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85th Public Debate

Freedom of expression and human rights in Afghanistan media, 10 years on

Including a short report from Bonn conference

The 85th (6th year) Goftegu, a bridge between the elite and the citizens, of Armanshahr Foundation, was held at the French Cultural Institute in Kabul on 14 December 2011 with the title of "Media and Freedom of Expression-Examination of a Decade of Work." The meeting was organised with the cooperation of Transitional Justice Coordination Group, Women's 50% Campaign, Writers' Home, Open Society, 8 Sobh Newspaper, Swiss Cooperation Office In Afghanistan, the French Embassy and the International Media Services. The speakers of the meeting were: Messrs Shah-Hussein Mortezaevi (deputy director of 8-Sobh Newspaper), Alireza Rohani (senior adviser to Afghanistan Independent Human Rights Commission), Sadiqullah Tohidi (director, Media Watch), Malek-Shafei (secretary, Autumn Human Rights Film Festival), Ms. Sabrina Saqeb (former Member of Parliament) and Drs Alema (a participant at the Bonn Conference). Mr Rooholamin Amini was the moderator of meeting and Mr Azizollah Shirzad asked questions to the speakers. About 100 people, mostly students and young people, took part in the meeting.

• Mr Shah-Hussein Mortezaevi:

The past 10 years provided a golden opportunity in the history of the Afghanistan media as compared with the Taleban era, when there was only one print media ("Zarb-e Momen") and a radio station ("Voice of the Sharia"). During the past decade, the media have grown qualitatively and quantitatively. Nevertheless, they have been facing numerous problems resulting from ongoing wars in the country, breach of the laws by armed groups, powerful political actors, warlords and ethnic leaders. This, all in all, displays that the culture of democracy and freedom of expression is not taking shape in Afghanistan and it has not been embedded in the mentality of our political actors as a basic principle.

The challenges facing the Afghanistan media are: 1) Taking influence from the tendencies opposed to human rights and freedom of expression, in particular the former Jihad leaders, who do not believe in the values of human rights and freedom of expression; 2) Taking influence from external circles owing to absence of sufficient financial resources. This problem is so serious that it occasionally jeopardises the national security. The dependence on foreign sources gives an image of a media zoo. ...

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Transitional Justice - three terms¹

AGGRESSION

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

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

AMICUS CURIAE

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

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Media Watch: Violence against journalists on the rise

29 December 2011
Zafar Shahruai¹

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

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

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

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

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

Self-censorship

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

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From page (1)

Freedom of expression...

We shall witness the demise of most of the media in Afghanistan after 2014, when foreign aid is reduced.

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

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

• Mr Alireza Rohani's speech was about the role of victims in the transitional justice process and their role vis-à-vis the media:

The history of Afghanistan is a history of atrocities, full of inequalities and injustice. The Constitution of Afghanistan has admitted this bitter reality in its preamble. In the face of that history, we have only two choices: we may either forget the past or remember it, learn from experience and pave the way for a better future.

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

One of the major roles of the victims is documentation. The most impor-



tant and sincere narrative is that of the victims. Their other role is to provide a proper direction to reconciliation. This is a serious topic today. However, there are serious concerns regarding the pretexts and the criteria underlining reconciliation. The presence and memory of the victims in the minds and eyes of the people of Afghanistan shall assist to expose the human rights violators. The latter may try to offer a new image, but the presence of victims of human rights breaches can expose them. The victims can also engage in an enduring campaign to abolish laws and regulations that have practically provided the opportunity for extending amnesty to human rights violators. To summarise it, the least benefit of the persistent presence of the victims is to bring constant shame to human rights violators.

The media can play a fundamental role in uncovering the truth, documentation, proper reporting of the facts and providing direction to the public opinion, coordinating and converging the victims and their quest for justice.

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

• Mr Sadiquallah Tohidi:

There are 46 TV channels, 145 radio stations, 22 newspapers, 67 weeklies, 10 bi-weeklies, 50 monthlies, 25 magazines, four gazettes, three bi-monthlies, 10 periodicals, nine news agencies and one quarterly, a total of 198 media.

There are four types of media in Afghanistan: 1) State media: they all publish the same news and reports; whatever comes to them from above; 2) Free private media, which are more independent, but very reliant on financial support from donor institutions; 3) the media affiliated to businesspeople, political parties, ethnic and political actors with specific resources; 4) the numerous media financed by regional intelligence services.

We have had 300 violent events in the past 10 years. As I was coming here today, a journalist sent a report from Qandahar. Apparently, the rector of Qandahar University told the reporter of Kelid Radio: I'm not prepared to answer all your questions. The reporter said: But that is the law. The rector answered: I have my own law. The reporter said: The people of Qandahar need that information. The rector said: The people are dogs. He then threw out the reporter. No wonder we have the highest figures of violence against journalists every year. In the past 10 years, 18 journalists have been killed.

Atrocities did not start in 1978. The history of Afghanistan is a history of crimes against humanity: massacre of the Hizara under Abdur-Rahman Khan, the Shinwar suppression, Amanullah Shah's approach to his political opponents, the suppression of the Shomali people by Nader Khan... But, we always forget. There remain neither writings nor voices. The forgetfulness helps the continuation of those crimes.

As to reasons for self-censorship and the government's support for the me-

dia, the government has a duty to protect media freedoms, but it has neither had a plan for it nor has it given any support. Even though it has not officially expressed its opposition, there has been strong unofficial opposition. The government has engaged in banning, threats, temporary detentions etc. Journalists who are working in the eastern zone say they are afraid of both factions: the Taleban and the government.

Even though some of the media are quite active and report the truth, the government's failure to listen and to follow up the issues disappoints the media workers.

Let's take the murder of several women journalists and the government's failure to pursue the related dossiers. In the killing of Shakiba Sangeh Amaj, her family was suspected. Her father was taken to prison and released soon without being prosecuted. Regarding Ms Zaki, there have been frequent statements and messages demanding her murderer to be identified. No government organisation is prepared to respond to the question, even though both of them were killed in government premises. Samad Rohani was kidnapped in the city of Lasgargah, was tortured in government-controlled areas and killed. However, the government did not issue any reports in his case.

• Ms Sabrina Saqeb spoke about women, media and human rights:

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

Women in the media face specific problems. In addition to violence directed by the government and the Taleban at male and female journalists, women are subject to violence in their families as well. For example, Ms Shima Rezaei and Ms Sangeh Amaj were killed by members of their own families.

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

• Mr Malek-Shafei spoke about freedom of expression and censorship in cinema:

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

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

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

A short report on the Bonn Conference

Drs Alema, a women's rights activist and member of the Women's 50% Campaign who was present on the sideline of the Bonn Conference, reported her observations as follows¹:

The Afghanistan civil society offered its views to the Bonn Conference in four areas: process of transition, long-term commitments of civil society institutions, regional cooperation and the issue of political solutions and reintegration.

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

Unfortunately the 33-article final document of the conference failed to mention transitional justice, even though the issue had been visible on the agenda in the first Bonn Conference. The growing political corruption was mentioned in passing. There is no guarantee to continued assistance to Afghanistan in the period of 2015 to 2025. Furthermore, a conference of NATO leaders in Chicago in May 2012 will decide about the transition and a conference in Tokyo will discuss the economic issues regarding Afghanistan.

According to our information, two members of the Taleban were in Germany until the end of the conference. However, the Taleban issue was not discussed probably because of Pakistan's absence.

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

Commissioners of AIHRC to be replaced

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

Statement of the Afghan Civil Society and Human Rights Organisations

Kabul (December 29th, 2011): Member of the Afghan civil society participated in a consultative meeting on the dismissal of three commissioners of the Afghanistan Independent Human Rights Commission (AIHRC), with president, Hamid Karzai, on December 27th, 2011.

Unfortunately, the press release from the Government Media and Information Center (GMIC) reflects that the civil society organizations demanded the dismissal of all nine Commissioners of AIHRC. While the Afghan Civil Society and Human Rights activists appreciate and praise the tireless efforts of AIHRC, the strongly urge the Government Media and information Center of President's Office to correct the information in the press release.

