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Afghan prisons population increases 20% a year

Interview with Gen. Amir Mohammad Jamshid General director of Prisons & Detention Centres, Ministry of Justice of Afghanistan

Question: How many prisoners are there in Afghanistan, political and common criminals included?

Answer: The figures keep oscillating. We have around 21,000 prisoners nationwide, including around 700 women and 300 children who stay with their mothers. There are more than 1,500 political prisoners in various parts of the country, but most of them are in Pul-e Charkhi. There were only 2,000 prisoners in 2002, when the prisons were handed over from the Ministry of the Interior to the Ministry of Justice. Our calculations show that the numbers increase by 20% each year. The reason for the increase is that initially law and order was not enforced widely. With the increased enforcement of law, more offenders are arrested. On the other hand, poverty and corruption have led to commission of more crimes.

Q: What is your definition of a political prisoner?

A: It would refer to people opposed to domestic and external security. Those opposed to the political administration are considered to be political prisoners, e.g. the Taliban. We do not have separate prisons for political prisoners in Afghanistan, but we keep them separately inside the prisons.

Q: How many prisons are there in Afghanistan?

A: We have 38 prisons and detention centres. There are 34 prisons in 34 provinces and we have several independent detention centres and detention centres for women, but only one independent women's prison, which is located in Kabul. Others are under the jurisdiction of the Prisons Administration.

Q: What stages does a prisoner go through after being arrested to the final stages?

A: The whole process takes about 10 months. An offender spends about 72 hours in a detention centre. The prosecutor's investigation takes 15 days and it is extended for 15 days if necessary. The first instance... *Continued on page(2)*

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Joint Statement

Afghanistan Women's 50% Campaign and Afghanistan Women's Political Participation Committee to Bonn 2 Conference



We, women of Afghanistan, have not forgotten the dark era of the Taleban!



Conscientious souls must not allow women's fate to become a plaything once again in the name of national interests

This may be the last time you hear the collective voice of women of Afghanistan

19 September 2011

The people of Afghanistan are experiencing highly sensitive and fateful days in the period leading to the "traditional" Loya Jirga and the Bonn 2 Conference. There are very important issues at stake that cannot be ignored, i.e. issues that would impact the destiny of every man and woman in Afghanistan. The question at the centre of attention is peace with the Taleban or, in other words, peace between the government of Afghanistan and the armed insurgents. The significant aspect in this process is that unconditional concessions are being made to the Taleban. That means the rights of the majority of the people are bestowed upon a small number of human rights violators. There will be a just and lasting peace if it brings justice for the people, otherwise it may be a temporary and transient ceasefire. Experience of the international community in countries such as South Africa is a proof of this. Peace must originate from within the people and take deep roots in the society. Therefore, if the people of Afghanistan wish to forgive and pardon the insurgents and gun-wielders, it is their natural right. However, no amount of pressure and coercion by the government and the international forces can force the people of Afghanistan to forgive and pardon them. Afghanistan is a society with capacity and capability for peace, but this peace must not come through forgiveness for murderers of the people of Afghanistan and opponents of peace.

The central issue that should have been the principal focus of the international community and the Afghanistan government is Transitional Justice, which the Bonn 1 Conference emphasised. However, that essential and vital national program has been intentionally sent to oblivion. The women of Afghanistan know too well that without justice and rehabilitation of victims of three decades of war, this reconciliation indeed is a division of power with armed insurgents. It is neither a peace of the just nor will it provide a favourable ground for reconciliation nationwide. The government of Afghanistan has a duty to shoulder the responsibility for all the harms that the society has incurred. Violators of human rights may not become guardians of this country. Afghanistan has experienced all forms of gross violation of human rights, from genocide to injustice, discrimination against women and ethnic communities, lack of freedom of expression and daily violence... The international community has a duty to stop this dangerous trend in the name of universality of the Universal Declaration of Human Rights.

A unilateral peace, if underlined in Bonn 2 Conference, shall only display the fatigue and failure of the international community in the war in Afghanistan. The result will be a failed experience and fire under the ash, which will erupt into flames again in subsequent years and engulf Afghanistan and stir the whole world.

We women of Afghanistan have not forgotten the dark era of the Taleban

In that era, women of Afghanistan had been eradicated from its geography. We women know well the misogynous ideology of the Taleban. We know that without it, the Taleban will lose their identity and they cannot compromise over their principle.

In any coalition with the Taleban, the women of Afghanistan will evidently be the first group to be sacrificed in deals. We have not forgotten that the abhorrence expressed by the informed men and women - i.e. the public opinion worldwide, especially in democratic countries - at the fate imposed by the Taleban, opened the way for ... *Continued on page(2)*



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Afghan prisons population...

takes two months, appeal two months and the final review five months.

Q: A parliamentary report contains a list of prisoners who have been in prison in a state of abeyance for many years. Why are their cases not examined?

A: That report is not true. Naturally, the court of first instance may acquit an offender. The prosecutor, however, may object and the case would go to another court. The latter would examine it and, if necessary, send it back to the first court. This takes time. The prisoner may think he has been acquitted and should be released, whereas the case is under investigation. The other aspect is congestion. That problem has been reduced lately. Neither the courts have that problem nor the prosecution offices. However, complaints increase because the cases are under consideration.

Q: How is an offender who has committed crimes against domestic and external security distinguished from a common criminal who has been detained for theft?

A: Our prisons are physically old. As a result of 30 years of war, they have turned to ruins. Some of the prisons are rented buildings. We keep 200 people in a building constructed for 15 people or a family. Obviously, it would be difficult to classify the prisoners there. For example, we have rented building at Meydan in Wardak, Baghlan and elsewhere. Even Pul-e Charkhi, which is a large prison, has been damaged in the course of time and in war. It is now a part of our reconstruction plan. We have tried to keep the political prisoners in one block and others in another block. On the whole, however, it is difficult to arrange it. We have recently built 15 prisons and reconstructed 6 others. There are 10 other prisons in bad conditions.

Q: How far are Afghanistan prisons compatible with international standards?

A: We have tried to comply with the standards. Fortunately, there are no beatings or violence. There are educational programmes. Visits are free and without hindrance. Prisoners have two visits per week where the prison population is not large. However, in prisons with a large number of prisoners, there are fortnightly visits. As a journalist, you can go to prisons and ask prisoners about the conduct of the jailers. We cannot physically compare Afghanistan's prisons with international standards. Obviously, we would not meet the international standards when we keep 200 people in a building suitable for one family.

Q: Which organisations are allowed to visit prisoners and report on them?

A: Afghanistan Independent Human Rights Commission (AIHRC) may observe the prisons, the Red Cross, the Prosecution Office and relatives of prisoners may visit and examine living conditions and problems of the prisoners.

Q: AIHRC's report indicates that torture and ill treatment has taken place in prisons and detention centres?

A: We have always been in contact with the Commission and the Red Cross. They have not complained to us and they have been satisfied with our jailers. We have asked them many times to inform us of any issues. We have tried to avoid {such conduct} by about 90 per cent, but there may have been guards who committed things like that. Any such guards would be arrested. We provide training to our jailers regarding the security conditions, dealing with prisoners, rights of prisoners and we have always taught them to observe all civil rights of the prisoners.

Q: The women's prisons in some of the provinces, however, are in bad conditions. There are women who face all kinds of problems in the company of their children. Why should a child be placed in such a condition if their mother has committed an offence?

A: We do not want to keep the children in prison, but they can stay with their mother up to the age of 3, when they do not sense the prison environment. After that age, they should go back to their family. However, when the families and women prisoners have problems, we have to keep the children in prison. It is a major problem that there is not a standard prison, in Badakhshan for example, but that is not the case elsewhere. Some of the prisons are like hotels, e.g. the women's prisons in Kabul, Herat, Jalalabad etc. It is not within in our capability to solve all those problems. We seek to solve them gradually.

Q: Is there identical attitude toward male and female prisoners?

A: As far as examination of the cases is concerned, there is no difference in the eyes of the law. They should be handled identically. However, more attention is paid to women prisoners, because they are more vulnerable, they contract various diseases, they face more deprivation than men. Even the Ministry of Women's Affairs seeks to speed up investigation of women's cases. On the other hand, attitudes of families are different. Women are either involved in drug smuggling, escaping from their home or fornication. Obviously these issues bring shame in Afghanistan and men hate them. Therefore, families pay less attention to women {prisoners}. Even some of the women are taken to safe homes after release.

Q: How is the state of budget for prisons?

A: We have two different budgets, one for food and accommodation and the other for buildings. The second is supplied by two sources: the government and the donors. Government builds one or two prisons every year. We can build two or three prisons a year with the help of international donors. Sometimes we do not receive any assistance. We are not satisfied with our food and accommodation budget; it is less than adequate and we generate debts occasionally.

Q: Does the Prisons Administration have jurisdiction over all the prisons in Afghanistan or do other security organizations have prisons too?

A: No other organisation has the right to keep prisons in Afghanistan. Other organizations, e.g. the National Security Directorate and the Ministry of the Interior have detention centres.

Q: Detainees are kept longer in detention centres of other organizations such as the National Security Directorate.

A: National Security Directorate mainly deals with anti-state offenders and

prisoners and the 72-hour limit is evidently not observed there, because they scrutinise more. They are not operating arbitrarily. They have official permission to keep the offenders longer.

Q: Which international laws initially governed the prisoners in the prisons under the administration of international forces? Have the Afghanistan laws recognised those prisons?

