thinker. Justice occupies a high status in both positive peace and negative peace. Positive peace emphasises, above all, the realisation of human rights, justice, development, peaceful relations, expanding the culture of nonviolence and tolerance. Enduring and real peace shall not exist through indifference to those concepts. Indeed, to have positive peace, justice must

1 These are emphases that this writer has made in the draft of a book on peace training for the Policy Research Centre

have been achieved, structural violence and cultural violence must have been abolished and justice-centred economic, social and political relations should have taken shape. Furthermore, attending to the basic needs<sup>2</sup> and social, political and cultural needs of the citizens as well as creating a political order acceptable to all shall provide the ground for positive peace. Negative peace, which simply means absence of war, also emphasises the prevalence of minimum justice. However, negative peace requires, above all, absence of naked, active and organised violence. In Afghanistan, however all the peace plans and investments made in the field of peace building and peace talks have hardly ever paid attention to the requirements for achieving an enduring a positive peace.

Speaking of justice and seeking it for victims of structural violence, and talking of systematic violations of human rights have often been deemed in opposition to national interests and national unity. On the other hand, findings of peace and international relations scholars show that absence of organised violence and war should not be deemed as existence of peace. On the contrary, this state of affairs only indicates that there is a temporary ceasefire in place. Negative peace requires that the conflicting parties sign a ceasefire agreement and avoid continuation of conflict and violence (Barash, 2002, pp. 6-7).

All efforts to achieve peace in Afghanistan are confined to putting an end to violence and convincing the conflicting parties to stop fighting and direct confrontation. Hence, we have rarely witnessed any efforts to prepare for positive peace, justice, human rights and investigation of the past human rights breaches and violations. The peace sought in Afghanistan resembles what the UN peacekeepers seek to achieve, i.e. when its peacekeeping forces are stationed between conflicting parties and try to prevent the resumption of conflict between them (A.Fast, 2005).

Even though the Justice, Peace and Reconciliation Plan that had been prepared through the collaboration of the Afghanistan Independent Human Rights Commission and the UN Mission ultimately failed, the failure clearly showed that the will does not exist to formulate an effective project to transition from conflict and achieve positive peace in Afghanistan. On the contrary, the efforts under way in the name of peace do not pay any attention to justice, past human rights abuses, basic needs of the citizens, the unfair

<sup>2</sup> Basic Human Needs is a technical term, which psychologists and scholars of peace and conflict regard as nonnegotiable requirements of humans and a key factor that motivates humans to engage in peace or war, i.e. being deprived of basic needs is the first reason for insurgency and violence by humans and human groups in every society.

political, social, economic and cultural relations. The numerous efforts through the more than one decade clearly show us that one of the reasons for their failures is lack of attention to the legitimate and justifiable needs and requirements of the citizens. This means that depriving the citizens of the basic human needs leads them towards groups that claim to provide for those needs. This prompts the people, who aim to gain minimum security, order and public services, to give their help and moral and political support to groups that pursue other plans and objectives.

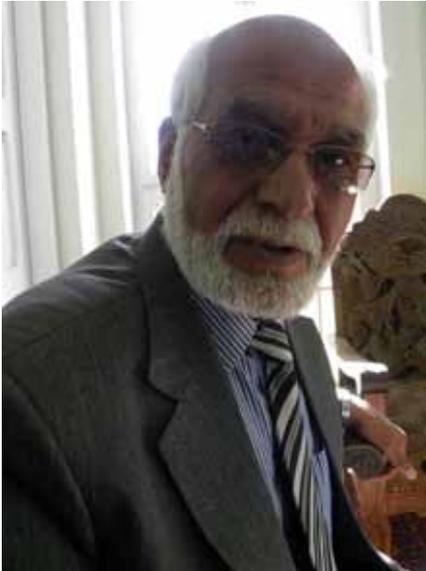
In view of the organic relationship between peace and justice, we can clearly say that the efforts to achieve peace in Afghanistan are facing structural and fundamental challenges, the most important of which is lack of attention to justice (in particular transitional justice) and the requirements of positive and enduring peace. Identifying their roots and factors of the conflict also plays an important role in achieving positive and enduring peace. In this regard, the deadlock facing peace in Afghanistan is directly related to the failure to identify the roots and reasons of the conflict. The dynamism and continuation of the conflict during the more than three decades should be identified in addition to the domestic, regional and international factors. Finally, human rights and justice in the context of peace building, a precise classification and identification of the conflict, and working out an efficient and effective plan to transition from the current conflict in Afghanistan form a triangle that will surely save this country from the present war, fully fledged violence and total political, social and economic disintegration.

#### References:

- Berghof Foundation , (2012) Berghof Glossary on Conflict Transformation : 20 notions for theory and practice, Berlin: Berghof Foundation Operations GmbH.
- Charles Webel and Johan Galtung, (2007) Handbook of Peace and conflict studies. Oxon: Routledge.
- David P. Barash, (2002) Peace and Conflict studies , London: Sage Publications, Inc.
- Jon Elster, (2004) Closing the Books : Transitional Justice in Historical Perspective, Cambridge: Cambridge University press .
- Larissa A. Fast, (2005) Peace and security. 3 August, 2012, <http://www.eolss.net>: <http://www.eolss.net/Sample-Chapters/C11/E1-10-04-05.pdf>
- Ruti G. Teitel, (2000) Transitional Justice, Oxford: Oxford University Press .