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

Therefore, the Afghan Civil Society and Human Rights organizations in compliance with the Civil Society and Human Rights Network (CSHRN) Statement, the Paris Declaration and United Nations General Assembly Resolution # 134 (September 20th, 1993, which refers to Monitoring human rights conditions), have the following suggestion:

- Replacement and appointment of new commissioners must be based on Paris declaration which is deemed transparent, inclusive and in consultation with the civil society and human rights advocates. Besides, this issue is also stated in the Law of Organizational Structure, Duties and Responsibilities of the AIHRC ratified on 12/02/1384. The Afghan Civil Society Organizations requests the Government of Afghanistan to adhere to the principles of the Paris Declaration and the Law of the Organizational Structure, Duties and Responsibilities of the AIHRC while replacing commissioners. The Paris Declaration has clear guidelines and set criteria for the selection of commissioners for the human right institutions, and among these values are independence of thoughts, belief in human rights principle and values, expertise and knowledge, no affiliation with political parties or movements, and good reputation.

- The Civil Society and Human Rights activists are deeply concerned about the lack of independence and future structure of the commission. These concerns get much more serious when selection criteria for new appointments are not observed. If commissioners are appointed based on government preferences in the absence of a transparent national process and consultation with civil society organizations, this will clearly be in opposition to the Afghan Constitution, Afghanistan's commitments to international treaties and Afghan government's commitment's at the Bonn Conference of December 5th, 2011.

- In view of the critical security conditions, the Afghan Civil Society and Human Rights activists are under constant threats and as far as the commissioners of AIHRC are concerned, they are subject to continuous threats and, therefore, the government is responsible for their individual safety and security.

- Given that the Afghanistan has gone through decades of war, injustice and violation of human rights, the Afghan Independent Human Rights Commission has invaluable documents/evidence on human rights violations and the perpetrators. Replacement and appointment of individuals who do not believe in human rights values and justice could raise serious concerns for the commission as well as the victims.

- According to the declaration issued at the Bonn Conference on Afghanistan which was held on December 5th, 2011, the Government of Afghanistan is obliged to support democratic institutions and processes especially the Afghan Independent Human Rights Commission, guarantee Good Governance and Rule of Law, so that not only the Afghan people, but the international community will be assured that Afghanistan is moving forward towards a prosperous and secure future.

With Hopes to Secure Human Rights and Rule of Law in Afghanistan!

UNAMA Statement

UNAMA said in a statement: The United Nations welcomes actions by the Government of Afghanistan and civil society to ensure appropriately qualified commissioners are appointed to the Afghanistan Independent Human Rights Commission (AIHRC) through a transparent and consultative process. The five-year appointment of the nine commissioners of the AIHRC expired on 16 December 2011. Discussions are underway now regarding the appointment of new commissioners.

The Government of Afghanistan has the primary responsibility to preserve the independence, integrity and legitimacy of the AIHRC, including through the appointment of commissioners, in accordance with Afghanistan's laws.

Afghan law requires the Government to uphold international standards of pluralism, transparency, diversity and consultation in the appointment process. Under Article 7 of the Law on the Structure, Duties and Mandate of the Afghanistan Independent Human Rights Commission, the President of Af-



ghanistan shall appoint commissioners with relevant academic background and experience in the field of human rights, and who are impartial, independent and committed to human rights.

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

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

Sima Samar

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

Human Rights Watch

The New-York based Human Rights Watch said in a statement: President Hamid Karzai should appoint independent and experienced human rights experts to fill vacancies on the Afghan Independent Human Rights Commission (AIHRC), Human Rights Watch said today. The presidential selection of any new commissioners should ensure that the commission maintains its credibility and effectiveness.

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

International Criminal Court on Afghanistan¹



Office of the Prosecutor (OTP)

13 December 2011

Procedural History

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

Preliminary Jurisdictional Issues

21. Afghanistan deposited its instrument of ratification to the Rome Statute on 10 February 2003. The ICC therefore has jurisdiction over Rome Statute crimes committed on the territory of Afghanistan or by its nationals from 1 May 2003 onwards.

Contextual Background

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

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

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

Alleged Crimes

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

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

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

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

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

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

OTP Activities/Engagement

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

http://www.colectivodeabogados.org/IMG/pdf/FiscalICC-OTP_prelim-exam.pdf



Other articles in Dari version

- A review of "Healing the legacies of Conflict in Afghanistan, Community Voices on Justice, Peace and Reconciliation", a study by Afghanistan Research and Evaluation Unit. For the full English text of the study, see: <http://www.areu.org.af/Uploads/EditionPdfs/1201E-Healing%20the%20Legacies%20of%20Conflict%20in%20Afghanistan%20SP%202011.pdf>
- A review of and an introduction to "Convention on the Prevention and Punishment of the Crime of Genocide"

From page (1)

Media Watch: Violence against...

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



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

TOTAL	80
GOVERNMENT VIOLENCE AGAINST JOURNALISTS	49
UNIDENTIFIED SOURCES	18
TALEBAN VIOLENCE AGAINST JOURNALISTS	9
NATO VIOLENCE AGAINST JOURNALISTS	4

• According to World Press Freedom Index (2011-2012), which Reporter Without Borders published on 25 January 2012, Afghanistan ranked 150th among 179 countries worldwide.



Afghan People's Dialogue on Peace: Laying the Foundations for an Inclusive Peace Process

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

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

"Afghans all over the country told us that the Government needs to focus on addressing the key drivers of the prolonged conflict if we are to achieve lasting peace and stabil-

ity. Addressing these problems can form the main pillars of a durable peace," said Naim Nazari, director of the Afghan Civil Society and Human Rights Network.

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

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

The report stresses that the armed opposition should not harm civilians and it should respect the laws of war. "We are expecting the armed opposition – if they are really Afghans – not to receive orders from out of the country and to reach an agreement with the Afghan Government on establishment of peace. They should lay down their weapons and contribute in the reconstruction of their own destroyed country," reiterated men and women during a discussion in Baghlan province, this view was expressed throughout the country.

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

Afghans also stated that international assistance

provided to Afghanistan over the past 10 years has not had the intended effect of boosting security, prosperity and service provision.

Rather, a massive proportion of international financial assistance has been misused by corrupt officials. A shura [council] member from Kunduz province summarised the views of many Afghans that lack of rule of law is the "cancer of Afghan society" and that corruption at all levels of government has exacerbated poverty.

Reflecting the views echoed throughout the country, one resident in Badghis province said, "We are really tired of the situation of this country, everyone is corrupt and there is no justice for people. A killer may walk freely in the bazaar and the victims remain powerless. We cannot do anything. Women get killed by the decisions of the local community courts and there is no attention of the Government to the issue."

The report also identified lack of economic progress and social justice as a driver of instability and states that poverty, slow and unequal geographic development, mass unemployment, and inequality in the allocation of resources as problems the Government had failed to address over the last 10 years.

"People noted improvements in the form of schools, roads and hospitals, but such achievements were not equal to the billions of dollars poured into the country. People also highlighted a huge divide between urban and rural development; in some areas people have no schools or access to medical facilities – there is a need for 'balanced development'" said Samira Hamidi, director of the Afghan Women's Network.

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

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

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

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

To the Government of the Islamic Republic of Afghanistan:

- Develop an integrated strategy and road map for securing peace in Afghanistan with clearly defined goals that has the commitment of all partners, and is focused on establishing security, economic development, rule of law, and justice and human rights as critical components of a durable peace.

- Uphold human rights values in all negotiations and efforts aimed at achieving rights, particularly the rights of Afghan women and girls, that are guaranteed and are not a 'casualty' of any peace efforts.