A: That was not legally correct. It was given press coverage worldwide and there were complaints within Afghanistan. It may have been the case in previous years, but ever since I came, we have tried not to have prisons administered by foreign forces. Only offenders who are arrested at time of war would be kept by foreigners until conditions for their transfer are ready. Bagram Prison was specifically referred to as Guantanamo until three years ago. Prisoners arrested at war were transferred to Bagram where foreigners conducted the entire investigation. Under an agreement reached between the governments of Afghanistan and the US, they handed over a part of Bagram Prison to the Afghan side. A major part of it has been handed over to the Ministry of Defence, but some part of it is still under foreign control and it will be handed over gradually.

Q: The agreement was signed more than seven years after the arrival of foreign forces. Why did the government not take action earlier?

A: You referred to classification of prisoners at the start. More controversial and mischievous prisoners are occasionally transferred to prisons with better security conditions when necessary, e.g. Bagram. A section of the National Army's prison is in Kabul and another section in Bagram.

Q: But you said only the Ministry of Justice is authorised to run the prisons.

A: Bagram Prison falls under the agreement. Ministry of Justice was not capable of keeping all the dangerous prisoners; nor did it have sufficient space to keep them. Therefore, Ministry of Defence accepted it under a protocol for a specific period of time not on a permanent basis. The dossiers, however, are examined by the judiciary. We do not have a legal problem.

Q: Why was the Ministry of Justice not able to prevent the escape of prisoners from Bagram?

A: Qandahar is a critical place. It has always been a centre of the Taliban and daily fighting. Prison is evidently one of the vulnerable places. That was the second time they escaped from the Qandahar Prison. They blew up a wall in 1999 and dug a tunnel this time. There was surely negligence on the part of the responsible bodies (Ministry of the Interior and the National Security Directorate) and the prison officials. We have now taken other measures and equipped it with more personnel, weapons and technology and increased the coordination with the responsible bodies. We exert consistent controls with the help of advanced technology and international collaborators.

Q: How can justice be realised for prisoners?

A: Our country is afflicted by war. There have been great changes in our judicial bodies in comparison with previous years and things are improving. Our first plan is to improve the prisons physically, to expand the educational and re-education programmes. We are trying to train our personnel to assume a more humane approach to prisoners and send the latter back to the society as re-educated persons.

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We, women of Afghanistan

The arrival of democratic countries in Afghanistan. Women of Afghanistan, and improvement of their conditions, constituted one of the most important issues that mobilised the international public opinion and the whole world. We women of Afghanistan have not forgotten the dark era of the Taleban.

This may be the last time you hear the collective voice of women of Afghanistan

We, the women of Afghanistan, highly value the emergence of progressive movements and the creation of a safe environment for women's participation in the society despite the shortcomings as well as the relative, albeit symbolic, achievements during the past decade. Examples of this include the establishment of the Ministry of Women's Affairs, the extensive participation of women in cultural, social, political and economic activities. We ask ourselves in total astonishment: what prescriptions will the international community and democratic countries, in particular Germany as the facilitator of this conciliation, offer for a lasting and enduring peace in this country to prevent the women of Afghanistan from re-experiencing the bitter and harsh events of the previous decades?

How could the international community and conscientious people accept petrifying conditions similar to the Taleban era to be imposed on women who constitute 50% of the population? If this "armed peace" were to be established, this may be the last time you hear the collective voice of women of Afghanistan. We the women of Afghanistan have been prisoners of our homes for several generations. Our awakened girls and boys have aspirations similar to your children. They wish to go to school and university. They wish to have access to quality media. Our young people wish to be able to choose their future spouses when they reach the legal age. They wish to have access to healthy entertainment and sports and to build their country without fear of their identity, be it their race, language, beliefs or ideas, and without scars on their body.

We, the awakened women, together with the progressive men of our country, have set our hope on you. We believe in the international public opinion and hope that conscientious souls will never allow the fate of women to become a plaything once again in the name of national interests.

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Interview with Ruhollah Qarizadeh, President of Independent Bar Association

Rule of law is the most fundamental solution



Question: How does the Bar Association function?

Answer: The law profession has a 54-year history in Afghanistan, 51 years of which was under the government influence. At the order of President Karzai, elections were held three years ago and the Association started operating independently. We have joined the International Defence Lawyers Association, trained 700 defence lawyers nationwide and established representative offices in many provinces. We are publishing a quarterly and a weekly and we have a radio program.

On the other hand we are member of Violence Prohibition Commission, Co-ordination Council of the Supreme Court, High Council of Prisons and Detention Centres, Detainees Committee etc. We have held talks with international forces and government institutions about the problems of prisons, in particular military and political prisons. Most of our demands were accepted by the international forces. It was on the basis of our opinion that all prisons must come under the supervision of the Afghanistan government even the Parwan (Bagram) Prison. We visited the Bagram and Pul-e Charkhi prisons, especially Block D, where political prisoners are kept.

Q: How many defence lawyers are there in this country?

A: There were 500 nationwide when we established the Association. Now we have 1200, 300 of whom are women and the figures are rising. That is not enough. According to international standards, they should be 1000 lawyers per 1 million people. That means we should have around 30,000 defence lawyers. It is clear that we cannot attend to dossiers of so many prisoners. The government does not pay enough attention. Defence lawyers face ill-treatment from the police. Some courts do not allow defence lawyers to speak. For example, defence lawyers are asked: "Say quickly! Do you want forgiveness or acquittal?" There have been cases where judge has thrown out the defence lawyer; a police personnel or a prosecutor would not place that treatment.

Q: How do Afghanistan prisons fare in view of international standards?

A: We do not satisfy the standards of international law in regard to prisons or many other issues. We have laws that have been formulated with international standards, but they do not conform to our laws. Take these detention centres for example. In a room with capacity for 10 people, there is a thief, a murderer, a student, a business person and somebody who fought his friend. They are all in one place. The detention centre of Kabul Province has capacity for 250 people. According to a census available to High Council of Prisons and Detention Centres, it has 750 inmates. The law says a person should be kept in a detention centre for three days, but they remain there for weeks. The law says dossier of a defendant should be completed within 10 months, but it takes years before the appeals court comes to an end. We do not have proper monitoring, justice and judicial system. Every person is sent to prison as soon as the police discover something. We have no preventive measures. There are

no substitutes for imprisonment except suspended sentence and cash fine. However, you will not find any court to use even these two solutions. The laws of Afghanistan are both corrective and punitive, but the actions of the justice system are mainly punitive rather than corrective.

Q: How is a political prisoner defined in Afghanistan and what are the related challenges?

A: Laws have not defined political prisoners. There is, however, an international procedure, which is observed worldwide. Political prisoners are different from common prisoners. They should be kept separately, because a political prisoner goes to prison for a political idea. However, the common prisoner is sent to prison for committing an offence. Academics emphasise that political prisoners should not be described as offenders, because a political offender may become president or minister later. We should nevertheless distinguish between political prisoners and political criminals, e.g. a person who intends to commit suicide bombing. The political detainees we met at Parwan Prison and Block D of Pul-e Charkhi are in better conditions. Political prisoners faced many problems in the past. I was witness myself that deprivation of sleep, beating and various types of torture were common in the past. Criminal prisoners enjoy fewer facilities in comparison with political prisoners.

Q: The Bagram Prison was under the control of international forces for seven years. Why did nobody react during that period when a large lowercase of prisoners were kept there? Some sections of that prison are still not accessible.

A: Under the laws of Afghanistan, it is certainly not justifiable for a foreign country to have a separate prison within an independent and free country, and to carry out detentions at its will, even if it does not torture anybody. The Constitution and international laws are quite clear on the issue, because the independence of the judicial system of a country is thrown into question.

Q: There are, however, reports proving that torture takes place in prisons.

A: When a detainee is taken to Block D of Pul-e Charkhi, that means investigations have been completed and an offence has been proved. At that stage, monitoring is meaningless. Our problem starts at the moment of arrest. A defendant must have defence lawyer from the moment of detention to remain free from degradation, torture and forced confession.

It is true, torture exists, but in security detention centres where the Prisons Administration or defence lawyers do not have access to the elite. They have objective problems and say if they allow defence lawyers in, they may not be able to arrest some other people as a result of which more suicide bombings may take place. Therefore monitoring the national security detention centres is a problem for all. However, the law has one principle, it is general. The Constitution provides that every person has the right to a defence lawyer from the first moment to prove their innocence and discard accusations.

Q: What are the problems of women prisoners?

A: Women prisoners had countless problems early on, both rape and smaller and bigger problems. You know that a parliamentary delegation visited Pul-e Charkhi Prison six years ago. Things have got better now, but only in a few cities. We have the same problems in the provinces.

Q: What is the status of the law then?

A: Unfortunately, rule of law is meaningless. When you talk of rule of law within the justice system, they say it is true that we have laws, but there are problems in practice. Even a high-ranking government official said once: it is true that the law says so, but justice does not require it. Corruption in its general sense is one of the factors that prevent the realisation of the rule of law. Congestion is another factor that causes the resolving of a dossier to take many years. Courts can reduce the problems by expanding their organisation.

Q: How can we achieve a just and law-abiding system?

A: Rule of law is the most fundamental solution. Criteria must rule, not relationships. If everything is distributed on the basis of relations, then relationships substitute the law. Besides, the international forces in Afghanistan must present themselves with international standards.

Interview with Ramin Andishvar Legal expert of criminal dossiers at the Ministry of Women's Affairs

Conditions of women prisoners

Q: How many women are in prison in Afghanistan?

A: The latest figures show that around 600 women and 300 children are in prison. Most women prisoners are in Kabul, Mazar, Herat and Konduz. Some provinces do not have women's prisons.

Q: How many women's prisons exist in Afghanistan and in which provinces?

A: There are for women's prisons in Kabul, Herat, Jozjan and Nangerhar. In other provinces, a building has been designated for women next to men's prison. In some provinces such as Panjshir, Nuristan, Konar, there are no women's prisons.