## Cultural crimes

# Looting, burning and destruction of the National Museum



Mr Massoudi has worked in the National Museum for 34 years, where he is now the director. During the civil wars and the reign of the Taleban, he moved a large number of the articles to his own house or houses of the museum's employees for the fear of their destruction or theft. He returned them to the museum after the new administration took over. He is the recipient of Prince Klaus prize from the Netherlands. The President's Office awarded him a precious 90-year-old hand-woven carpet measuring 70 square metres in appreciation of his services.

We have interviewed Mr Omara Khan Massoudi, Director of Museums and the National Museum of Kabul for this issue.

### • **When was the National Museum established and how did it develop?**

The museum was established at Baber Garden's Restaurant in 1919 during the reign of Amanullah Khan and it collected handicrafts, embroideries, manuscripts and other cultural items until 1925. It was then moved to the Royal Kuti Baghcheh Palace. In 1938, in the reign of Habibullah Kalakani, the museum was looted. In 1931, the reigning government moved it to the present building, which was known as the Mayor's Office at the time.

In 1922, the government of Afghanistan signed a protocol with the French government

under which the French archaeologists came to Afghanistan and started surveying the archaeological sites and digging in collaboration with Afghan specialists. Since 1923, the objects discovered were shared on equal terms between the French government and the National Museum. At that time, the museum was changed from a museum of anthropology to the museum of archaeology. By 1992, the National Museum had been recognised as a prestigious museum in the region and the world.

When the wars between the political organisations erupted in 1992, in particular in south-west of Kabul, the National Museum suffered the greatest damages and 70% of the objects were looted. In May 1993, the museum caught fire as a result of a rocket that hit the upper storey of the building and some of the objects burnt. All the show windows and some of the carpets were destroyed and our culture suffered an irreplaceable damage. The rocket destroyed the exhibition articles that had been collected during the administration of Dr Najib.

### • **Which group fired the rocket?**

We do not know, because when the wars erupted, our contact with the National Museum was severed and we did not have any contacts for two years. The employees of the museum were working at the Ministry of Information and Culture or the National Archives. We occasionally signed the book and went back home. The people who were at the building hid in the basement when the rocket hit.

### • **How many articles were looted and from which periods?**

More than 70,000 articles, i.e. 70% of the total were looted during the civil wars. In 2004, we decided to document the articles, but we stopped owing to certain technical problems and we have resumed it again. When we complete



our documentation, we will hopefully know what has remained. At present, it is difficult for us to tell which periods those articles originated from. I'm happy that as a result of a decision that the museum's employees took in 1989, which was endorsed by the authorities concerned, we moved a number of unique and valuable articles from the National Museum to two safe places where they still remain.

• **Tell us about your memories of the days when the National Museum was burning or the articles were being destroyed.**

I shall never forget when I heard from the BBC on 12 May 1993: "The people of Afghanistan have buried their children up to now, they are now burying their history." That news shocked me. They elaborated that a rocket had hit the National Museum and the upper storey had burnt by morning. When we arrived, the ceiling, windows, gates and the doors of the depots had been shattered and there were holes in the walls. Everybody was crying. Even the people who came later cried, in particular those who had seen the museum previously.

Before the war, we had transferred artefacts from some of the provincial museums, e.g. from Nangarhar, Ghazni and Mazar, which were damaged as a result of the war. The artefacts in

other provinces were destroyed. The immovable museum at Hada was totally destroyed, the Tapeh Sardar Museum in Ghazni was destroyed and there was the same story in other provinces.

• **What about the reign of the Taleban?**

The other catastrophe that befell the museum under the Taleban was the destruction of the remaining objects in 2002. They destroyed the sculptures saying that they were against the Islamic sharia. Fortunately, we have the images of those works and there are plans to reconstruct them. We have managed to restore more than 300 objects. It is not possible to restore some others. The Taleban destroyed 2500-2700 objects. The museum's employees managed to salvage many works.

*"We do not have exact figures. There are a number of objects in the house of Mr Naseerullah Baber. Some other Pakistani statesmen also keep some of the objects. When the objects were looted, they were mainly taken to Pakistan and smuggled to other countries from there."*

• **The National Museum**

is a member of the International Council of Museums. They have published a list of the works that disappeared from this museum. How was the list prepared? Was it a complete list?

The list was prepared as a Red List for Afghanistan in October 2005 in collaboration with the council and financial assistance of the United States. It is a very short list. It was translated into different languages and was provided to the Interpol together with pictures of the objects. We have achieved good results from the list. Since 2007, we have been able to retrieve some of the objects that had been taken out of Afghanistan illegally. We have retrieved more than 9000 works since 2007.

• **The minister of information and culture wrote a letter to some of the Pakistani officials a few years ago and asked them to return the objects taken out of Afghanistan. What was the reason for writing the letter?**

The letter had asked Mr Naseerullah Baber, who was Pakistan's minister of interior at the time, to cooperate with our government to return the objects that belong to Afghanistan, as Pakistan is a state party to UNESCO conventions. The



same request was submitted to the Pakistani ambassador of in Kabul, but they did not respond.

• **How many objects of the National Museum are in Pakistan?**

We do not have exact figures. There are a number of objects in the house of Mr Naseerullah Baber. Some other Pakistani statesmen also keep some of the objects. When the objects were looted, they were mainly taken to Pakistan and smuggled

to other countries from there.

• **Had those objects not been documented in the past?**

They had been documented, but a large number of our documents burnt in the fire. We are trying to document them again, because it is meaningless not to have those objects in the museum. We started at square one in many cases. The 30% of the objects that had remained in the depots were on the verge of destruction and our priority was to save the remaining works.