To the International Community:

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

To the Armed Opposition:

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

To the Civil Society:

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

NOTES

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

* People's Dialogue was guided by a steering committee, members of which include: Afghan Civil Society Forum [ASCF], Afghan Civil Society & Human Rights Network [ACSHRN], Afghanistan Independent Human Rights Commission, Afghan National Union of Labour [AMCA], Afghanistan Organization of Human Rights & Environmental Protection [AOHREP], Afghan Women's Network [AWN], Afghan Women Skills Development Center [AWSDC], Afghan Youth Social Cultural Organization [AYSCO], Civil Society Development Center [CSDC], Sanayee Development Organization [SDO], Transitional Justice Coordinating Group [TJCG], Armanshahr Foundation, Women Political Participation Committee, 50% Campaign [WPPC]. Members of the Steering Committee used their offices in the regions/provinces and/or members of their networks to facilitate focus group discussions.

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

For the full text of the report, see:
<http://www.aifre.org.af/media/files/People%27s%20Dialogue%20FINAL%20report.pdf>

تفتمان مردم افغانستان پیرامون صلح



بیتانگاری میانی برای پروسه فراتر صلح
 دسامبر 2011م





Prison Transfer to Interior Ministry Could Give Police Free Rein – HRW

10 January 2012

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

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

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

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

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

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

An October 2011 report by the United Nations documented widespread and systematic torture and mistreatment in Afghan prisons, not only in illegal facilities operated by the Afghan intelligence service, the National Directorate of Security (NDS), but also in ordinary prisons, including some under Justice Ministry control. The allegations were so serious and credible that NATO immediately suspended transfer of prisoners to 16 Afghan prisons. The UN report highlighted that nearly all torture observed in Afghan jails took place during interrogations for the purpose of seeking confessions.

The Afghan government denied that torture was systematic, but acknowledged “deficiencies,” including keeping prisoners in indefinite detention and not allowing them to see lawyers. The government asserted that abuses were due to a lack of training and resources. The government also pledged to uphold all national and international standards regarding protection of prisoners.

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

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

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

Source: <http://www.hrw.org/news/2012/01/10/afghanistan-decree-increases-detainees-risk-torture>

News of human rights violations

Women and children

- Afghanistan: mother and daughter stoned and shot dead

11 November 2011: A group of armed men have stoned and shot dead a woman and her daughter in Afghanistan’s Ghazni province, security officials have told the BBC. The officials blamed the Taliban, who they said had accused the women of “moral deviation and adultery”. The police said two men had been arrested in connection with the murder. The attack was only 300 m from the governor’s office in Ghazni city, which is on a list of places to be transferred to Afghan security control.

“Neighbours did not help or inform the authorities on time,” an official said. Officials said a number of religious leaders in the city had been issuing fatwas (Islamic religious edicts) asking people to report any one who was “involved in adultery”.

In October last year, a woman accused of murdering her mother-in-law was killed by the Taliban in Ghazni.

Bilal Sarwary of BBC News, Kabul provided the following analysis:

There are 18 districts in Ghazni. Seven are in government control. In 11 the government only exists inside the district headquarters.

In much of the region, the Taliban are taxing people and banning girls from schools. Joint weddings have been banned - the bride and groom are not allowed to be together as it is thought the woman makes too much noise walking to the wedding hall, disturbing the men.

The Taliban are killing and imprisoning people who work for the government. They control all of the major roads. Drivers are regularly beaten. There are instances where district officials have been beheaded. The Taliban have banned mobile phones, video cameras and music apart from Taliban radio stations playing hypnotic chants.

<http://www.bbc.co.uk/news/world-asia-15688354>

- 15-year-old bride tortured by in-laws

12 January 2012: Women of Afghanistan demand punishment of abusers of young bride. This is a short news report about a 15-year-old bride who was badly abused by her husband’s family. According to an Oxfam report published in October 2011, 87% of Afghanistan have experienced physical torture, rape and forced marriage. Afghanistan Independent Human Rights Commission recorded 1,026 cases of violence against women in the second quarter of 2011. In comparison, around 2,700 cases of violence were recorded in the entire 2010. - Deutsche Welle

- Afghan woman is killed ‘for giving birth to a girl’

30 January 2012: A woman in the village of Mahfalay in the district of Khanabad in north-eastern Kunduz province of Afghanistan has been arrested for allegedly strangling her daughter-in-law on 28 January for giving birth to a third daughter. The baby girl, who is now two months old, was not hurt.

The murdered woman’s husband, a member of a local militia, is also suspected of involvement but he has since fled. While militia groups have some political support, they have often been accused of violence against women, robberies and extortion.

The birth of a boy is usually a cause for celebration in Afghanistan but girls are generally seen as a burden. Some women in Afghanistan are abused if they fail to give birth to boys. And this is just the latest in a series of high-profile crimes against women in the country.

They called for immediate punishment. The governor appears to have made no public comment as yet.

<http://www.bbc.co.uk/news/world-asia-16787534>

- 3 October 2011: Oxfam: Afghan women’s rights under threat - BBC



- 7 December 2011: Violence begins at home. - Deutsche Welle
- 19 January 2012: In the absence of safe homes in Qandahar, innocent women go to prison. This is a report of interviews with the authorities in Qandahar. - Deutsche Welle
- 26 October 2011: Children's rights are violated in schools. This is a short news report about corporal punishment based on interviews with school students in Kabul. - Deutsche Welle

Poverty and migrants

- 2 November 2011: Poverty kills more people than war in Afghanistan. According to a UNAMA report, Afghanistan is one of the poorest countries in the world. One third of the population lives in absolute poverty. - Deutsche Welle
- 28 December 2011: "Historical mistake" of UN regarding Afghan migrants. The head of the UN refugee programme in Afghanistan described its strategy in Afghanistan since 2002 as the "biggest mistake UNHCR ever made"

<http://www.dawn.com/2011/12/27/afghan-refugee-strategy-a-%E2%80%98big-mistake%E2%80%99-unhcr.html>



from page (12)

Close Guantanamo...

the government's push for war in Iraq and the broader "Global War on Terror."

It is now clear that the Obama administration has no plans to close Guantánamo anytime soon, while opposition from Congress makes that goal even more remote. The prison at Guantánamo continues to exist in violation of both ethical and legal standards, and at risk to our collective safety. President Obama must act decisively or risk making Guantánamo and the Bush detention regime permanent features of the U.S. landscape. We call on President Obama and relevant departments within his administration to:

- Recommit to rapidly closing Guantánamo, and make clear that many of the men there were detained in error...
- Charge or release the men detained at Guantánamo...
- Abandon any plan for indefinite detention...
- Lift the blanket ban on all repatriations to Yemen...
- Cease forcible repatriations of men whose safety is threatened by transfer...
- Lift the ban on resettling men into the United States...
- Fully investigate the deaths of men who died in detention, including the three who died in 2006...
- Ensure accountability for crimes...
- Take responsibility for the well being of the men after they are released...

We also urge the international community to offer safety to men at Guantánamo who cannot leave until third countries come forward to offer them resettlement, and to ensure their rights and well-being once resettled. Many of the men resettled have not been granted permission to work, to travel, or to reunite with their families after years of separation and anguish, and the legal status of many remains in limbo.

We invite people of conscience all over the world to work with us to make sure Guantánamo is closed with justice, and recommit to advocating towards this end.

Signatures: The Center for Constitutional Rights (CCR); Amnesty International U.S.A. (AI-USA); Witness Against Torture (WAT); International Federation for Human Rights (FIDH); National Lawyers Guild; Center for Justice and International Law (CEJIL); Women Journalists Without Chains (WJWC) [and hundreds of other groups and individuals across the world]

1: http://salsa.democracyinaction.org/o/383/p/dia/action/public/?action_KEY=5355

Mass grave discovered

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

Armed insurgents

- See also the first item under 'Women and children' above
- 7 January 2012: As a result of an explosion on 6 January 2012, six children and an old man were killed and four other children were injured. - BBC
- 26 January 2012: As a result of a suicide attack in the city of Lashkargah, provincial capital of Helmand province in southern Afghanistan, four people including one child were killed and 31 were injured. - BBC

International forces

- 3 December 2011: British soldier expelled from Army. UK Ministry of Defence announced that a British soldier who hit a 10-year-old child with bayonet in the Helmand province had been expelled from the Army and sentenced to 18 months in prison. - BBC
- 14 January 2012: Following the publication of video clips on the Internet that show American soldiers urinating on bodies of Taleban fighters, the US defence secretary said the case would be emaciated immediately. - Radio France International
- 18 January 2012: According to a report in the British daily Sun, two British soldiers were detained on charge of abusing an Afghan boy and an Afghan girl. Ministry of Defence announced that the case would be investigated. - Deutsche Welle & Radio France International

from page (1)
Transitional Justice...