Q: Where are the women prisoners kept in provinces that do not have women's prisons?

A: I had a trip to Lugar province. There was one woman prisoner who was kept at Children's Correctional Centre. Women offenders are usually kept in children's correctional centres or transferred to present in the neighbouring province.

Q: Some years ago, a number of MPs visited the prisons and reported that rape and other types of human rights violations took place in women's prisons.

A: After the visit, a rumour spread that rape had taken place but it was not

proved. This paved the way for transfer of women prisoners to a secure place independent of the men. The Ministry of Labour and Social Affairs and the Ministry of Justice tried to change the place of the women's prison located near Pul-e Charkhi. The Italians built a prison at Badam Bagh, which is where those women prisoners were transferred from Pul-e Charkhi.

Q: What are the problems of women prisoners?

A: There are two issues: health and imprisonment. Women are in regular need of health and hygienic facilities, regular clinics with adequate doctors. Even though those issues are attended to in the provinces of Kabul, Mazar and Herat, there is no sign of it in other provinces. In a trip I had to Badakhshan province, there were nine prisoners with four of their children in a room of 3x3 and it was difficult to enter the room because of stink. A prisoner loses their freedom but they should be provided with all their basic rights: hygiene, examination of dossiers, water, bread and attention to their children. We have talked to the Ministry of Justice officials about this many times, but they complained of a lack of adequate budget.

The other issue concerns the women's dossiers, which are not examined frequently. I know of provinces where defence lawyers are not authorised to defend woman. They even face sarcasm for defending ignoble woman.

Q: How are the conditions of children who are in prison with their mothers?

A: Imprisoned children are deprived of school and literacy. When a mother is put in prison, why are her children punished? .. *Continued on page(5)*

Question: How many prisoners are there according to AIHRC?

A: we have counted 15,500 prisoners up to now. Occasionally there are more and sometimes less.

Q: Which prisons

does the Commission not have access to?

A: The Commission inspects prisons almost in all provinces regularly, because there is a prison at every provincial capital (for women and men). However, there are detention centres in districts to some of which we do not have access for security reasons. For example, it is very difficult for us to go to Zabul, Nuristan, or some other districts in Helmand, Kandahar and many districts of Oruzgan, but we inspect many prisons on a monthly basis.

Q: Where has torture taken place most of all?

A: There were prisoners in Pul-e Charkhi and some other detention centres, who complained of torture and alleged that they had been tortured during investigations. The main problem, however, is that the people who are tortured do not come forward quickly because of their fear. When they get an opportunity to do that later, it is difficult to substantiate it because of lack of signs of torture. There are many allegations, but it is difficult to prove them because a long time has elapsed. Most allegations of torture concern the detention centres of the National Security Directorate (NSD).

Generally speaking, every suspect is ill treated upon detention. The investigations of the AIHRC in 2006 and 2007 showed that the police were involved in 60% of torture cases, because the police forces are responsible for security in all areas of Afghanistan. Recently, a person died in one of the security centres. Two officials of the centre were arrested and charged; they are in detention now. Even though the Kabul Detention Centre has alleged that torture has taken place at the district centre, the Detention Centre should not have admitted him if that was the case. The young man died after 12 days. That is one example. A few years ago, we witnessed the killing of a person at section 17 of the NSD, which has been renamed as section 40 now. The officials of the NSD rejected allegation of torture of that person and claimed that the said person had tried to jump down from the fourth or fifth floor and finally committed suicide.

Q: How do you prove the occurrence of torture? What are the problems that prevent proving it?

A: Departments like the Forensic Medicine and other authorities that can prove it scientifically play an effective role in this concern. In regard to the case that occurred at the NSD, the victim's family refused to allow autopsy and endoscopic examination to determine if the victim had been killed under torture or had committed suicide. In regard to the first case, the forensic medicine specialists have their own opinions, but those opinions can offer little help for exact identification of the perpetrators. The Forensic Medicine Department says they do not have adequate facilities. Corruption is a problem that prevents proper identification of the issues.

Q: Why does torture and degrading treatment still take place even though Afghanistan has signed the pertaining international combinations?

A: According to the Convention Against Torture, it should be carried out by a public official, e.g. the police, national security agents or any other official. It should be goal-oriented. Torture is carried out mainly in detention centres. We do not have torture in prisons, because there the prisoners have been found guilty and sentenced by courts. However, there are suspects in detention centres whose guilt has not been proved and they are tortured to obtain confession. In the past 10 years, we have made a remarkable improvement in reducing torture in Afghanistan, because there has been monitoring. The Commission has inspected those centres every day, week and month. If monitoring takes place, the jailers at detention centres would not dare torture anybody. Nevertheless, torture still exists and it is noticed in some of the detention centres of the police and the NSD. We received complaints about it. The main reason is the absence of the rule of law and the failure to detain and put on trial the torturers. The second reason is the very low level of awareness of the police and NSD agents. They think that people would not confess if they were not tortured. Some police and NSD agents think that all suspects are guilty.

Torture exists in all provinces of Afghanistan. We cannot say it is more in some provinces or less in some others. However, it is a very difficult task to prove it. We cannot say how many cases of torture have taken place, by whom and in which provinces. We have received complaints from everywhere. In some cases, we received evidence and saw signs. We took pictures and films. We even recorded testimonies of the victims. There are people who suffered from deprivation of sleep, were beaten up by cables and they are not in normal conditions. In some other cases, however, there are only allegations. On the other hand, we have been able to bring to justice some of the torturers. The facts and figures have not been completed yet. In some cases, which we have pursued and proved that torture had taken place, the torturer was detained and tried. For example, a high-ranking police official had carried out torture at the detention centre of Faryab last year. Inspectors of the Commission documented the case and upon proving it, the police commander was sentenced to 2 years in prison.

Q: What about foreign prisons and camps? For example Bagram and others in Afghanistan, which the human rights organisations and the judi-

Interview With Hossein Mo'in (AIHRC coordination officer for supervision of human rights violations), Monir Khashi (AIHRC Central zone human rights violations supervision officer)

AIHRC on inspection of and torture in prisons

ciary did not have access to?

A: Five countries, i.e. Canada, Great Britain, Sweden, France and the US, are authorised to have detention centres. When their forces arrest people opposed

to the national security of Afghanistan, they should hand them over to the Afghanistan NSD after 72 hours. They have agreed to hand the detained terrorists to NSD. However, they have temporary detention centres. The coalition forces have only one prison in Bagram. The Commission managed to sign an agreement with the US Defence Department last year, which allowed us to gain access to Bagram Prison since then. We have a special investigation team in the Commission for inspecting foreign detention centres. They interview the prisoners and monitor civilian casualties and implementation of International Humanitarian Law. I believe they do not have full access to the dossiers and monitor only the conditions of the prisoners.

Q: Which courts should have been in charge of investigating the dossiers of the Bagram prison suspects; Afghanistan or American courts?

A: as far as we know, the US Government has not signed some of the conventions and has reserved the right to maintain prisons in some countries. However, Bagram prison was established on the basis of international law and the treaties of the Afghanistan government with the US.

The Afghanistan prisons and detention centres are under the jurisdiction of the Ministry of Justice. The question of Bagram prison is different, because there are international terrorists and their trial procedures are different. Therefore the international forces are concerned with Bagram prison. Even though the physical conditions of prisons under the administration of foreign forces are good, we have received complaints of torture there. We cannot say how many people have been tortured, because we do not have access to them.

Q: Why can the Commission not monitor some sections of Bagram prison and have access to dossiers there?

A: We do not have much knowledge about this issue. You should talk to the Special Inspection Team. I think it will take a long process before we gain access to the dossiers there.

Even though those prisons are run and controlled by international forces, they report the detainees to the NSD or the Ministry of Defence based on the agreements with them after some time when they find the necessary documents or fail to find them. There are currently about 400 detainees at Pul-e Charkhi Military Detention Centre, but their dossiers are processed through the NSD and referred to courts. Besides, the appeals court of Parwan Province has been given judicial powers to go to Bagram prison to hold trials upon the completion of dossiers by international forces.

Q: Every protocol that is signed should be based on law. However, the Afghanistan laws have not recognised any foreign prisons anywhere.

A: many other questions would come up if we examined the issue of presence of foreign forces in this country. Despite the express provisions of the laws, in practice we notice that the NSD is operating as an investigating organisation. It is authorised to keep suspects for more than 72 hours. Right now, 800 detainees are held by section 40 of the NSD. They claim that they have asked the Ministry of Justice many times to transfer those detainees to Pul-e Charkhi prison, but the Ministry says it is unable to keep them and refuses to accept the handover.

Q: What about women's prisons?

A: It is legal to have women's prisons like men's prisons. That has been provided for in international conventions. Women's prisons are separate from men's. Unfortunately, some provinces do not have women's prisons yet.

The conditions in women's prisons are even better than men's prisons in some provinces, because international organisations have paid more attention to them. For example, the conditions of prisons are bad in Herat, Kabul, Jalalabad and Faryab. They are overcrowded. There are so many people in a room of 3x4, where they can only sit in one place. We have received many complaints from there. Many provincial prisons have damp rooms. Health conditions are not observed. There is not healthy drinking water, not enough light. The Baghlan Prison building may collapse any moment and kill prisoners.

Women's health issues do not receive attention. There are pregnant women in prisons who should receive care 3-4 months before delivery and two months after and be taken to hospital for giving birth. In most prisons we have inspected, however, they do not receive special care. There are not adequate clinics in many prisons or they have inadequate and un knowledgeable doctors; or when there are proper specialists, there is not enough medicine.

Q: What causes the problem of congestion of dossiers?