• **What did you achieve from your contacts with European countries?**

We received more than 1400 objects from Switzerland in 2007. Mr. Paul Bucherer had established The Afghanistan Museum in Exile in Bubendorf and they returned the artefacts after reconstruction of the Museum. A number of manuscripts of the Buddhists were transferred from Norway. More than 2000 objects were returned from Britain and some others from Denmark and the United States in 2009. In the current year, 843 objects have been returned by the British border police and airports.

• **Is it true that there are a number of forgeries among them?**

There's no doubt about it. However, they constitute two or three percent. We have accepted the risk. We document them here in Afghanistan as well as where they were found and identify the originals and forgeries.

• **What are the current threats to the museum?**

There are many. The museum does not have a standard building, thermometer, closed circuit camera, a lighting system, a fire extinguishing system, and a heating system. The Ministry of Information and Culture decided to construct a new standard building last year and the work is underway.

We also have a security problem with which we are always concerned. If the war erupts again, the objects will not remain safe. It is the responsibility of the authorities to take serious measures.

• **Have any objects been stolen in the past 10 years?**

There have not been any incidents in the National Museum in Kabul, but there are illegal diggings in some of the insecure provinces. The ministry is responsible for preventing it, but it is not possible to have access to all parts of the country under the present conditions.

## Book & Freedom of Expression in Balkh

### Caravan of 3,000 Armanshahr books & Debate

To mark the arrival of Caravan of 3,000 Armanshahr books in Mazar-i-Sharif, the 91<sup>st</sup> Goftegu debate (6<sup>th</sup> year), a bridge between the elite and the citizens, of Armanshahr Foundation, entitled "From Book to Freedom of Expression" was organised in Ibn-e Sina University of the city on 5 September 2012. More than 250 men and women, including university professors and students, attended.

Jawad Darwaziyani, from Armanshahr Foundation, said: "Armanshahr Foundation started operating six years ago. Its central offices are located in Kabul and it has an office in the Herat province. The Foundation is mainly involved in human rights, civil society, cultural and publishing activities. Armanshahr has published more than 100,000 copies of books on human rights, literature, culture and society."

Saleh Mohammad Khaligh, writer and director of Balkh's Culture and Information Department, Master Afif Bakhtari, a contemporary poet, Taghi Vahedi, writer, and Ms. Farkhondeh Rajabi, writer and student of Balkh University, discussed the topic of 'Books and Freedom of Expression.'

Saleh Mohammad Khaligh said: "Balkh has occupied a high status as a cradle of civilisation and culture since the old times. There has been a rich culture of book reading and writing. History bears witness that Balkh was one of the first lands in the region where books were written and read.

"A number of great internationally acclaimed scholars, e.g. Avicenna of Balkh, were assigned as librarians of the great libraries in this land.

"Fortunately, the culture of reading, writing and book maintenance is reviving again."

He disclosed that there are in excess of 50 operating libraries in addition to the public library in Balkh. They are either affiliated to various governmental and non-governmental educational, cultural and political institutions or to book lovers.

Mr Taghi Vahedi offered his reminiscences about books: "I have sweet and bitter memories. Once I was going around Mazar-i-Sharif and there was a book sale, where I bought more than 100 titles. The bitter feeling came from the fact that the books had been plundered during the mujahedin

anarchy. Every book that I bought had the stamp of a library. Under the Taleban, we had to disband a library with 1000 titles and bury those books. Five years later, when we took them out, some of them had been destroyed.

"When the Taleban established their rule in this city, I had 200 pages of memoirs, which I deemed valuable. However, they were all lost and I cannot replace them today.

One of the reasons for the failure of the growth in writing and reading books is the chronic and widespread poverty, which forced everybody to seek to save themselves. They could not think further about their collective destiny. The second reason is a fatalistic attitude to books by both writers and readers. The overwhelming majority think that whatever we go through has been decided in advance and we cannot change it regardless of what we do. The third factor is the strong shadow of despotic governments. They never allowed anybody to express their ideas; anybody who did it would go to prison."

Ms Farkhondeh Rajabi argued that the failure of the universities to pay attention to reading, poverty and illiteracy are factors that have undermined reading and writing books: "There are 71 public libraries in the whole of Afghanistan, three of which are in Balkh. Those libraries have lost their audience for various reasons.

"Some of the specialised centres, such as the universities, should have played a greater role in producing knowledge. However, that is a slow process as a result of absence of a demand and supply market for cultural products."

Pointing out the failure of certain ministries involved in the field of education and higher education to fulfil their tasks, she said: "There is a deep crisis in regard to writing and reading books."

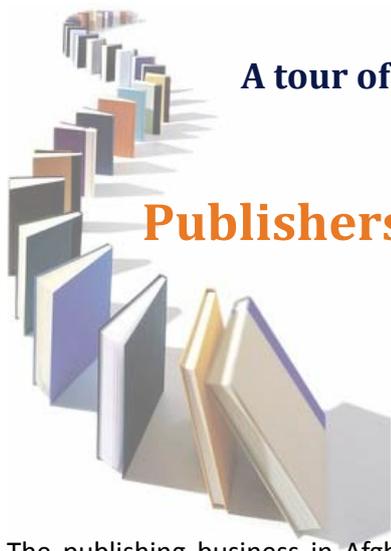
The last speaker, Mr Afif Bakhtari emphasised: "In the age of communications, there are more opportunities to teach humanitarian values. Communications bring power."