AMNESTY

The word amnesty refers to legal measures that have the effect of:
(a) Prospectively barring criminal prosecution and, in some cases, civil actions against certain individuals or categories of individuals in respect of specified criminal conduct committed before the amnesty's adoption; or
(b) Retroactively nullifying legal liability previously established.
Amnesties only apply to past actions, but never to conducts that have not yet taken place, which would be an invitation to violate the law.
Amnesty is a controversial component of some transitional justice mechanisms. In some cases, perpetrators are granted freedom from punishment in order to encourage truth-telling and promote social reconciliation. It can take the form of a general or "blanket" amnesty that covers all crimes committed by a group of individuals or conditional amnesty whereby the perpetrators must admit to the crime to be granted immunity from prosecution. It may also apply only to crimes committed during a certain period of time.
The Principles for the protection and promotion of human rights through action to combat impunity (Joinet / Orentlicher Principles), incorporated in international law, state that, even when intended to establish conditions conducive to a peace agreement or to foster national reconciliation, amnesty may not benefit perpetrators of serious crimes under international law until States have undertaken prompt and independent investigations and prosecutions. Amnesties shall never prejudice the right of victims to truth and reparation.

Pardon

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

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

Immunities

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



People's message to Bonn Conference

84th Public Debate

The 84th (6th year) Goftegu, a bridge between the elite and the citizens, of Armanshahr Foundation, was held at the French Cultural Institute in Kabul on 24th November 2011 with the title of "People's message to Bonn Conference."¹ The meeting marked the approaching Human Rights Day, the National Day of Victims in Afghanistan and the International Day for the Elimination of Violence against Women and it was organised in cooperation with the working group.² About 120 members of the civil society, students and human rights activists took part in the meeting.

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

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

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

• Mr Khorrani:

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

They civil society

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

• Ms Shahgol Rezaei:

The conference provides a good opportunity for Afghanistan if we take part in it with complete readiness.

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

• Mr Barry Salaam:

The civil society institutions tried to take a message to the Bonn conference that would be based on the realities of the society. Under the present conditions, there is no rule of law, lawbreaking and law evading have been rooted and corruption is the order of the day in government departments. Our neighbours have consistently interfered in our affairs and have challenged the progress of Afghanistan. The international community can help reduce such interferences by exerting pressures.

Justice must never be subject of deals. The basic rights of the citizens and women as well as the demands of the war victims must be taken into account in the peace and reconciliation process.

• Mr Moradian:

The Bonn conference was expected to engage in discussion of major issues of the country and provide a good opportunity for the future of

Afghanistan. However, it seems that it will be a show to some extent. We need three pacts in Afghanistan: 1) a pact among Afghans; 2) a pact with the region; 3) a pact between Afghanistan and the international communities.

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

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

• Mr Zia Moballegh:

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

1 Related items in this issue of Armanshahr: Conclusions of the Bonn Conference, Afghan Civil Society members address Bonn Conference, and Freedom of expression and status of human rights in Afghanistan media, 10 years on

2 Women's 50% Campaign, Transitional Justice Coordination Group, Civil Society and Human Rights Network, Armanshahr foundation, Afghanistan Independent Human Rights Commission, the Afghan Civil Society Forum, Culture and Civil Society Foundation, Women's Political Participation Committee, Civil Society Development Centre, the Afghan Non-Governmental Institutions, Afghan Women's Network, Central Council of National Union of Afghan Civil Servants, South-West Afghanistan And Baluchistan Association, Human's Welfare and Comfort Organisation and Afghan Women Lawyers Coalition

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

The International Afghanistan Conference in Bonn

Conclusions of the Bonn Conference

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

Main parts of the 5 December 2011 Bonn Conference's conclusions are reported below.¹

Governance

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

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

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

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

10. We support the crucial role of the United Nations in Afghanistan. We express our gratitude to the UN Secretary General's Special Representative Staffan de Mistura for his dedicated service, and welcome the Secretary General's decision to appoint Jan Kubis as his new Special Representative for Afghanistan. We note that the UNAMA mandate is currently under review in line with the increased capacity and ownership exercised by the Government of Afghanistan and consistent with the process of Transition that entails the assumption of leadership responsibility by the Afghan Government. We also take note with appreciation of the close collaboration of the International Contact Group with the Afghan Government and their work, and encourage them to continue their joint efforts.

SECURITY

11. We welcome the determination of the Afghan people to combat terrorism and extremism and take responsibility for their own security and for protecting their homeland. We share Afghanistan's vision for its national security forces to be built to modern standards and adequate capacity, so that they can effectively and independently defend Afghanistan.

12. We welcome the successful start of the Transition process. Afghan authorities are assuming full security responsibility for their country and will complete this process by the end of 2014. Correspondingly, the International Security Assistance Force (ISAF), authorized by the UN Security Council, has begun a gradual, responsible draw-down to be completed by that time. With the conclusion of the Transition process, our common responsibility for Afghanistan's future does not come to a close. The International Community, therefore, commits to remain strongly engaged in support of Afghanistan beyond 2014.

continued on page(10)

Afghan Civil Society members address Bonn Conference

The Afghan civil society groups elected two speaker-representatives and two observing representatives to attend the Bonn Conference in Germany on 5th December 2011.¹ The first two addressed the conference on 5th December 2011.²

Selay Ghaffar, Speaker of the Afghan Civil Society Delegation

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

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

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

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

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

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

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

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

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

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

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

Barry Salaam, Speaker of the Afghan Civil Society Delegation

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

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

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

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

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

And so to ensure our success, we need more... *continued on page(11)*

from page (9)

Conclusions of the Bonn...

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

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

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



also requires tackling the demand side.

PEACE PROCESS

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

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

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

- (a) The process leading to reconciliation must be
- truly Afghan-led and Afghan-owned; as well as

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

(b) Reconciliation must contain

- the reaffirmation of a sovereign, stable and united Afghanistan;
- the renunciation of violence;
- the breaking of ties to international terrorism;
- respect for the Afghan Constitution, including its human rights provisions, notably the rights of women.

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

ECONOMIC AND SOCIAL DEVELOPMENT

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

20. As the Afghan government sets priorities, embraces reform and meets its Kabul commitments, including strengthening transparent and accountable public financial management systems and improving budget execution capacity, its partners recommit to meeting the minimum targets set in London

and Kabul for aligning international assistance with Afghanistan's priorities and channelling a growing share of development aid through the government budget. We welcome the Government of Japan's intention to host a ministerial conference in July 2012 in Tokyo, which will address, in addition to the coordination of international economic assistance through the Transition period, Afghanistan's strategy for sustainable development, including aid effectiveness and regional economic cooperation.

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

22. The intensive international effort in Afghanistan over the last decade represents a

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

23. Afghanistan's long-term economic growth will, above all, depend on the development of its productive sectors, notably agriculture and mining. The International Community commits to supporting the development of an export-oriented agriculture-based economy, which is crucial for Afghanistan to achieve food security, poverty reduction, widespread farm-based job creation, and expanding the Government's revenue generation capacity. Concerning mining, we welcome the growing interest of international investors in Afghanistan's mineral wealth but emphasise the need for a regulatory framework to guarantee that this mineral wealth directly benefits the Afghan people. The International Community supports Afghanistan's efforts to develop a transparent and accountable regulatory regime, consistent with international best practices, for collecting and managing public resources and preserving the environment.