A: We collected facts and figures about detainees whose conditions are undecided from all provinces. We contacted the Prosecutor General's Office and the Supreme Court and sent them those lists. The problem is that all dossiers must pass through the channel of Supreme Court, which does not have the capability to examine them all in time. They claim that the new Supreme Court inherited 16,000 dossiers from the previous court. The other problem is that the prosecutor's office in every district objects to court rulings and ask for review. On the other hand, shortcomings of ...

Continued on page (5)

from Page 3

Conditions of women...

What will become of a child who grows up in prison? They will leave as a completely delinquent and wrongly raised persons or grow to be distressed and isolated persons. On the other hand, when women go to prison, some of their children reach the ages of 11, 12 or 13, which is the age of puberty. They have nobody to look after them. Unfortunately, Ministry of Women's Affairs does not have a centre to protect women or children. In particular, nothing has been done to reintegrate women who are released from prison. Some institutions have lately concluded agreements with the Ministry of Labour and Social Affairs to take children older than 5 to a children's protection centre. At present, the Children's Protection Centre of women's bureau, keeps 65 children whose mothers are in prison. However, the government has not taken any measures to establish centres to protect children or women who leave prison.

The president issues a decree on national days to pardon prisoners or commute their sentences. One item of the decree obliges the Ministry of Women's Affairs to prepare a secure and safe place for women who are released from prison under the decree until their families come forward. The Ministry cooperates with institutions that set up safe homes.

We have seen many children in prison who acquire psychological diseases; they are deprived of all kinds of children's games.

Q: What expects women who go back to their homes after being released from prison? Do the families admit them?

A: The goal of punishment is not revenge; it is to reform the offender. The second goal is to defend the society. Unfortunately, the prisons in Afghanistan are not places to reform the offenders. Far from being reformed, prisoners in Afghanistan become more criminal than before. A minor offender stabbed to death a friend and counterpart in a children's correction centre a few days ago. He may have been sent there for a minor action, but rather than being reformed, he killed another person and committed a greater crime.

It is difficult for women released from prison to be reintegrated into the families. Some families are not like that, but most families would not tolerate commission of crime by a woman. Ministry of Women's Affairs has some plans underway in cooperation with some other ministries and agencies, but it has not had an accomplishment worthy of note.

Q: Have women prisoners been raped or tortured?

A: No, the communications means allows everybody to communicate their message to others when they face some wrongdoing. In comparison with male prisoners, women are tortured less. Most dangerous prisoners are tortured in men's prisons or detention centres. Often suspect women commit offences include escaping home, drugs and occasionally kidnapping, but their offences are not as harsh as men's.

Q: You made a mention of defence lawyers. What problems do women face in this regard?

A: Unfortunately, there are few defence lawyers in Afghanistan. According to 2007 figures, we need at least 25,000 defence lawyers, but we have about 1200. That makes it difficult for a defence lawyer to go to Konduz, Daykundi or Badakhshan for a case. Defence lawyers are mostly in big cities. A lawyer accepts 20-30 cases and they cannot attend to all of them properly because of the volume of the work. The other point is that judicial bodies do not allow

most defence lawyers to speak. Unfortunately, most people who work for the prosecutor's office or the courts are not experts and therefore cannot be expected to implement justice.

Q: What are the problems of women in regard to examination of their dossiers?

A: We have many problems in this respect. Unreasonable pretexts are raised. We have written official letters to various justice departments many times. On the other hand, families and relatives of women do not support women prisoners. When a man goes to prison, the whole family follows it up and secures his release by any means possible. However, if a woman is detained or imprisoned, nobody follows it up. There are rarely families that would defend the rights of a woman who has committed moral offences. I know of cases where a girl's father has asked the court to issue a heavier punishment for his daughter. They say a girl's offence dishonours them. Therefore, an immoral woman must stay in prison.

Q: What measures do you recommend in regard to women's prisons?
A: We have always asked the justice departments, and in particular the Supreme Court, to convert vertical punishment of women to horizontal punishment. Vertical punishment means that the imprisoned woman must spend their prison term passively behind the bars or in cells. Horizontal punishment means that the government should consider a large area for women prisoners where they can exercise regularly, and see vocational training and work. The point is that women prisoners can hardly escape. Take the Qandahar prison for example. All the men escaped, but women stayed put. A similar event took place a few years ago, but women stayed calm. Therefore, I believe it is unjust that women are sent to cells similar to men. There must be a place for women offenders who have committed minor offences, where they can receive training. In that case, women who are released from prison would not necessarily be dependent on their family and they can find jobs.

United Nations concerned with torture of prisoners in Afghanistan

A United Nations report, which the BBC has obtained, pointed out that torture was practised in several prisons in Afghanistan and they were even subject it to electrical shock. The prisoners mentioned in the report are run by the Afghanistan police and National Security Department. A number of police commanders were accused of controlling and running secret prisons.

BBC says that the torture of prisoners has been described as an ordinary and systematic action in the report. Prisoners, some of whom were transferred by NATO forces to the Afghanistan government, were beaten up and some of them were threatened with sexual abuse. Most of the detainees were suspected of having contact with paramilitary forces, but they had not been notified of specific charges.

The UN spokesperson said the report's findings had been communicated to the Kabul administration. In response to the report, NATO forces will be suspending transfer of prisoners to 7 provinces including Khost in the southeast, Takhar in the North, Herat in the West and the antiterrorism prison known as 124. The transfers I've also been suspended to two prisons in Tarin Kowt and Konduz, which are run by the police. The transfer of prisoners to Kandahar had already been stopped.

Responding to the torture charge in Afghanistan prisons, a NATO official in Afghanistan described it as a retreat.

Last year, after a court announcement that prisoners were at the risk of torture or extensive ill-treatment in prisons run by the National Security Department Afghanistan in Kabul, the British Ministry of Defence agreed to suspend the transfer of prisoners to those prisons.

The government authorities in Afghanistan have strongly denied the use of torture.



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AIHRC on inspection...

investigations lead to rejection of the dossier when they come up for judicial examination, and they are sent back to the prosecutor's office to be completed. Most dossiers, which have been examined by lower courts, are rejected. We have witnessed positive developments lately. For example, the dossiers do not remain long in prosecutor's office. More dossiers are examined in the provinces in comparison with the capital, because investigations are speedier. Many dossiers have been collecting dust in the appeals Court of Kabul for many years, because most cases are referred to the centre.

One other problem we came across during our previous inspection of the Pul-e Charkhi central prison last time was that about 80 defendants who had been acquitted by the courts of first instance and appeal and qualified for release were still in prison. Finally, they were released as a result of pressure through the Presidential Office.

Q: What challenges does patriarchy pose in regard to women's dossiers?

A: There are more problems in women's dossiers than those of men, because any accused person would endeavour to achieve justice, but seeking justice depends on the level of awareness. Unfortunately, the level of awareness is lower among women. They are not informed of their rights, they cannot defend their rights. On the other hand, the judicial authorities have discriminatory practices in some cases. There is more discrimination against women in the provinces. A judge who examines a woman's case believes that she is a second class and mentally deficient person. We have had cases where the judges have beaten up the women in the court stating that they should be ashamed of themselves because they are women.

Q: What are the challenges of achieving justice within the Afghanistan Judiciary?

One of the major challenges is the government weakness and administrative corruption. Corruption exists on an extensive level. If you examine the dossiers, you will notice how much money changes hands for each dossier. Insecurity prepares the ground for breach of justice. Offenders may threaten judges or judges may rule contrary to the law. We had several cases in our report where judges had been threatened and some of them even lost their lives. Capacity building in our judicial bodies is one of our requirements.

There is a need for expert and precise analysis of the Afghanistan judicial system. Our legal and judicial system is in need of review.



Wolesi Jirga
(Parliament)

Committee for Central Investigation and Monitoring of Implementation of Laws



Report of Visit to Pul-e Charkhi Prison

17 May 2011

Location: Pul-e Charkhi Prison

Day, Time: Tuesday, 10: 30 – 14:30

Objective: Inspection of the conditions of prisoners in Pul-e Charkhi Prison

Participants: Six members of the Central Investigation Committee (Honourable Mohammad Hossein Fahimi, director of Committee, Ms. Asefa Shadab, deputy director of Committee, Honourable Bashir Ahmad Tahpanj, secretary of Committee, Honourable Abdul Latif Pedram, Honourable Abdelhafiz Mansour, and Honourable Tahir Zahir).

As reported by the officials of the prison, there are presently 5,643 prisoners in various wards at the Pul-e Charkhi Prison as follows: 631 prisoners in Ward 1; 1,977 prisoners in Ward 2; 427 in Ward Zone; 1,438 prisoners in Ward 4; 1,132 prisoners in Ward 7; 48 prisoners in Special Ward. The prisoners include 194 foreign nationals, 1,360 drugs-related inmates, 3,500 political prisoners and 983 common criminals.

Under the presidential decrees, 973 prisoners have been released and sentences of 2,800 prisoners have been commuted. According to the prison governor, 10 prisoners have died of incurable diseases. The political prisoners and common criminals live together owing to lack of sufficient space. In Ward Zone, each room houses 30 – 50 prisoners.

A number of inmates have served their sentences, but they are still in prison for failing to pay fine or deposit guarantees. Besides, a number of drugs – related prisoners stated that they were paid to work and were captured, while

the principal owners of drugs have escaped justice. A large number of inmates complained of the failure of the courts to investigate their cases in a timely manner. Others complained of the failure of the authorities to transfer them to their respective provinces, where their relatives can visit them without trouble and attend to their problems.

Two authorities are responsible for the prisoners: a) The Internal Committee (in charge of education, prison administration and chief physician); b) Parliament, Independent Human Rights Committee, International Red Cross Committee based in Kabul.

Meetings with: prison governor, deputy governor, prison inspector, commander of Ward 4, and prisoners.