## A tour of bookshops in Kabul

### Publishers in Kabul, what they say and do

Jawad Darwaziyan



The publishing business in Afghanistan, despite its long tradition, is still in disarray. There are very few professional publishers. There is little discussion of book publishing and reading on television channels, newspapers and other media. Bearing this situation in mind, I went to some of the bookshops; they are the worst shops in the city. Some of them have kiosks at Juye Sher and Pol-e Bagh Omumi, where they are facing risks from wind, rain or sunshine. However some other publishers have relatively better locations.

The first publisher I went to was Erfan at Dehbouri. Erfan publishing house was established in migration and is still carrying out a part of its work in Iran. It has published more than 170 titles on Afghan studies, history of Afghanistan, classical and contemporary literature of Afghanistan, culture and law. Most of those books have been authored by Afghan writers. The books that Erfan has published from other writers are also mostly about Afghanistan.

Its director, Mr Mohammad Hassan Shariati, says: "We started our work when the situation was not good in Afghanistan, but after the the transitional government came to office, we started doing work here as well. Nevertheless, we have not moved our central offices to Afghanistan, because there is not adequate security and facilities. They threw a large number of our books into the river a few years ago. We had spent \$33,000 on those books. We did pursue the matter, but nobody listened to us. Even a parliamentary committee ruled that we should receive the costs and the perpetrators should be brought to justice; to no avail."

He said they were facing problems in Iran too: "We have got to obtain a permit to publish a book and it takes a long time. If our books were published in Afghanistan, they would be cheaper for us and for the buyers."

Criticising the absence of a specific law, he said: "Certain publishers make low quality copies of the books in Pakistan and sell them at low prices here. A few years ago, they copied the poetry collection of Khalilollah Khalili and sold it. It took us a lot of work to publish 'Afghanistan in the past five centuries' with good quality, but another publisher made copies of it and sold it. When we complained to the Media Violations Commission of the Ministry of Information and Culture, the minister said: 'Every publisher is allowed to print this book.' We said: But nobody has authorised the reprinting of a book edited and published by another publisher."

On the rising trend of reading, Shariati said: "When we came here at first, we couldn't sell even two or three books, but we are selling about 100 books a day now. This situation has improved and the book market is promising."



Saeed publishing house has published about 400 titles since 1997. It started its work in Peshawar, Pakistan, but has published most of its books since 2010. Its line of work extends to humanities, law, politics, economics, sociology, literature and culture, but it mainly publishes university textbooks and works of university professors.

The publishing house's director, Sher Ahmad Saeedi, made this assessment of the situation of book publishing in the past 10 years: "Most books before 2001 concerned the new developments which the leftist and rightist writers wrote against each other, but they did not produce any ideas. Since 2001, publishing has expanded in the fields of law, literature, economics and political science and has become more academic."

He went further: There is no copyright for the writer, translator and publisher in Afghanistan. The 'copyright' law of the Ministry of Justice is general and vague. There is no authority to attend to problems between writer and publisher or between publishers. When our books are copied and we report the perpetrator to the police, they don't know what to do with them. If we go to the Ministry of Information and Culture, they will say: "go and solve your problem among yourselves."

On the question of censorship, he said: "The books about the government have not been censored, but we will face threats if books are written about the interests of the regional states."

On the current situation: "In the past few years, the number of schools, state and private universities increased and they constitute most of our buyers. On the other hand, writers who had withheld their books for many years realised that they must get them published. That has improved the situation of the book market.

"In previous years, the readers were mainly interested in books that were published in Iran. However, 50% of the books sold now have been published by writers and publishers from Afghanistan. No attention is paid to culture however. The finished cost of a book in Kabul is higher than printing costs abroad. Most books are printed in Iran, Pakistan and Turkey.

"The media have given coverage to book fairs in many cases, but some of the civil institutions and media are still under the impression that books are not published in Afghanistan.

"Bookshops are located at the worst part of Kabul, in small and terrible kiosks in the midst of mud and dirt below the mountain and some of them in Pol-e Bagh Omoumi."

I go to Juye Sher. There are a large number of book kiosks, shops and publishers. One of the reputed publishers is Amiri. Wasim Amiri, director of the publishing house, has a kiosk at Juye Sher where he sells books, magazines, newspapers and old handwritten scripts. The publishing house has been in existence since 1993, but it has engaged in publishing in a serious manner since 2003. It has published 177 titles, 130 of them about the history of Afghanistan and the rest are novels, poetry, psychology, sociology and politics books.

According to him, the print run of books previously ranged between 400 and 1000, but it has gone up to 3000 in the past two years. Furthermore, most books were published by the government under the previous regimes, but independent publishers are now more active than the government and offer a better quality of work. The Afghan publishers in Iran ranked first among foreign publishers in the current year, but they received no encouragement from the government.

On the conditions of reading: "Those who have money have nothing to do with books; those who have something to do with books do not have money. Most readers are retirees and students. Under the Administration of the People's Democratic Party, high-ranking officials, e.g. Prime Minister, came to the bookshops and bought books. Ministers, directors and other government officials frequently came with lists of books, which we procured for them. However, ever since the inception of this Administration, only three high-ranking government officials have come to buy books."

He is concerned with the future: "The prospect of 2014 has caused worries for book readers. Books are heavy and they are the first things that people would get rid of. In the past 10 days, I have bought 10 bags of books from people who had bought them one by one in the past few years and were now selling them at one go.

"We do not know to whom to go when we have a problem. We go to the office of minister of information and culture; they say he doesn't have time. We go to the office of the publications director; they say he is away or at a seminar."