24. We recognise that a vibrant, private sector-led economy in Afghanistan will require the development of a competitive service industry and a stable financial system, and achieving regional integration through expanding Afghanistan's trade and transit networks, as well as its regional connectivity. The International Community commits to support Afghanistan's efforts to put in place and enhance the infrastructure and the relevant regulatory frameworks for the development of trade and transit.

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

REGIONAL COOPERATION

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

27. We welcome the outcome of the "Istanbul Conference for Afghanistan: Security and Cooperation in the Heart of Asia" of 2 November 2011. In particular, we take note of the principles concerning territorial integrity, sovereignty, non-intervention and the peaceful settlement of disputes contained in the Istanbul Process, which we support as a valuable step towards building greater confidence and cooperation in the 'Heart of Asia' region. We call for strict adherence by Afghanistan and its regional partners to these principles, and look forward to the follow-up Ministerial Conference in June 2012 in Kabul.

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

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

THE WAY FORWARD

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

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

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

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

1 For the full text, see:

http://eeas.europa.eu/afghanistan/docs/2011_11_conclusions_bonn_en.pdf

from page (9)
Afghan Civil Society...

time and resources to build on our achievements, to learn from lost opportunities, and to find our way as a strong independent nation.

We know Afghans need to take charge of their own affairs and we are in favour of the transition process. But we also need a process of support and sustainability.

We urge long-term strategies, rather than short-term solutions.

We ask that you take into account realities on the ground.

Right now insurgents believe they have time on their side. And that's what they tell the Afghan people, they intimidate, torment and terrorize them. They taunt them with the idea that soon the international forces will be gone.

Only by removing insurgents' hopes of success through violence, can we deter their attacks.

State-sponsors of violent extremism in the region will only give up their destructive policies if there is long-term international engagement in Afghanistan.

So in addition to giving Afghan forces the lead, we need to show that if there is a call for help, the international community will answer.

International presence will encourage investment and economic growth. It will also help the reintegration of insurgents who see no future in violence.

In this regard, we welcome Afghanistan's strategic partnership with United States and other nations of the world.

We also welcome peace and reconciliation – but not one that jeopardizes the fundamental and civil rights of Afghan citizens – specifically the rights of women.

If we look back to the decades of conflict in my country, fomenting divisions along ideological, ethnic and religious grounds and suppressing equality and civil rights allowed wars to last for generations.

We have chosen democracy because it is the only solution to reunite us as a nation. Our new constitution reflects our religious and social heritage, and puts Afghanistan firmly on the democratic path. Therefore, we cannot change our constitution and we cannot compromise on our democratic rights.

Afghanistan is still learning to make human and constitutional rights a regular part of life.

We still see terrible violations on a regular basis.

Citizens are forced to pay bribes in public sector to receive state-run services.

Women and girls who have been raped or abused never see their culprits on trial.

Court cases are won by the person with the most money.

Women are still used by their relatives to settle family conflicts.

So, the biggest wish of the Afghan people right now is a government that rules by law and not by the power of individuals.

Afghans long for an accountable government and an effective system that can provide for their basic needs.

If just half of the money used in the military campaigns in the past decade had been invested in good governance and service delivery, we would be in a better position today.

Smart, sustainable appropriate investments in Afghanistan's civilian sector, is the key to stabilization and rooting out the social causes of insurgency and terrorism.

Afghanistan does not want to rely on foreign aid forever. So what we really need is investment in infrastructure and agriculture, as well as guidance to develop our potential to become economically sustainable and self-sufficient.

We – the civil society – are ready to help with every aspect of reform and change. We already have much expertise in the skills that will help Afghanistan to thrive.

We are ready to support our Afghan government and play our complementary role.

We ask your help to create a process of support and sustainability that will help us continue to be a strong, productive and positive force for change in Afghanistan.

1 Related items in this issue of Armanshahr: Conclusions of the Bonn Conference, People's message to Bonn Conference, and Freedom of expression and status of human rights in Afghanistan media; 10 years on

2 The speeches were taken from here:

http://www.auswaertiges-amt.de/cae/servlet/contentblob/604276/publicationFile/162865/Afghan_Civil_Society_Delegation_Statement1.pdf

http://www.auswaertiges-amt.de/cae/servlet/contentblob/604724/publicationFile/163020/Afghan_Civil_Society_Delegation_Statement2.pdf



Guantanamo, Ten Years On [1]

6 January 2012 [2]

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

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

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

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

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

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

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

Source URL:

<http://www.hrw.org/news/2012/01/06/guantanamo-ten-years>

Links:

[1] <http://www.hrw.org/news/2012/01/06/guantanamo-ten-years>

[2] <http://twitter.com/share>

[3] <http://www.hrw.org/features/guantanamo>

[4] <http://www.hrw.org/news/2011/12/14/us-refusal-veto-detainee-bill-historic-tragedy-rights>

[5] <http://www.hrw.org/news/2011/01/24/us-prolonged-indefinite-detention-violates-international-law>

[6] <http://www.hrw.org/topic/counterterrorism/guantanamo-ten-years>

[7] http://multimedia.hrw.org/dataviz/gitmo/main_dashboard.html

[8] <http://www.hrw.org/news/2011/01/10/us-act-pledge-close-guantanamo>

[9] <http://www.hrw.org/news/2011/11/11/us-sins-commission>

[10] <http://www.hrw.org/news/2011/07/12/united-states-investigate-bush-other-top-officials-torture-2>

Amnesty International:

Guantánamo: A decade of damage to human rights

Amnesty International has published a 64-page report with the title of "GUANTÁNAMO: A DECADE OF DAMAGE TO HUMAN RIGHTS - 10 ANTI-HUMAN RIGHTS MESSAGES GUANTÁNAMO STILL SENDS."

Those anti-human rights messages are as follows:

Message 1 - The whole world is the battleground in a global war in which human rights don't apply

Message 2 - Humane detainee treatment is a policy choice, not a legal requirement

Message 3 - Even detentions found unlawful by the courts can continue indefinitely

Message 4 - The right to a fair trial depends on where you come from and the domestic political temperature surrounding your case

Message 5 - Justice can be manipulated to ensure the government always wins

Message 6 - Execution is acceptable -- even after unfair trial

Message 7 - Victims of human rights violations can be left without remedy

Message 8 - Looking forward means turning a blind eye to truth and accountability, even in the case of crimes under international law

Message 9 - Respect for universal human rights can be discarded if they conflict with 'domestic values'

Message 10 - Double standards, not universal standards, are the order of the day

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

The full report is available at:

<http://www.amnesty.ie/sites/default/files/file/Guantanamo%2010%20Report.pdf>



HR organisations:

Close Guantanamo with Justice Now¹

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

As human rights organizations and people of conscience, we are calling for the closure of Guantánamo and both transparency at all U.S.-run detention sites and accountability for the abuses that happen within them. We oppose secret detention sites, including so-called "filtration" or "screening" sites like the covert "black prison" at Bagram, where even the International Committee of the Red Cross has been denied access and where abusive interrogations are allegedly taking place. We also express our opposition to excessively punitive conditions of confinement in prisons and detention centres inside the United States, and note that prolonged solitary confinement is a form of torture prohibited under international standards for human rights. We reject the continuation of illegal and abusive Bush-era detention and interrogation policies by the Obama administration.