The following facilities have been arranged for the prisoners:

1. Courses for teaching the Koran;
2. Computer course with five computers for interested prisoners;
3. A library with 200 titles on theological, general information and educational topics, which the prisoners have welcomed;
4. A Health Clinic;
5. A volleyball team in each ward;
6. One hour daily access to open air.

The said courses are run by inmates for free and the educational materials are supplied by the Directorate of Education, and Olympic Directorate and the CCP.

Follow up: 151 inmates are in Ward 4 of the prison in undecided conditions.

Human rights violations in Bagram and Pul-e Charkhi prisons

Pardiss Kebriaei ¹

Part I 2

We at the Center for Constitutional Rights work in challenging US executive detention and torture policies begun by the Bush Administration, some aspects of which regrettably are continuing under President Obama. I focus specifically at the Center on representing men detained at Guantanamo, but I want to spend my time here discussing two other sites the men we represent have been put through within the global prison network President Obama has inherited. These sites are in Afghanistan, where the U.S. is currently arbitrarily detaining hundreds of people with impunity. And with respect to these sites, there is at least the question – even if the lines of command and responsibility are not entirely clear – of whether and what role NATO can or should play in bringing to bear greater scrutiny and accountability on the detention policies of the US in Afghanistan, which I hope we can discuss later in this session.

I'll start with the detention facility at the US Airbase at Bagram, where the US is continuing to jail over 670 people without charge, without basic rights, and without knowing when their detention will end. We don't have first hand information about who and how many are being held, for what reason, and in what conditions because the facility is closed off to everyone but the ICRC, including UNAMA, the AIHRC, lawyers, and other advocates and monitors, despite repeated requests – but we do know from prisoners who have been released and from some information the government has been forced to provide through litigation, that the due process violations and torture we described at Guantanamo, particularly during the first few years of its operation, are still the reality at Bagram.

For one, detainees have no recourse to any fair process to determine their status or challenge their detention. While a group of detainees have filed suit in US courts for the right to challenge their detention, the Obama administration's position – the same as that of his predecessor – is that the detainees have no such right and the government should be able to hold them until an undefined end of hostilities. The only so-called process Bagram detainees do have is under "Enemy Combatant Review Boards," which offer even fewer due process protections than the farcical Combatant Status Review Tribunals that were used at Guantanamo. Like the CSRTs, the procedures for these review boards deny detainees from knowing the accusations against them, from questioning any government witnesses, and from calling their own witnesses. And worse than the CSRTs, detainees cannot actually attend any proceedings that are held, and receive no assistance in the process from even a non-lawyer military officer.

In this context of a complete absence of independent scrutiny and oversight, detainee abuse at Bagram has been pervasive and brutal. The government itself admitted that interrogators tortured and killed at least two detainees at Bagram, who were hung by their wrists and essentially beaten to death. Recently released detainees have confirmed that abuse remains a routine occurrence.

Far from shutting Bagram down, the government has announced plans to build a new prison on the base, recognizing that the current facilities weren't intended for long-term detention. The new facility would hold more than 1100 prisoners in addition to the almost 700 currently being held. With no

end in sight to the US presence in Afghanistan, there are also projects underway to renovate the base and make it more like home for US troops and their families through the additions of fast food restaurants, beauty salons, and coffee shops.

The US concedes that it has exclusive command and control of detention operations at Bagram, and until now it has created a situation where it has been able to operate with complete impunity. For the time being (1) it has succeeded in denying judicial oversight of detainees and access to independent monitors other than the ICRC; (2) it has guaranteed that the government of Afghanistan will not interfere in its operations by the terms of the lease agreement between the US and Afghanistan; and (3) it has won a promise that US personnel will not be turned over for criminal prosecution to an international tribunal or any other entity or state without the United States' express consent, by the terms of diplomatic notes with the Afghan government.

But such secrecy and lack of accountability is untenable and cannot be accepted going forward – which again raises the question of what part NATO can and should play in preventing these known human rights violations from continuing to be perpetrated in clear violation of international law. The violations are being committed by a member state that also has several thousand troops committed to the NATO-led ISAF forces, and part of NATO's mandate in the country, and its charter is to uphold human rights. The continuation of the same abhorrent US detention policies, which have devastated so many Afghan families and communities, also undermines NATO's mission by fueling anger and distrust among the people and harming efforts to build the trust and cooperation necessary for reconstruction and stabilization. These policies also give NATO allies, who have been uniformly concerned about collaborating with a U.S. detention program that violates the law, a strong reason to refuse increased support levels, thereby detracting from building as strong and unified a presence as possible. Furthermore, given the complete lack of transparency about who is being detained at Bagram and the circumstances of their capture and transfer to the facility, it may very well be that some detainees were seized by NATO-led ISAF forces themselves.

There is one other detention situation... *Continued on page(12)*



Goftegu: *Transitional justice is a transition from war to enduring peace*

The 79th (Year V) Goftegu public debate—a bridge between the elites and the citizens-of Armanshahr Foundation was held in cooperation with the French Institute Afghanistan and Physicians for Human Rights at the Institute's amphitheatre on 21 July 2011 under the title of "In search of truth and justice, a study of half a century of crisis in Afghanistan" and to introduce to newly published books: 'A Review of War Ruins', and 'A selection of Simorgh Stories'. The speakers were: Messers Stefan Schmidt (from Physicians for Human Rights), Alireza Rohani (Senior adviser at the AIHRC and Director of Law faculty Ibn Sina University), Rafigh Shaheer (Member of Parliament), Aziz Rafiee (Managing Director of Afghanistan Civil Society Forum.) (About 60 human rights activists, students, academics and media representatives were present at the meeting.

What will be the fate of the victims and what is their status? How will the serious crimes against human rights be handled? When will the questions of the victims be answered? Those are questions we have been trying to find answers to. Ten years ago, after the ousting of the Taleban regime and the establishment of the provisional administration, transitional justice and soothing the sufferings of the victims were advocated as essential requirements for transition to democracy and rule of law. At the time, the government of Afghanistan, the Afghanistan Independent Human Rights Commission (AIHRC) and some other agencies prepared the Action Plan of the Islamic Republic of Afghanistan, but the plan was forgotten after 2007. Following the approval of the General Amnesty and National Reconciliation Law finally previous parliament, despite the widespread opposition to it, the final nails were hammered into the coffin of transitional justice. The need to seek justice and truth as



continued to be voiced. A number of civil society institutions and international organisations still believe that transitional justice must form a part of the plans of the government and the decision-making bodies. However, they have not achieved in progress. Furthermore, the establishment of bodies such as the High Council for Peace is regarded as serious obstacles to the fulfilment of transitional justice in Afghanistan. One of the issues on the agenda of the Council concerns negotiations with the Taleban, even though the Taleban have been involved in crimes, injustice and widespread violation of human rights in the past 10 years and before; they have not backed away from their positions even one inch. Besides, a conference on Afghanistan is scheduled to take place in Bonn/Germany next few months, but its agenda is not known yet. It's not clear yet if it will address issues such as human rights, transitional justice and women's issues.

The moderator, Mr. Ajmal Baluchzada, opened the meeting: What does affluence and peace of mind mean to human beings living in our land? A house that will not fall on their family under a bomb; not to hear the death of their children were on the bullets and the street; a piece of bread that will prevent their children from dying of hunger; to be able to resist the winter cold enough to avoid the amputation of their fingers and other wishes of this kind; just like their fellow human beings in Africa, Iraq or Palestine; while others are seeking the kind of affluence and use of mind that is not imaginable even by small group of people in this land.

Mr. Stefan Schmidt, the first speaker, the caveman outline of his work in Guatemala and the role of forensic medicine to uncover organised crime. He pointed out: Once a mass grave was discovered in Guatemala – a country similar to Afghanistan – where mostly women and children had been buried. The government authorities claim that there were no civilians in that grey and everybody had been killed in war. However, it was revealed after forensic medical studies that besides children and women, most of the people there had been shot from behind. This undermined the government's claims. How could they have shot from behind if they had been killed in war?

He said: Science must be used as one of their ways to arrive at justice and truth in Afghanistan, because science addresses everybody equally and does not give one person or another. There are many rumours in Afghanistan, which have substituted the truth. Truth is one thing for a part of the society and something else for another part. That is why the language of science is needed. The basic problems facing the process of transitional justice are absence of serious dialogue between the government and the people, criminals being in power, lack of responsibility on the part of the international community, and inadequacy of the civil institutions: "The civil institutions must take the first

step deal with the past crimes."

Mr. Alireza Rohani was the second speaker discussed the nature of transitional justice, and the challenges facing it in Afghanistan: Transitional justice is a process that comes into operation in societies that are going through one stage to a totally different stage, e.g. in societies where despotism and tyranny, violence, fear and terror have been reigning, they need transitional justice to pass to democracy and a society where peace, human rights, basic freedoms and rule of law will be established. In the transitional stage, the citizens are first of all concerned with how they can leave the bitter past behind and build a future combine with peace and security. The different societies cannot easily leave the past behind. Long years of war and atrocities would leave their impact.

He explained that transitional justice has three components: truth, justice and reconciliation. The truth seeking programs constituted the first step to shed light on the events of the past. This can promote the issue of past crimes and the endeavours to obtain a healthy society, and transitional justice to the dominant social discourse. Thus, it will open the way to create a sense of national and organic solidarity without shedding light on the past and by keeping in the dark corridors of the future, we shall never reach the truth.

Justice is another component of transitional justice. Endeavouring to implement justice means to endeavour to build a society where victims of the past as well as the perpetrators will achieve what they deserve. When we speak of justice, we do not necessarily mean to take revenge or judicial or penal justice.