Next, I went to Maywand publishing house, which is a well-known name among the writing people. It was established in 1989 and has published 600 titles to this date. While many other publishers only operate in Kabul, Maywand has established offices in other provinces, e.g. Herat, Jalalabad and Qandahar.

Director of the publishing house, Nasir Abdurrahman, says: “we started publishing when the war was at its peak in Afghanistan. We were not publisher of history books. However, after the civil war, internal displacement and loss of identity among the people, we published more history books to fill the vacuum. We also published literature, ethics, culture, and science titles. All through this period, we did not have any supporters. Every time we encounter a problem, we sold our family assets and went on with publishing. Some of our books have been published with print runs of up to 10,000 copies. Some others have had up to 40 editions.”

On censorship: “we faced awkward censorship under the Taleban when we operated abroad. People would buy our banned books more frequently. Under the Taleban, people bought more books, in particular the people who lived abroad. We received many orders from various countries; but the orders have fallen in the last

few years.”

On problems: “High taxes on paper, tax on importation of books and high postal costs are some of our problems. They even demolished our private property before possessing it, contrary to court order, but they did not provide us with a replacement.

“Our book cargoes have been stopped at the border many times. We have taken the issue to the Security Directorate and our books have remained at the border or in the bases up to one week or even 15 days.

“Despite all the shortcomings under the mujahedin, booksellers were encouraged. When we imported books from Iran or Pakistan, we were certain that nobody would create any problems. However, that is not the case now.”

Many publishers say that demand has grown for books on history and studies of Afghanistan more than all other topics.

## Goftegu 95

### In the context of footnote

“In the context of footnote”, introduction, critique and reading of the first poetry anthology of Ramin Arabnejad, Panevis - footnote - was the topic of the 95<sup>th</sup> Goftegu debate (7<sup>th</sup> year), a bridge between the elite and the citizens, of Armanshahr Foundation. It was held in the Herat office of Armanshahr Foundation on 5 November 2012, which more than 40 young poets and cultural activists attended.

The meeting opened with recital of a poem from the anthology by Rashed Ramez, a poet and moderator of the meeting. In his brief introduction about Armanshahr Foundation, he indicated that the foundation had printed more than 100,000 copies of books during its 7-year operation in Kabul and Herat. It has also held meetings on national and international issues in the field of human rights, organised book reading classes, cultural festivals and other meetings. Among them are “Simorgh Critique” meetings, which have been taking place at the Herat office on Mondays in the past 18 months. The meetings are attended by young poets and writers. They begin by screening a short film, which the participants critique. Then, poems are recited and critiqued and various cultural and social issues are discussed.

The 95<sup>th</sup> Goftegu was concerned with Panevis, which many commentators believe to be one of

the important anthologies published in the past few years. At the meeting, Rooholamin Amini (poet and writer), Afsaneh Vahedyar (poet and writer) and Ali Akbar Nazari (poet) read out their critiques of the anthology. They each discussed the poetry of Mr Arabnejad from different angles and its ups and downs. They all were unanimous that the anthology had a simple, fluid and at the same time modern language.

Subsequently, there was free discussion about poetry as well as music in modern and transitional forms of Persian poetry. Proponents of one opinion believed that the music in classical forms creates hurdles for the poet and mesmerises the listener, thus preventing them from focusing on the content. Supporters of a different opinion contended that the most important feature of poetry is its ‘visionary’ aspect; thus, the music in the transitional forms of Persian poetry helps the increasing visionary mental power of the poet and leaves a stronger impact on the audience.

Esmail Sarab argued that the traditional forms of Persian poetry are not as flourishing as before and free verse is the predominant form of poetry today. However, Afsaneh Vahedyar and Foroozan Amiri were of the opinion that there has been a return to sonnet in the past few years and this form has a larger audience in comparison with other forms of Persian poetry in Afghanistan.

## *The Colonel by Mahmoud Dowlatabadi*

The Independent: Mahmoud Dowlatabadi is best known in Iran for his 10-volume epic *Kelidar*, which at more than 3000 pages is perhaps for the moment unlikely to feature in any publisher's catalogue. We are, in the meantime, fortunate to have this passionate and informative fable of the Islamic revolution in our hands. The idealistic and relatively modernised «Colonel», a career officer in the Shah's army, has murdered his adulterous wife. Stripped of his rank, he finds himself in the same prison as his eldest son, Amir, a student who belongs to the Iranian Communist Party.

Father and son are soon released in the weeks of mayhem following the Shah's departure into exile and Ayatollah Khomeini's return. Everyone's hopes are soon quashed, however, when the new regime outstrips its predecessor's brutality. Public executions follow, the universities are shut down and the new generations are «left struggling like newly-hatched chicks in this fist, which had turned into a vulture's talons».

The Colonel is the tale, in the words of its translator, Tom Patterdale, of how «the revolution ate its own children». Four of the colonel's five children are executed or killed in action: three for belonging to various leftist factions, while another is «martyred» in the Iran-Iraq war (1980-1988). No scenes are more telling of this senseless bloodshed than those involving Amir and his former interrogator Khezr Javid, whom Amir hides in his cellar when violent mobs take to the streets looking to lynch their jailers. It is an uncomfortable pairing that Dowlatabadi exploits to portray a society ravaged by a warped morality. For a fable, there is very little allegory about the novel: it is very historically accurate. The character of the Colonel draws on a historical figure, Mohammad Taqi Khan Pesyan (1892-1921), a hero even to current Iranian nationalists. This scrupulous reformer was probably the closest Iran ever got to its own Atatürk. In this novel he is a metaphor for the Iran that might have been. Patterdale is to be commended for his immaculate glossary, which does not omit a single reference in the text to Persian mythology, place-names or historical and political figures. His equally precious afterword informs us that *The Colonel* has «never appeared in its original language» in Iran. It was first published in Germany, after Dowlatabadi had deemed that decades of tinkering with the manuscript had come to an end. It's about time everyone even remotely interested in Iran read

this novel.