The story of Guantánamo remains the shameful case of the U.S. government rounding up nearly 800 men and boys, indiscriminately labelling them "the worst of the worst," and throwing them into an island prison designed to exist beyond the reaches of the law, where they would have no right to challenge their detention or abuse. The vast majority of the prisoners at Guantánamo should never have been detained in the first place. Many were simply in the wrong place at the wrong time and were fleeing the chaos of war when U.S. forces entered Afghanistan. Only one in twenty was captured by the U.S. military. Most were captured by local civilians and authorities in Afghanistan and Pakistan and sold to the United States in exchange for substantial bounty. According to Colonel Lawrence Wilkerson, a senior State Department official who served in the Bush administration between 2002-2005, the Bush administration knew early on that the majority of the men at Guantánamo were innocent but did not release them due to political concerns that doing so could harm support for ...

continued on page(7)



RSF - International 2011 Annual Overview

The 10 most dangerous places for journalists¹

21 December 2011

2011 in figures:

- 66 journalists killed (16% more than in 2010)
- 1,044 journalists arrested
- 1,959 journalists physically attacked or threatened
- 499 media censored
- 71 journalists kidnapped
- 73 journalists fled their country
- 5 netizens killed
- 199 bloggers and netizens arrested
- 62 bloggers and netizens physically attacked
- 68 countries subject to Internet censorship

Reporters Without Borders has this year, for the first time, compiled a list of the world's 10 most dangerous places for the media – the 10 cities, districts, squares, provinces or regions where journalists and netizens were particularly exposed to violence and where freedom of information was flouted.

Overall, 2011 took a heavy toll on media freedom. The Arab Spring was at the centre of the news. Of the total of 66 journalists killed in 2011, 20 were killed in the Middle East (twice as many as in 2010). A similar number were killed in Latin America, which is very exposed to the threat of criminal violence. For the second year running, Pakistan was the single deadliest country with a total of 10 journalists killed, most of them murdered. China, Iran and Eritrea continue to be the world's biggest prisons for the media.

	Killed	Arrested/ Briefly detained	Attaced/ Threatened	Censored	Kidnapped
AMERICAS	18	121	513	154	2
MEDDLE EST	20	252	553	79	30
AFRICA	9	235	245	95	3
ASIA	17	119	347	93	34
EUROPE	2	299	301	78	2
TOTAT	66	1044	1959	499	71

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

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

	2010	2011	Evolution
Journalists killed	57	66	+16%
Journalists arrested	535	1044	+95%
Journalists attacked or threatened	1374	1959	+43%
Media Censored	504	499	-1%
Journalists kidnapped	51	71	+93%
Netizens killed	1	5	
Bloggers and netizens arrested	152	199	+31%
Bloggers physically attacked	52	62	+19%
Countries affected by censorship	62	68	+10%

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

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

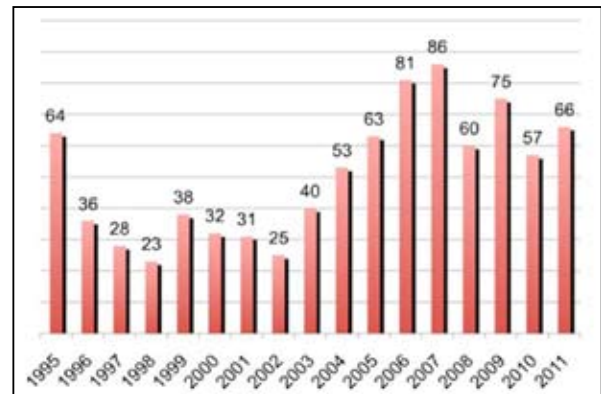
(Listed by alphabetical order of country)

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

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

- Manama, Bahrain
- Abidjan, Côte d'Ivoire
- Cairo's Tahrir Square, Egypt
- Misrata, Libya
- Veracruz state, Mexico
- Khuzdar, Pakistan
- The Manila, Cebu and Cagayan de Oro metropolitan areas on the islands of Luzon and Mindanao, Philippines
- Mogadishu, Somalia
- Deraa, Homs and Damascus, Syria
- Sanaa's Change Square, Yemen

Yearly total of journalists killed since 1995



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

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

20 December 2011

Analysis of the Prosecutorial Strategy and Policies of the Office of the Prosecutor (2003-2011)

International Federation for Human Rights (FIDH) published a new report on the International Criminal Court's office of the prosecutor in December 2011: "The Office of the Prosecutor of the ICC - 9 Years on (Analysis of the Prosecutorial Strategy and Policies of the Office of the Prosecutor 2003-2011)."¹

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

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

Fatou Bensouda, new ICC Prosecutor, was elected at the tenth session of the Assembly of States Parties to the Rome Statute, held in New York from 12 to 21 December 2011.

1: <http://fidh.org/spip.php?action=telecharger&arg=5749>

82nd Public Debate

Book burning and wiping out collective memory – against oblivion

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

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

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

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

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

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

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

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

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

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

national unity or the Ismailia must be burnt.

Master Partow Naderi continued to recite his poetic text: Finally, the gun-totters conquered the office of the AWA president... The office was turned into a bedroom for one of the commanders and his cohorts. There was a large desk in that office, which had been converted into a bed for the commander

commander Ashiqullah or MASHUQUULLAH. I went closer and greeted him. Before saying anything else, I caught a glimpse of the bookshop. The books had fallen from the shelves on the floor and the commander and his cohorts were using the AWA's bookshop as a shortcut exit. They had stamped the books with their steps. You could see the trace of



and somebody would sleep on it in daytime. When the winter arrived, a stove was placed next to the desk. It had an audacious open mouth; it was the strangest stove. It read books, day and night, not line by line, but chapter by chapter and volume by volume. It had an open mouth and reached only three conclusions at the end of each book: heat, smoke and ashes. Books by literary and historical giants sighed and screamed in fire, called for help, but there was nobody to come to their rescue...

At the back gate of the AWA's bookshop, there was a rather tall young man who was talking noisily, but not in an angry tone, with the people around him. He had thick eyebrows and a piercing look, wearing a camouflage jacket; he gave small gifts to the people around him. A few weeks before, they had conquered the office of Žwandun magazine. I guessed that he must be one of the commanders. I was right. I found out later that his name was

their feet on each book, as though they had issued orders to annihilate culture and spirituality.

The commander's mouth smelled of home-made wine. I asked him: why do you burn these books? It is a sin. The commander answered: we burn the books that do not bear 'bismillah'.¹ I have ordered my soldiers to separate the books that do bear it. At the time, scholars in Pakistan sought to buy each of those books at several times their real prices, but they couldn't find them.

The 1980s were a decade full of big disasters, but those years constitute a considerable era in the contemporary history as far as promotion of books and culture of reading is concerned. For example, the books published by the AWA were far more numerous than those published in 100 years in the whole of Afghanistan.

¹ In the name of Allah, the most compassionate, the most merciful

New Books by Armanshahr

• **A Handbook of Transitional Justice – A to Z**
Bilingual Persian-English Glossary
Politis asia: 8-9
Editors: Guissou Jahangiri & Khalil Rostamkhani
Layout & Cover Design: Rooholamin Amini
133 pages
Print run: 5,000
First Edition: 2011

"A Handbook of Transitional Justice - A to Z" – the Persian version of it – is the first of its kind to appear in the geographical expanse of this language. The number of terms and the extent of clarifications and definitions explain the logic of the title. A glance at the terms and definitions would clearly demonstrate that we have had to go beyond the usual transitional justice terminology. In doing so, we have endeavoured to prepare a comprehensive work of reference to help activists of transitional justice and civil society as well as human rights defenders. Indeed, we aimed to create a "handbook"

the Persian version of which would serve as the first source of research and advocacy that the Persian-speaking activists of human rights and transitional justice would consult, and to provide for their immediate needs. Furthermore, the A to Z should function as a guide for researchers wishing to investigate the related topics more deeply. Last but not least, the "handbook" is bilingual and thus of great use to English speaking activists and researchers.

The "handbook" offers a vast amount of information to activists involved in human rights and transitional justice in various areas. Most of us may use numerous terms in our routine activities, but may not readily remember their full definition or may have to consult several sources to use the accurate definitions in articles or a communiqué. Besides, we may not be familiar with some of the useful terms and concepts. This handbook aims to meet such needs as much as possible. We welcome critiques aimed at pinpointing the shortcomings and deficiencies, which we shall resolve in subsequent editions.