The third component is national reconciliation and unity. The previous two components would be meaningful if they are geared to peace and calm. Therefore, justice as pursued under transitional justice is not necessarily identical with penal justice. The various societies and transition need enduring peace and security. The first goal of the citizens is to achieve a society where enduring peace and security is guaranteed. When we speak of peace, we do not mean negative piece. A negative peace means not war. What we speak about today is positive peace; that means that all the grounds for peace must be ready and there should be no fear of the outbreak of new wars and conflicts. There have been many instances of peace in the history of human beings, which have failed to guarantee enduring peace and calm, because they have been negative peace.

As to the question of how reconciliation can be achieved, he argued: The first mechanism that naturally comes to mind is revenge. This is difficult in practice and dangerous as far as the consequences are concerned. Revenge will not take the society to an enduring peace, but will add fear to fear. The second solution is to forget. That means a nation that has experienced a dark past must cross it out of its public memory. For a good thing is never at proper, reasonable and enduring solution. Pains and suffering are unforgettable. Forgetting will not bring calm to the society, but push the fire under the ashes. But the mechanism is a combination of specific measures geared to justice, truth and reconciliation. This means that the truth should not be forgotten, and ways should be found to achieve reconciliation, national unity and social coexistence. The mechanisms vary from country to country. Our elites must find the mechanisms appropriate to Afghanistan's conditions.

Addressing the challenges facing transitional justice, he said: The main problem concerns the legal measures. Even though, there is a place for transitional justice in the constitution, ambiguities and problems are believed to exist in the law. The second challenge is the General Amnesty and National Reconciliation Law. When the parliament approved that law, it hammered the final nail into the coffin of transitional justice. The third challenge is absence of will-power than in the government of Afghanistan and lack of required capacities in the civil institutions of our country. In the democratic countries where civil institutions exist, they have a very positive impact on the decisions of their governments.

The third speaker, Mr. Rafigh Shaheer (MP), addressed mainly the present situation and the conflict between the parliament and the government over the issue of elections. He said: Both the government and the people were involved in preparing the Constitution, but in practice the people's share in the government's implementation of the law has been reduced. How can we talk of transitional justice when the Constitution is not implemented in this country?

Mr. Rafiee spoke about the report that the Afghanistan Civil Society Forum has recently prepared about war crimes in the past 50 years. He said the report had been prepared in nine provinces of Afghanistan and 400 people had been interviewed in each province bringing the total to 3600. The study has covered five historical eras (Monarchist, Republican, Communist, Islamic, and Islamic Republic) but not political systems (absolutist monarchy, constitutional monarchy, monarchical republican, communist government, dictatorship of the proletariat, democratic republic, Islamic government, Islamic emirate, and Islamic republic).

The study was based on questions concerning security, justice, rule of law, freedom of the press, rights of the citizens, administrative corruption, impunity, victims and truth seeking. Most people believe injustice to mean genocide, degrading, manufacturers, irresponsible killings, plunder of the people's assets and public property and lack of access to resources and facilities.

At the end of the meeting, questions were fielded from the audience.

Press Release

Civil society groups on international conference in Bonn II

Excerpts from the statement of the Working Committee of Civil Society Institutions at a press conference on the Afghanistan International Conference in Bonn/Germany
Monday, 29 August 2011 – Kabul

- The civil society institutions in Afghanistan have always tried to present the people's messages to the government of Afghanistan and the international community.
- The civil society has made active interventions in the international conferences in Bonn, Tokyo, Berlin, Paris, London and recently in Kabul and has presented its fundamental messages based on the Constitution, the National development plan of Afghanistan and obligations of the international community vis-a-vis Afghanistan.
- Both the people of Afghanistan as well as the identical institutions on the regional and international levels have praised and admired the active role of the civil society and its pursuit of justice to establish the rule of law, good governance, participation of men and women in social, economic and political processes, accountability and transparency as well as enhancement of democratic processes.
- To achieve active participation of the Afghanistan civil society institutions and present their message, Mr. Michael Steiner, the special envoy of Germany to Pakistan and Afghanistan asked the Afghanistan Independent Human Rights Commission during one of his visits to launch a consultative process among the civil society institutions. In this process, the German NGOs (including HBF, FES and KAS) and the Legal Affairs Section of UNAMA are present as observers in regard to technical aspects.
- The first meeting was held with the respectable representative of the German Embassy in Kabul and representatives of the three German NGOs on 4 July..
- In the first consultative meeting, more than 50 civil society groups and media representatives took part on 11 July.. and it was agreed to establish a 10-member working committee to facilitate participation of various groups and representatives in the capital and provinces. The 10 members are representatives of the Afghan Women Network (AWN), Afghan Civil Society Forum (ACSF), National Union of Employees of Afghanistan (IMKA), Afghan National Coordination Bureau (ANCB), Transitional Justice Coordination Group (TGCG), Civil Society and Human Rights Network (CSHRN), Armanshahr Foundation, AWAC bureau, Civil Society Development Centre (CSDC), South-West and Baluchistan Coordination bureau (SWABAC) and Women's Political Participation Committee.
- The working committee meets on a weekly basis ... It has communicated the financial requirements for the consultative and justice seeking activities to the German Embassy in Kabul.
- In consideration of the priorities for the International Conference in Bonn, the working committee has established working groups that have started drafting messages on three topics: 1) transitional process; 2) long-term undertaking of the international community in Afghanistan; and 3) reintegration process and peace.
- In the first stage, 80 representatives of the civil society institutions in Kabul province shall concentrate on the priorities and the message of the civil society; and nominate two representatives from each province (one woman and one man). In the second stage, 150 representatives of the civil society institutions from the capital and all the provinces shall finalise the civil society's message and elect their representatives to present the message at the conference on 5 December.
- The working committee views these activities as an enduring process... Gender equality, transparency, accountability and active participation of women, men and young people constitute the fundamental principles of the committee.
 - o The working committee... shall pursue the processes of awareness raising and justice seeking after the conference...
 - o The working committee deems the international conference as another appropriate opportunity for the government and the international community to achieve peace combined with justice and to improve the conditions of the suffering people. It expects the government to make the best use of this opportunity...
 - o The international community is expected not to forget its obligations in Afghanistan and to continue its cooperation to achieve peace and rule of law and to expand long-term development programs.
 - o The civil society institutions expect the government to make more efforts with the long-term help of the international community to defend human rights values and to protect the achievements of the past decade. It should increase its capacity for crisis management, fighting corruption, offering social services, expanding development programs and reducing people's vulnerability in order to achieve the trust of the people and their elected representatives.
 - o The civil society institutions have consistently demanded the rule of law, abolition of impunity and law invasion, provision of justice and rights and abolition of discrimination...

Goftegu: Democracy building project is stagnating after spending billions of dollars

Armanshahr Foundation's office in Herat organised its 80th Goftegu (year V) public meeting – a bridge between the elite and citizens – as a programme with the title of 'Semiology of war and post-modernism in Afghanistan' on 8 September 2011. The meeting began with Kitaro music from Masanuri Takahashi, the Japanese musician, and a poem from Dr. Reza Baraheni with the title of Daf (Tambourine).

The literary circles of Afghanistan have been talking about postmodernism with all its contradictions since 10 years ago. There are three groups that endorse, reject or critique it, mostly on a non-serious basis. There has hardly been a serious discussion of its relationship to war, traditions and fundamentalism. What are its components? Can it serve as food for hungry stomachs for people under air raids and ground attacks by the military and insurgents? How can it be approached in a land that has not gone through classicism and modernism? One more question is: How much is the version of postmodernism in Afghanistan compatible with the real interpretation of it?

Literature of wickedness with Shams Jafari

Shams Jafari (writer – poet) began reciting poetry in the red hall, among cigarette packets, pictures of philosophers, poets, writers, filmmakers and a b/w TV.

This may have been the first event that brought post-modernism from the margins to the fore in Afghanistan. Poems were recited from Nietzsche, Baudelaire, Baraheni and Brautigan:

Looking casually
through my English-Japanese dictionary
I can't find the word frog.

It's not there.

Does that mean that Japan has no frogs?...*Continued on page(9)*



from page (8)

Democracy building...

Critiques of post-modernism followed with an article by Esmail Sarab, a writer and poet, who said:

"The term post-modernism has been used with increasing tempo around us,



but none of the writings have been responsible and they have refused to determine its coordinates, perhaps because it may not be limitable."

Outlining post-modernism on the basis of opinions of Lyotard, Derrida, Deleuze, Lacan and Baudrillard, he concluded with an answer to his starting question: "In consideration of the misleading use of this expression around us, what can motivate its irresponsible usage? There may be three answers, which I leave to the audience to decide: 1) illiterateness; 2) lack of knowledge; 3) reaction, which is our eternal companion."

Poetry of villainy – wickedness

In the words of Shams Jafari: "This literature may date back to Baudelaire, Nietzsche, Kafka, and Rimbaud. The literature of villainy is a journey to the depth of life and world, where the subjective and the mind die. There is no confrontation, no interaction, no poles. The poetry of villainy may be accused of being some kind of postmodernist science-fiction literature."

Semiology of war and post-modernism in Afghanistan

A discussion of post-modernism in literature in Afghanistan, which is afflicted with war, fundamentalism and tradition, is bound to bring questions that have remained unanswered for many years; which draw funny answers or occasionally answers worthy of reflection.

Massoud Hassanzadeh (poet and writer) referred to Baudrillard's opinions in his writing: "Baudrillard showed how the concept of war has been decentralised and deconstructed and how it is the product of language games; it has become a language game itself. He reported the erosion of the mythical and eternal aspect of the concept of war. Baudrillard showed the impact of the postmodern world on war and its eternal companions such as bravery, zealotness, territorial integrity, country, geopolitics and globalisation."