4 October 2011; By André Naffis-Sahely

<http://www.independent.co.uk/arts-entertainment/books/reviews/the-colonel-by-mahmoud-dowlatabadi-2365087.html>

Financial Times: Many see Mahmoud Dowlatabadi as Iran's most prominent contemporary novelist. But for some, he is a literary son of Ferdowsi, the tenth-century poet widely regarded as the preserver of the Persian language and the chronicler of Iranian identity.

Like Ferdowsi, Mr Dowlatabadi comes from the Khorasan region in north-eastern Iran, the same land that has dedicated many literary figures to the Iranian nation. Both were born into families of peasants, although unlike Ferdowsi, Mr Dowlatabadi's family had neither been big landowners nor well-off.

In common with the towering Iranian poet, Mr Dowlatabadi's novels, like the 60,000 verses of Ferdowsi's epic *Shahnameh*, have genuinely reflected Iranian identity.

Mr Dowlatabadi draws a detailed, realist picture of Iranian life, especially that of the rural poor, in language that is complex and lyrical, rather than simplistic.

"I have always been thinking that I am a writer with the scent and smell of my own country and the Persian language," he says, in his neatly decorated apartment on the 21st floor of a Tehran high-rise. "I have my own historical background and will never ignore them."

Slim with craggy features, piercing blue eyes and bushy grey eyebrows, the writer can appear at first intimidating or sulky. But he surprises with his warmth, honesty and candid talk.

The first son of his father's third marriage, he left home as teenager with his three elder stepbrothers to do menial jobs in the city, helping the family earn a living in a village stricken by drought and poverty. Never did he see a future as a prominent author whose novels are widely read and praised by Iranians of all walks of life.

"I had never decided to become a writer. Never ever. I wanted to work and buy a transistor radio for my father for him to listen to music while working in the desert," he says.

Mr Dowlatabadi says "thinking, working and reading" have always been his main interests, although no one in the family inspired him to do

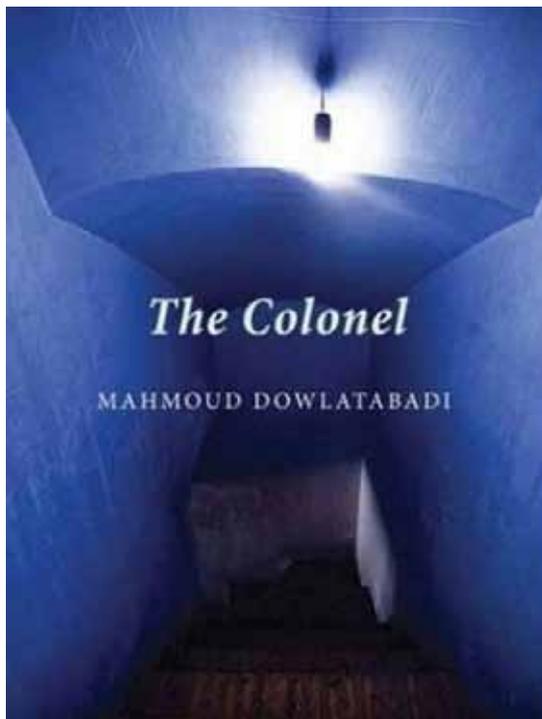
so. He owes his broad knowledge of Iran's classic and modern literature, Persian language and history to his love for reading, which has made him a self-educated man. He didn't even finish high school, a decision about which he has no regret.

At the age of 71, he is still an avid reader.

"I am awake at nights and read whenever I don't write which means I devote more time to reading than writing," he says. "That's because writing is dreadful. Writing is the most frightening job I know. I have to surmount the fear each time before starting to write."

Restless, he heads to the kitchen and pours a cup of coffee to tame his nerves. "Writing is like walking into the heart of darkness," he says. "Before you enter, it's scary, but once you get in, it will take you smoothly."

After starting to write in his twenties while studying acting at a private theatre school, Mr Dowlatabadi has written more than 30 novels,



short stories, plays, film scripts and children's stories.

But he is best known among Iranians for his monumental novel *Kelidar*. The 3000-page saga depicts a nomadic Kurdish family who are displaced from their home and relocated to Sabzevar, in Khorasan. The 10-volume novel has earned high acclaim, described by one critic as an "epic of decline."

Another much-praised work – and his first to be translated into English – is *Missing Soluch*. Its portrayal of a poor rural woman dealing with her husband's disappearance is a bitter portrait of

political corruption, authoritarianism, injustice and poverty.

Women take a big role in his books, as they did in the works of Ferdowsi, who repeatedly depicted the bravery and alertness of women, and regarded them as standing on equal footing to their male counterparts.

"I have seen many women during my childhood and teenage period that I admired for their bravery, acts, beauty, audacity and modesty," Mr Dowlatabadi says, explaining why women are the "most outstanding heroes of my novels."

As the heavy smoker puts out the fifth cigarette of the interview, he talks of how Iran's Islamic regime has tried to purge him. Deprived of his university teaching post in the mid-1980s, he has faced censorship, and the publisher of his novels was banned last month.