The handbook is also to be viewed as another step within the wider scope of Armanshahr Foundation's work to disseminate information and knowledge related to human rights and transitional justice. The fruitful work, partly undertaken under the general title of "Let's break the silence" has already included many other works that have appeared since 2006, among them: "Justice for women in war and peace", "The Past Enlightens the Future", "Who is a citizen? What are their obligations and rights vis-à-vis the government and the society?", "Revisiting our Collective Memory", "Challenges of Freedom of Expression, Media and Press in Afghanistan", "Role of Citizens in Seeking Truth and Justice", "Democracy and Social Justice in Multi-ethnic Countries", "Against Oblivion, Experience of Truth and Justice Commissions", "Violations of Human Rights and US Policy", "A Practical Guide for Victims to the International Criminal Court", "NATO, Exceptions to Democracy and Decline of Empires", "Afghanistan: In Search of Truth and Justice", "Universal Jurisdiction, mechanisms to prosecute human rights violators", "Simorgh's Feather (Selected poems of Simorgh Peace Prize)", "Voice of Victims for Justice", "Women Celebrate Peace". The documentary "Eye (I) Witness (Voices of War Victims in Afghanistan)" and the Simorgh Peace Prize are some of the other related activities.

The idea of an 'A to Z' on transitional justice and related human rights concepts' was launched by Guissou Jahangiri. The first version of the key terminology was the fruit of collaboration between Guissou Jahangiri, Muborak Sharipova and Khalil Rostamkhani. Claire Callejon undertook

the main research and drafting of the English version, supported and guided by the FIDH team: Isabelle Brachet, Mariana Pena, Karine Bonneau and Delphine Carlens. The final editing of the English version as well as the complete work on the Persian/Dari version was done by Khalil Rostamkhani. The Persian version has benefitted from the expertise and knowledge of Dr. Karim Lahidji. The final design of the "A to Z" is the work of Rooholamin Amini.

• Federalism and Democracy

Politis asia 10 -11
Compiled: Guissou Jahangiri & Jawad Darwaziyan with the cooperation of Shourangiz Dadashi
Edited: Khalil Rostamkhani & Shourangiz Dadashi
Layout & Cover Design: Rooholamin Amini
Typesetting: Kabir Ahmad Neshat
238 pages
Print run: 1,000
First Edition: 2011

Federalism and Democracy has two parts. Part I contains an article by Amartia Sen, the Indian Nobel Laureate, with the title of "Democracy as a universal value" and three interview with critics and advocates of centralised and federal political systems in Afghanistan: Dr Mohammad Amin Ahmadi, a university professor ('A pervasive unanimity of views concerning national identity is the prerequisite for a democratic system'); Professor Mohammad Taher Hashemi, Kabul University professor ('Obstacles and challenges of democracy and federalism in Afghanistan');

Abdul Latif Pedram (MP for Badakhshan and leader of Afghanistan National Congress Party ('Federalism; a path to national understanding and participation of citizens in the republic's decisions.')

Part II includes major parts of a book called 'Introduction to Federalism' by Roland Sturm and Petra Zimmermann Steinhardt

• Ringing went by, the rain

Reflections on the contemporary poetry of Tajikistan
Mojib Mehrdad; Behrooz Zabihullah
Edited: Fahim Rassa
Layout & Cover Design: Rooholamin Amini
Print run: 1,000
First Edition: 2011

Ringing passed by the rain is an anthology of the literature and poetry of Tajikistan in the 20th century. Mojib Mehrdad has written several articles in it. In 'Modern Poetry in Tajikistan', he argues that the poetry in the land is the most native version of the Persian poetry and very close to the people's language. There are three periods in the development of the Tajik poetry: 1930-1960, at the service of the ideology and the ruling party; 1960-1985, period of revival and literary awakening; 1985 to this date, recognition of Tajik Persian as the official language.

In 'From nativist poetry to native poetry', he discusses the differences between the two types. 'Nativist poetry' has a nostalgic view of the countryside, but 'native poetry' portrays the rural life.

Six other articles discuss the works of six different poets: Momen Qana'at, Bazaar Saber, Layeq Shirali, Golrokhshar Safi-Awa (the prominent poetess), Askar Hakim, and Rostam Vahabnia.

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

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

• Zeer o Bam

a Study of Traditional Music from Badakhshan, Herat and Badgeis, 2011

Research and writing: Wahid Qasemi
Photography: Badakhshan, Zarif Zahed; Herat, Rafii Behroozian
Editor and Publisher:

Armanshahr
Design & Layout: Rooholamin Amini

118 pages
Print run: 1,000
First edition: 2011

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

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

• The Little Prince

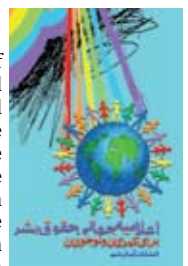
Antoine de Saint-Exupéry
Translator: Ahmad Shamloo
Layout & Cover Design: Rooholamin Amini
85 pages - colour
Print run: 1,000
First Edition: 2011

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

• Universal Declaration of Human Rights for Children and Adolescents

Compiled, edited and published: Armanshahr
Cover Design: Rooholamin Amini
Layout: Kabir Ahmad Neshat
63 pages
Print run: 1,000
First Edition: 2011

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



83rd Public Debate

Wahid Qasemi, endeavouring to guard original music

The 83rd (6th year) Goftegu, a bridge between the elite and the citizens, of Armanshahr Foundation, marking the 15th anniversary of Armanshahr/Open Asia, was held at the French Cultural Institute of Kabul on 27th October 2011, with a performance by Master Wahid Qasemi, singer, composer, musician and music researcher.

The programme included a Zeer o Bam concert and introduction to Zeer o Bam (a Study of Traditional Music from Badakhshan, Herat and Badgeis) and was attended by 400 cultural activists, writers, musicians, academics and government officials. It was an exceptional program applauding the genuine culture of this land that had brought together a large number of the elite.

The moderator opened the event by reciting the Masnawi of Mowlawi: Listen to this reed, how it makes complaint/telling a tale of separation/ Ever since I was cut off from my reed-bed/men and women all have lamented my bewailing...

He continued:

We believe it is not possible to solve any problem in this land without referring to cultural roots. Therefore, during its nearly 6 years of activities in Kabul and Herat, Armanshahr Foundation has concentrated on culture as one of its most important fields of activities.

The first Goftegu public debate, a bridge between the citizens that the elite, was held in Kabul around six years ago with a cultural topic. During all those years, Armanshahr Foundation has organised literary festivals, weekly poetry reading meetings, book reading sessions, screening and making films, plays, concerts and published books on culture, in the midst of its social activities.

Subsequently, Wahid Qasemi performed several songs with lyrics written by Afghan lyricists reaching the song:

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

The audience gave an enthusiastic welcome to all those songs signalling the nostalgia of the people who have

lost the pleasant sound of flute, tambourine, drum and harmonica to the sound of bullets and explosions.

Mr Qasemi, accompanied by Messrs Zali Yekta (flute player), Mir Afghan Hamidi (tambourine player) and Mir Weis Kazemi (drummer), performed nine songs.

There was, however, a more important part in the meeting and that was the introduction and distribution of Zeer o Bam (a Study of Traditional Music from Badakhshan, Herat and Badgeis), compiled, researched and written by Wahid Qasemi and published by Armanshahr.¹ Having started with Masnawi, the moderator closed the meeting with a sonnet from Shams:

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

1 See New Books by Armanshahr in this issue

A poet with the power of tiredness

Esmaeil Sarab

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

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

We asked him to start reciting poems and talk about his views. He said he was there to listen and asked us to read poems to give him energy. Our friends recited poems. Then we asked him to talk, about the literary climate in Afghanistan in general. He evaded giving his critique and mainly spoke about himself and then the faraway strange land where he is living (Australia), saying that there was little chance of having this kind of cultural and literary contacts; he had come to Afghanistan to gain energy and feeling. Then he recited three poems from his new collection. They were tired verses, not tired of being written, but tired of loneliness, tired of meagre contact. They were so different from the poems in 'I'm a dreaming wolf'. The poet who had once sung, "We die so that the "Times" photographer can win an award!" was now singing a deep fatigue for us.