To discuss relationship of postmodernism with Afghanistan, he touched on Derrida's views: "In his famous interview a few days after the September 11 events, Derrida sought a philosophical answer for war. He showed how the dialectical poles of the war had been destroyed and there was no longer a unique idealistic war. Digging into the concept of terrorism in its Western sense, he revealed a shocking distinction between self and other, which is the most fundamental component of war in all its forms."

Subsequently, Hassanzadeh entered the domain of real Afghanistan: "With this structure, we may now throw a more realistic glance at events unfolding in our region and Afghanistan. We see an unavoidable transformation of signs. The whole formation which defined us in the past has disintegrated. The concept of country and geopolitics has been undermined here. After nearly 100 years since the establishment of the state in its modern sense, we have never witnessed the forming of a system in its real sense. The power structures have always operated against themselves. Zealousness has become an internal concept in our contemporary history. Thus, a part of the hypothetical enemy has nested within us. The constituent components of power, e.g. law, system and organisation, have never operated as a united whole in our contemporary history. Governments have either been products of coups, expeditions and genocide or devolution, gift and commissioning. In current Afghanistan, new crises should be added to that state of affairs. State institutions have taken shape, but they are functioning defectively. The fanciest form of free market economy has been juxtaposed on completely feudalist background. The representational and democracy building system has stagnated after spending billions of dollars and has confined itself to changes in the superstructure."

Traditions concerning convicted women in rural areas of Afghanistan

Ms. M. Sadid

In the rural areas of the provinces and districts, when a woman commits a crime and is sentenced to imprisonment, the court hands her over to local influential persons, e.g. the Mulla, imam or to the local elder, in whose house she should spend her sentence, because there are no women's prisons. The imprisoned woman then would have to bear the following conditions:

- She has to do all the work in the house, just like a servant.
- She may weave carpets, the revenues of which would belong to the owner, because she has only the right to eat and drink.
- She has no right to go to her own house or to visit other people.
- Occasionally she is even raped; the house owner has the right to beat her up.

Instead of respecting the rights of women, in the absence of women's prisons, the government further violates the rights of women and most imprisoned women suffer from all kinds of violence.

The prevailing norms and culture and the attitude of the people means that imprisoned women, regardless of having committed an offence or not, do not have a chance to go back to their family and their community and be admitted there. They are always insulted and degraded. Thus, some of the convicted women do not even wish to leave the prison and prefer to avoid freedom not to face insult and degradation from the family. The people in the community look down at them. Occasionally when a formerly imprisoned woman goes to a wedding or some other gathering, most participants refuse to respect her and even bring to her notice in different ways that she is guilty. Women who have been in prison are called 'bad women' who bring shame to the family and the community.

An imprisoned woman, even the mother, is a shame for the family and the community. Her children turn their back on her and believe that their mother is not worthy of motherhood. Children of those mothers face insults and degradation from their mates. They are mostly boycotted and other children refuse to talk to or play with them. Such children are forced into isolation and blame their mother for all their misery. Occasionally they even flee their homes to faraway cities or even countries and seek revenge.

Formerly imprisoned women would no longer be able to follow a normal life, because they have lost credibility and trust within the family and nobody cares for their words. They cannot appear in public. They as well as the community consider them to be guilty. Such incorrect and improper attitudes force formerly convicted women to live in isolation and be deprived of life as a free person.



An introduction to prison rules in Afghanistan

Ajmal Baluchzada

The Rules for Administration of Prisons and Detention Centres, which were approved by the Council of Ministers on 3 December 2007, have six chapters and 37 articles.

Chapter 1 deals with the general rules, goals and duties for healthy administration of the prisons.

Chapter 2 addresses the maintenance of prisoners, including admission, registration of documents, dossiers, classification of restrictions on rights etc.

Chapter 3 concerns the rights of prisoners including food, accommodation, health services, sport, professional and vocational training, library, employment, family visits, correspondence etc.

Chapter 4 addresses the transfer of prisoners from one place to another and the pertaining conditions.

Chapter 5 provides for the procedure for release of prisoners from prison and chapter 6 countries miscellaneous regulations.

The question is if the provisions in force are practised properly or the rights of prisoners are violated. The fact is that prisoners are not able to benefit from the privileges of this law and in most cases they are not aware of it. This is a failure on the part of the government authorities to inform the prisoners of the regulations in force.

Beside separate prisons for men and women, which are run by male and female police, the under-18 suspects and defendants must not be kept in prisons and detention centres together with adults. Also the mentally ill detainees or drug addicts must be kept separate from other detainees and prisoners.

The prisoners should be examined on arrival to verify that they have been sent to prison with a court warrant, they enjoy physical and psychological health, and they must be searched. It is the task of the Prison Administration to facilitate the prisoner's contact with their families and relatives. Prisoners must hand over all their money, documents and other items. The jailers molest all those items and handover unnecessary items to the family members and relatives of prisoners.

Prisoners will face restriction of the rights as follows:

- In case a prisoner breaks the laws and takes action such as attempting to escape, breaching the security regulations or ill treating other prisoners, the prison officials may ban visits from the family members and relatives and keep them in separate rooms for 15 days.

- In case the prisoner offers resistance or physically harms himself, prison officials may handcuff them.

- Prisoners are not authorised to keep tools that can be used for causing injury, cutting, and fire as well as telecommunications equipment.

- They may not use kerosene and gas and similar items and the pertaining devices to cook inside the prison or detention centre.

Prison officials are barred from the following: torture, personal revenge, causing physical and psychological harm, demanding or receiving donation, rewards, fees, directly or indirectly, buying things from the prisoners, selling things to prisoners, borrowing from them, taking out their items without authorisation and disclosing any information they may have acquired about the prisoners during their term of duty.

Rights of prisoners

Food: prisoners will receive food three times a day, the quantity and quality of which shall be examined by the health official concerned. During the month of Ramadan, quality of food will be improved.

Accommodation: Each prisoner is eligible for two square metres without a bed. The windows should let in adequate light and air. Heating and cooling equipment shall be available in the rooms depending on the season and prisoners shall receive a bed, bed cover, mattress, pillow and cutlery. They will collectively clean the rooms and the toilets with detergents provided by the Prison Administration.

The Prison Administration is required to establish kindergarten for children between the ages of 2 to 7, who do not have guardians outside prison. These children can stay with their parents at night. However, children older than seven, whose parents are in prison, shall be maintained in orphanages.

Prisoners may perform their religious rituals and study religious tenets under the supervision of the Ministry of Hajj and Endowments. Non-Moslems are authorised to keep a copy of their holy book.

The Ministry of Justice and Ministry of Public Health have been assigned to cooperate in regard to examination of the prisoners once every month. Prisoners who cannot be treated within the prison may be sent to outside hospitals. "The Prisons Administration is required to provide for sport grounds and exercise. The prisoners may also take part in vocational and literacy courses and they may establish libraries with the help of government agencies and NGOs. Employment: The Prison Administration will facilitate work in various branches and specialised activities. The Prison Administration is required to employ prisoners who possess specialty for vocational training, medicine and other jobs and the wages shall be 60% of the going rates in government de-

partments. Ministry of Justice may ask the private sector to invest in creation of jobs for prisoners.

Civil Society activities: NGOs, international institutions and other national charities may apply to the Prisons Administration or directly to the Ministry of Justice to undertake legal and economic activities or to implement educational, training, vocational, health, entertainment and cultural programmes in the interests of the prisoners.

Leave for prisoners: To facilitate the relations of prisoners with their family members and relatives, they shall be given leave upon consideration of the offence, the length of sentence, conduct and behaviour, and the possibility of monitoring them by the local police. The following prisoners shall not benefit from leave: convicts who have committed offences against the domestic and external security; foreign nationals; repeat offenders.

Prisoners may receive visits from the family members and relatives up to 3 times a month, for an hour each time.

Prisoner's release

The Prison Administration is required to notify the concerning prosecutor's office of the release one month in advance and the latter is required to send the release order before the release date. Prisoners must be released on time.

Prisoners enjoy the following rights: obtaining certificate of participation in different courses and economic activities; obtaining certificate of good conduct; receiving clothes and financial assistance in case of needy prisoners. Women lacking close male relatives shall be reported to the Ministry of Women's Affairs to arrange their location in appropriate areas.

Orphan children and orphanages

There is not a single child in Afghanistan who has remained untouched by the economic, social and cultural turbulences resulting from wars and displacement in the past three decades. Half the population of Afghanistan is under 19. There are 10 million under-18 children, 7 million of whom do not have access to proper education.

A small group of children are under the supervision of the government and private institutions. Figures show that a total of 5,751 children (1,083 girls and 4,676 boys) are in care of 30 state orphanages. There are also 30 private orphanages with 3,474 boys and 747 girls.

Children eligible for admission to orphanages

- Children lacking guardians or parents or with parents suffering from invalidity, drug addiction or incurable diseases.

Those children should be older than 3 and younger than 18. They are either reported by their guardians or close relatives. Occasionally, street children are reported by security agencies and police or social workers.

Education facilities

In the orphanages, children are taught in literacy courses and they receive food, accommodation, clothing, stationary etc. Furthermore, vocational courses, sport and cultural programmes are organised and health and medical care is provided.