In the face of such restrictions, the novelist does his best to remain active. He wrote what he says is his "most important" book, the three-volume *Bygone Days of the Old Folks*, after he was banned from teaching at the university. The work portrays "a shadow of me and not me [completely]," he says.

*The Colonel*, a book about the 1979 Iranian revolution, became his first novel to be published in German and English before it was published in its original Persian. This book and another of his novels have been awaiting a publishing permit from the Iranian government for the past four years.

Mr Dowlatabadi says he has always been flexible and understanding, willing to make changes requested by the government. But the regime has not treated him kindly. "These gentlemen [officials] try to put a veil between me and the people but nothing can make this happen," he says.

His works remain popular in Iran, where many wonder why he has yet to win a Nobel Prize.

The writer says he does not let the question occupy his mind, despite being asked about it regularly. But he rules out that it is because his novels are not widely translated into other languages.

"It's obvious that I am the writer of this country and the Persian language, and all the well-read people of the world know the historical background of Persian language, its culture ... and its many literary figures like Ferdowsi," he says. "He was so towering that none could ignore him."

July 24, 2012; By Monavar Khalaj in Tehran  
<http://www.ft.com/cms/s/0/12b4e3f6-d564-11e1-3306-00144feabdc0.html#axzz2DejTscBI>

## Armanshahr's new books

### • Prison, prisoners and human rights

"Politis asia" double issue 12-13 has recently appeared with the title of «Prison, prisoners and human rights» in two separate Persian and English editions. The Persian edition has seven chapters: Afghanistan, Torture and death penalty, women and prison, International law on prisons and prisoners, International issues, Ideas and Prison literature, and Further reading on prison and human rights.

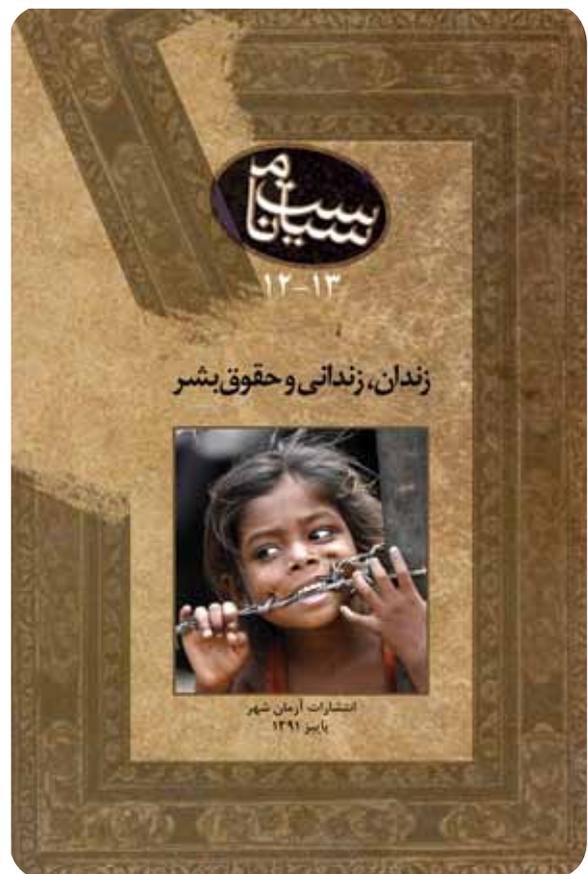
The first chapter, Afghanistan, consists of interviews with human rights activists, officials, Members of Parliament and others as well as articles. Chapter 2, Torture and death penalty, begins with October 2011 UN report on torture of prisoners in Afghanistan and includes a review of the «Convention Against Torture with a glimpse at Afghanistan,» «Countries that have abolished or retained the death penalty,» «Death Penalty in Afghanistan 2011-Amnesty International,» and «An introduction to a report on the death penalty in Iran.»

Chapter 3 begins with an interview on the problems of imprisoned women in Afghanistan and includes an introduction to a Human Rights Watch report, a report on women's prison in Herat, articles on international standards and imprisoned women, the imprisonment of parents and its impact on the children worldwide and others.

Chapter 4 contains the UN General Assembly

declaration of 14 December 1990 on «Basic Principles for the Treatment of Prisoners,» "Standard Minimum Rules for the Treatment of Prisoners" and "Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment."

'International issues' chapter includes the following articles: Guantánamo – 10 years of injustice; Bush Administration and mistreatment of prisoners; United States: the black hole of



Guantanamo; United States: trade in torture; Prisons in Thailand 2011.

'Ideas and Prison literature' chapter contains reviews of three books by or about Guantánamo prisoners, a brief memoirs of a prisoner as well as a review of Foucault's 'Discipline and Punish: The Birth of the Prison.' The final chapter provides reading sources on prison and human rights.

The English edition has the following chapters: Afghanistan, Torture and death penalty, women and prison, International, Prison literature, and Further reading on prison and human rights. Several English-original items have been left out.

"Politis asia" is the general title of a series of Armanshahr books. Up to now, 11 issues in this series have appeared covering such issues as human rights, women's issue and the role of education, US policies and their relation to human rights, NATO, transitional justice etc.

Prison, prisoners and human rights, Politis asia 12-13

Compiled: Khalil Rostamkhani and Jawad

Darwaziyan

Editors: Guissou Jahangiri and Khalil Rostamkhani

Published: Armanshahr Publications

Cover design and page layout: Rooholamin Amini

First edition: 2012

Print run: 1,000

• **For recording in history**

For recording in history (narrations by victims of a decade) is a new title in the «Let's break the silence» series of Armanshahr Publications that appeared in print recently.