30 birds in 40 poetry reading sessions

'Critique of Simorgh' is the title of weekly Monday poetry reading sessions in Herat office of Armanshahr Foundation. The meetings started last spring and 40 of them have been organised up to now.

Poetry reading and critique sessions have been flourishing in Afghanistan in the past 10 years, in provinces such as Herat, Balkh, Kabul and others. There have been several such regular poetry reading meetings in Herat, none of which have been free from the usual gossips and arguments. The differences of opinions have led to the disbanding of some of these meetings.

The 'Critique of Simorgh' brought together some people, who had been absent from other literary sessions for the past five or six years, with hope of change. The sessions brought together some people who may not be seen in other literary circles owing to the extensive differences and this situation has generated some kind of energy that has driven the meetings to this date.

The approach, rather than suppressing the differences was to accept them. Thus, the banner of 'Critique of Simorgh' includes a painting of the vanguard American writer and filmmaker Andy Warhol on the one side and a painting by Kamaladdin Behzad Herawi, the greatest and most famous painter of the common history of Persian speakers on the other. That difference is clearly visible among the members and participants of the sessions and discussions.

Beside these weekly meetings, Armanshahr Foundation, with the help of the 'Critique of Simorgh' group, has organised larger meetings, including the recent meetings with the titles of 'Literature of wickedness' and 'Against Oblivion'. In the first meeting, poetry of Shams Jafari was subject of critique. In the second meeting, Fahrenheit 451, a film by the French filmmaker François Truffaut, was screened.

The weekly meetings are organised every Monday afternoon in the office of Armanshahr Foundation and they are open to all.

A tower at point zero of vision and reality

Elias Alawi and "certain wounds"

Rooholamin Amini

We die/so that sick poets can write poems/we die, it's a nice game/when mother licks the young officer's boots/and the newspapers keep writing the father's picture/next to VIPs/she becomes a bride 1000 times a night/and my sister screams 1000 times/1000 times is a nice game/workers become sentimental at 11 o'clock/tomorrow they all take to the street/they sing/they dance/and shout slogans of course/we die so that the "Times" photographer can win an award!

I knew Elias Alawi with this verse: We die so that the "Times" photographer can win an award. Then, his collection of poems was published with the title of "I'm a dreaming wolf." In that collection, he was a poet was caught in between the war, love and migration: Perhaps, the same old love and hate story, in which love had remained with its private layers and even become more personal, but hate had been generalised, hate for weapons and dollars.

And now, I know Elias with "Certain Wounds" collection; sometimes he is in Fararud, sometimes in Balkh, sometimes in Kashghar, sometimes in Melbourne, sometimes in Sefid Sang, sometimes in Aegean, sometimes in Mashhad, sometimes in Adelaide, sometimes in Daikundi... You're wrong, he is not Marco Polo, he is not a great tourist, and he's not even a small tourist. Elias is a migrant; an Afghan migrant all ... *continued on page (17)*



A story separate from Nader and Simin

Rooholamin Amini

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

The film's story

Simin has made preparations to migrate abroad with her husband, Nader, and her daughter, Termeh. Nader doesn't wish to go, because he has an old father suffering from Alzheimer. Whereas Simin does not wish to miss the



opportunity, they go to court to apply for divorce. Simin's reasons are not sufficient for the judge and the application is rejected. However, the judge's ruling cannot stop their separation. Their daughter, who does not want their parents to separate, prefers to stay with her father hoping to keep the family together. On the other hand, Nader remains with his old sick father, to care for whom, he has to employ a woman called Marziah. From this point on, the film moves forward along two intertwining branches.

Two films

A Separation is a social film, which has to deal with political and cultural issues. The director's evasion of a simple approach to such issues should not be ignored. This approach has politicised the film in its inner layers more than it would be noticed at first glance. Besides all the issues the film has dealt with, it has left many things untouched.

Indeed, A Separation constitutes two films. One is the film in which the actors acted and this is a completely social film. The second is a film that the director, Asghar Farhadi, and a smaller circle of his audience have created to include all the untold points and evasions. The second film is highly political and carries the cultural issues arising from the political climate prevailing in Iran.

The first frame on the phone shows a copy machine, which is copying a birth certificate. Why is there such a beginning? My answer is that the copy machine is the symbol of the society, where organised endeavours are made to mould everybody alike. Alternatively, it alludes to identical destinies. There can be other interpretations as well. However, in my opinion, this is the most reasonable interpretation that comes to the viewer's mind. If this interpretation were to be accepted, then the film would be presenting a political action in its first frame in an intentionally latent manner.

"What you are saying is not sufficient for divorce, madam!" This is the

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

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

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

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

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

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

from page (16)

A tower at point zero...

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

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

This poem is a bitter truth; it may not even be a poem and this is where Elias's poetry can be discovered. There is a fine line between vision and the reality in his poems, like the border between a poem and the non-poem. However, his poems are poems, with all the political layers, with all the social pains. He is a tower at point zero of vision and reality, who is eyeing both directions.

In his poetry, the language is as simple as the words we use to talk to our closest friend, without any pretension, but it is flowing and calm, as soft as a bed on which the boatman rows his boat:

As void as these hotels/cafes/coasts/if you were not there/if you are not there/the sea will drown/in my veins

There are drawings by the poet next to the poems, indeed wounds spoken in another language, where the same spirit of the poems flow.

"Certain Wounds"

Elias Alawi

Editor: Mohammad Hossein Mohammadi

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

Layout: Hossein Sina

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Armanshahr/OPEN ASIA Publications

1. One Thousand and one Poems for Afghanistan (anthology of writings and poems trilingual edition), Winter 2003
2. Caravan of Poetry for Peace and Democracy in Afghanistan (An anthology of poems); Spring 2003
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28. It is an Abandoned Time Here, Rooholamin Amini; Winter 2010; Let's break the silence series
29. NATO, Exceptions to Democracy and Decline of Empires, Winter 2010, (Politis asia 3)
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31. From Structure of Parliament to a Critical Evaluation of First Parliament in Afghanistan; Summer 2010, Goftegu series
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38. Afghanistan: In Search of Truth and Justice, Autumn 2010, Let's break the silence series
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40. Universal Jurisdiction, mechanisms to prosecute human rights violators, Autumn 2010, (Politis asia 6-7)
41. The Afghanistan Women's 50% Campaign, Winter 2010
42. Simorgh, the Thirty Wise Birds (an anthology of poems and photographs for peace in Afghanistan), Guissou Jahangiri, Rooholamin Amini, Winter 2010, Simorgh series
43. Violations of Human Rights and US Policy, 2nd Edition, Winter 2011, (Politis asia 1-2)
44. NATO, Exceptions to Democracy and Decline of Empires, 2nd Edition, Winter 2011, (Politis-asia 3)
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46. Young people, a World Between Fear and Doubt, Winter 2011, Goftegu series
47. Revisiting our Collective Memory, Winter 2011, Goftegu series
48. Nothing Can be Said in Fifty Years (collection of poems), Homeira Nekhat Dastgirzada, Spring 2011, Simorgh series
49. Discrimination and Political Participation of Women: Role of Education, 2nd Edition, Spring 2011 (Politis asia 4-5)
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55. Writers without readers, readers without books, Summer 2011
56. "Simorgh Stories", Selected Stories, Summer 2011 (Simorgh's Feather)
57. Re-visiting 60 years of contemporary history in Afghanistan, Summer 2011
58. A Handbook of Transitional Justice, A to Z, 2011, (Politis asia 8-9)
59. Zeer o Bam, a Study of Traditional Music from Badakhshan, Herat and Badgeis, 2011
60. Federalism and democracy, 2011 (Politis asia 10-11)
61. Universal Declaration of Human Rights for Children and Adolescents, 2011
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65. The Little Prince, Antoine de Saint-Exupéry

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