The new book has 107 pages and contains five interviews with Mr. Farid Hamidi (Commissioner of the Human Rights Violations Department, Afghanistan Independent Human Rights Commission), Ms. Horia Mosadiq (human rights activist & Amnesty International's Afghanistan Researcher), Mr. Maleksetiz (researcher, Human Rights Studies Institute, Denmark), Mr. Sadiqullah Towhidi (head of Afghanistan Media Watch), and Mr. Siamak Herawi (deputy spokesperson of the President).

Mr. Jawad Darwaziyan (human rights officer of Armanshahr Foundation) has compiled the interviews, which have examined important issues: War in Afghanistan, relationship of peace and justice, the present conditions in Afghanistan in the midst of war and peace, violence against journalists and media victims, who have been killed, injured or threatened during the past few years, and the opinion of the Afghanistan government on all those issues and its view that the war in Afghanistan is a hodgepodge of the regional and international war.

For recording in history

Narrations of victims of one decade (1980s)

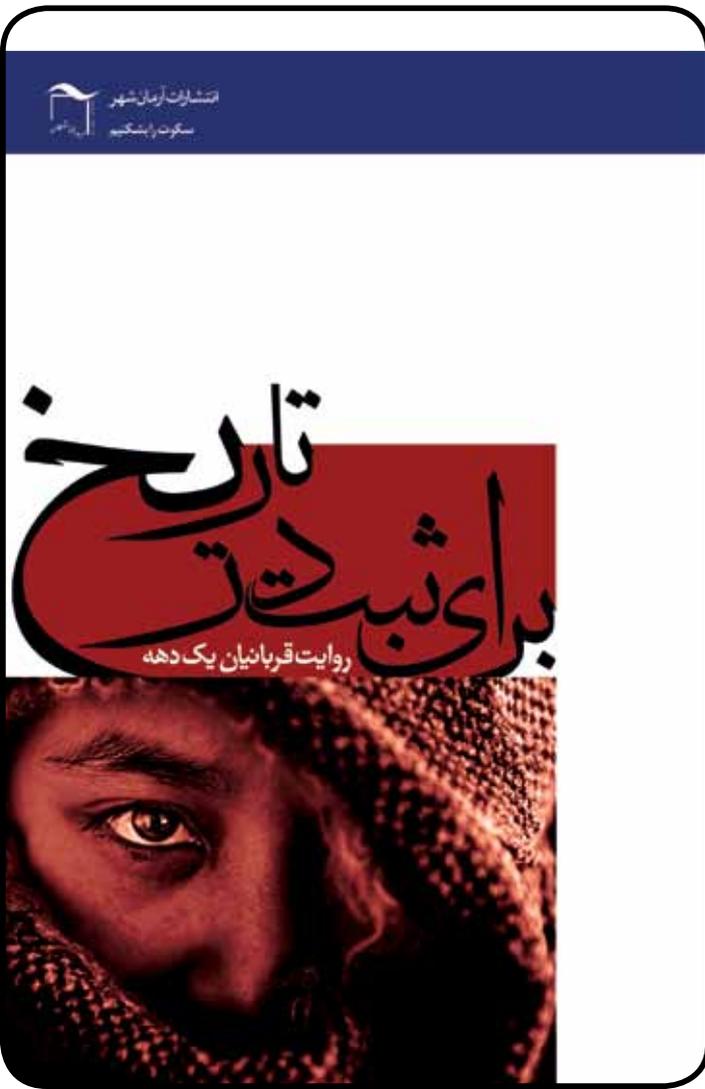
Compiled: Jawad Darwaziyan

Published: Armanshahr Publications

Cover design and page layout: Rooholamin Amini

First edition: Autumn 2012

Print run: 1,000



## 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. Animal Farm, George Orwell, 2010, Simorgh series
33. Discrimination and Political Participation of Women: Role of Education, Editors Guissou Jahangiri and Shourangiz Dadashi, 2010 (Politis asia 4-5)
34. Simorgh's Feather (Selected poems of Simorgh Peace Prize); 2010, Let's break the silence series
35. Market Economy in Afghanistan, 2010, Goftegu series
36. From Book to Freedom of Expression, 2010, Goftegu series
37. An evaluation of a decade of international presence in Afghanistan, (Dari version) 2010, Goftegu series
38. An evaluation of a decade of international presence in Afghanistan, (English version) 2010, Goftegu series
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. For recording in history (narratives of victims of one decade), 2012, Let's break the silence series
72. Prison, prisoners and human rights, Editors Guissou Jahangiri and Khalil Rostamkhani, with collaboration of Jawad Darwaziyan, 2012, (Politis asia 12-13) plus an English-language edition
73. Human Rights at a Crossroads: The need for a rights-centred approach to peace and reconciliation in Afghanistan, a joint report of the International Federation for Human Rights and Armanshahr Foundation; in original English and Persian translation, 2012
74. Armanshahr (a periodical of human rights and civil society), 28 issues, (Year IV)

### *Other articles in the Dari version:*

- But Did The Lights Stay On? By Christian Parenti;

<http://mondediplo.com/2012/10/11afghanistan>

- A brief report on 97<sup>th</sup> Goftegu marking the World Philosophy Day
- Joint statement of Afghanistan Women's 50% Campaign and Women's Political Participation Committee for International Human Rights Day
- Statement of Transitional Justice Coordination Group for International Human Rights Day and National Day of Victims