Risks to future of orphanage children

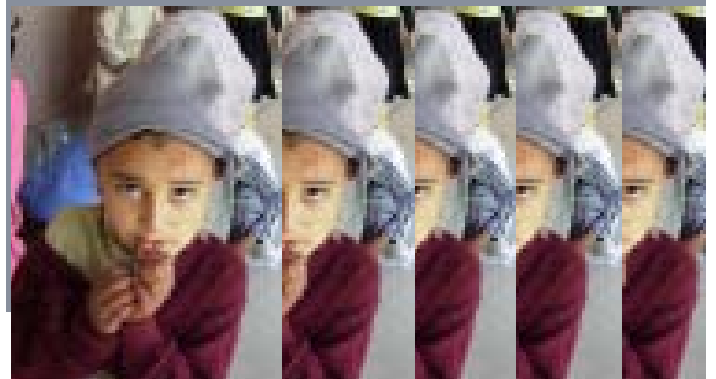
There are two types of dangers to the future of children as a consequence of the dated and rotten system of management and government leadership.

1. These children live away from the kind bosom of the family and the Afghan traditions and culture. They have unpleasant memories of despotism and unjust wars, which led to the elimination of their parents and their lives. These are issues that cause psychological problems and complexes, as a result of which they seek to revenge everybody around them. Orphanages do not teach children how to live. These children learn how to live and spend time in orphanages.

2. Lack of living and self-sufficiency plans after the age of 18 or reintegration with the family.

The regulations require the orphanages to handover her children after the age of 18 to their relatives or send them out of orphanages at any case, even though there may not be adequately literate or not have any training.

They do not have a shelter or a ceiling over their head, because they do not know anybody as their parents or relatives. Therefore they will have to live in the streets, under the bridges, in shops or ruins away from the cities and possibly be forced to resort to drugs, illegal activities and probably suicide attacks.



Prison memoirs: From Bagram to Guantánamo

Untold truths about Guantánamo, story of an imprisoned doctor

Author: Dr. Sayed Mohammad Ali Shah-Mousavi Gardizi

Publisher: Maywand

Published: autumn 2007

The author is a former Guantánamo inmate, who has written his memoirs, beginning with his detention in his own house after returning from Iran, then his transfer to the camp of foreign forces in Paktia, Bagram Prison and finally Guantánamo and ending with his return to Afghanistan. The story occasionally terrifies the reader.

This is how he related the problems in Bagram: Punishment depended on the whims of the jailers and it would range from standing for indeterminate period of time, recurrent sitting and standing up, forced standing next to the toilet, losing the food ration, chaining the hands and feet, standing with eyefolds and covered ears, other painful tortures, taking shower, changing clothes etc. All the prisoners preferred death to taking a shower, because the jailers would chain 10 inmates from

each room to each other, cover everybody's eyes and ears and take them away brutally. They would then place all the 10 people by the field showers and order five of them to strip down in front of everybody (prisoners and male or female soldiers) and take shower. A minute after opening the cold water, a soldier would order everybody to finish up. Another painful experience was the occasion of counting, when soldiers would call everybody to stand up! After spending 14 days in solitary confinement, soldiers came one night and ordered me to pack up for transfer to another block. A few minutes later, an interrogator or torturer came to my room and said: The newly arrived inmates are here for punishment, they may not sleep or take a rest.

I asked: what have I done to be punished? He said that was in order and I had to do whatever they said otherwise we would chain my hands to the ceiling and keep me on my feet so long that I would not be able to sit again... Then some soldiers turned up the recorder's sound playing fast Western music and placed it by the door of the next room (of Hajji Basir) to harass him. They would begin this first in the evening... I object it and one of the soldiers said: We understand your humanism. Then they placed the recorder opposite my door and said: listen and enjoy...the resulting lack of sleep lasted 15 days.

A picture of Guantánamo, memoirs of Mulla Abdulsalam Zaeef

Author: Abdulsalam Zaeef

Translator: Wahid Mojdeh

Publisher: Maywand

Published: 1st edition, 2010

Abdulsalam Zaeef was a Taliban diplomat, whom the Pakistani army had handed over to American forces that

What is common in both books and repeated in all periods of detention is the various kinds of torture such as stripping down the prisoner, keeping the prisoner on foot, ill treatment, insults at religious beliefs, laying unbearable loud music, absence of the rule of law, imposing of inhuman punishments, brutality

of soldiers, unclear fate of the prisoner, lack of any entertainment and permission to read, deprivation of sleep that would occasionally last for months and cause psychological diseases, feeding incorrect information about the families of prisoners, failure to give proper medical care to prisoners, delays in delivering letters and imposing strict censorship on them.

Both writers have reported the death of a number of prisoners and the suffering of a large number of others from psychological diseases. Mr. Zaeef wrote: "During the time I spent in prison, I saw about 100 prisoners at various stages of psychological diseases and the even insanity."

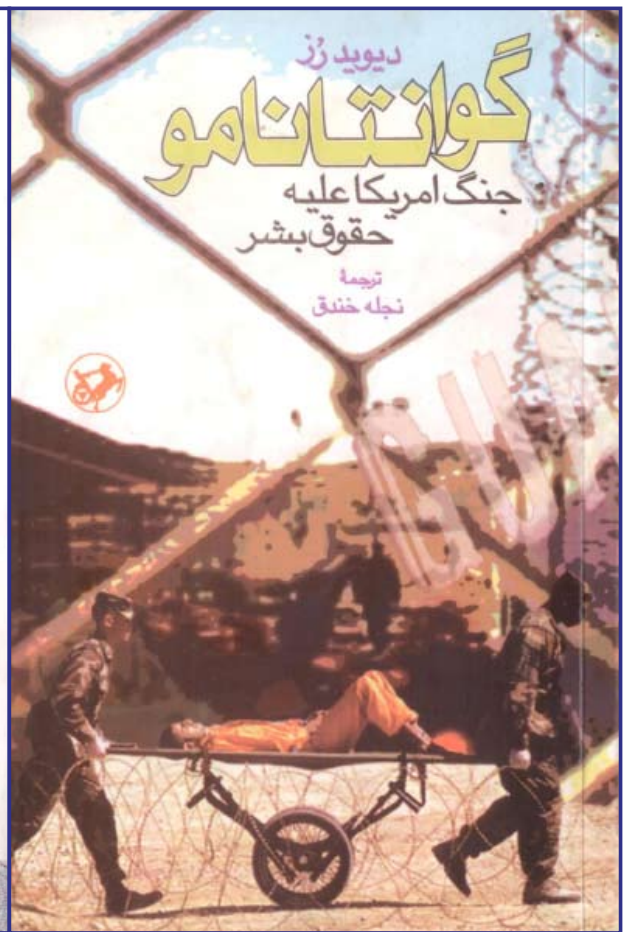
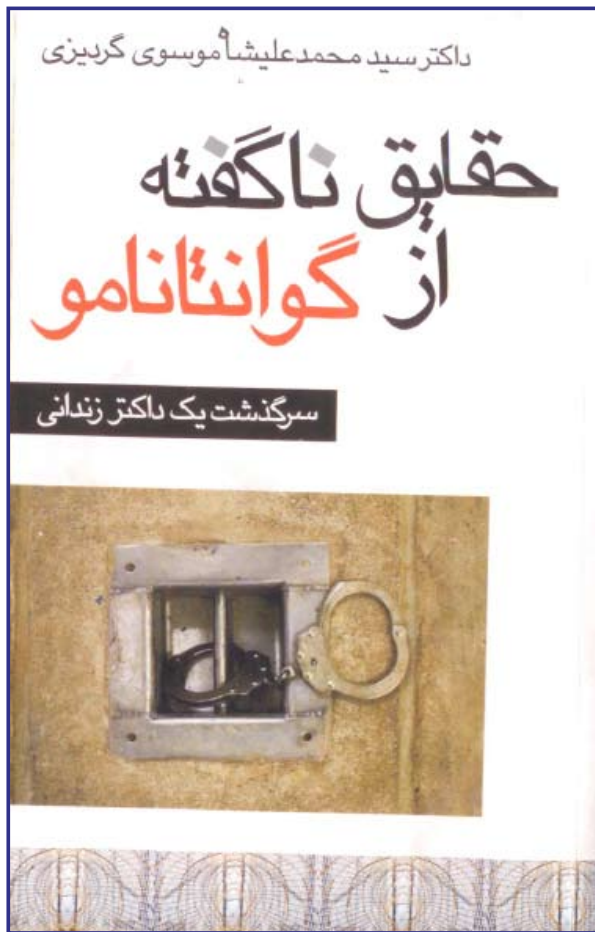
Guantánamo, the US war against human rights

Author: David Rose

Translator: Najla Khandaq

Publisher: Amir Kabir

Published: 1st edition, Tehran, 2006



This is journalistic work based on interviews with several former prisoners of Guantánamo and the US policy against terrorism.

The principal question in the book is if Guantánamo is a justifiable project for ending terrorism, taking into consideration bit high financial expenses, the required work and human resources as well as the US credibility in the world. The writer's final answer is: No. He argues that everything the US did in Guantánamo prison to pursue the terrorists was wrong.

He says, although the Americans claimed that the information they obtained from Guantánamo inmates had helped uncover some issues, the information obtained through torture is not reliable. Quoting a British psychologist, Guy Johnson, he wrote: competitions will be more unreliable the longer the period of detention and the harder the conditions and lack of protection. Humans would accept any accusations under torture. None of the innocent defendants, who were executed after the Stalinist show trials, confessed to the guilt and the court, even though they had confessed to it before.

The interrogators who worked in Guantánamo prison were mostly inexperienced, who were receiving training in the prison.

All the people whose memoirs have been published in these three books were freed after many years of torture, degradation, loss of civil and political rights, without trial or proof of guilt.

Abolitionist and retentionist countries

More than two-thirds of the countries in the world have now abolished the death penalty in law or practice. The numbers are as follows:

Abolitionist for all crimes: 96

Abolitionist for ordinary crimes only: 9

Abolitionist in practice: 34

Total abolitionist in law or practice: 139

Retentionist: 58

1. Abolitionist for all crimes

Countries whose laws do not provide for the death penalty for any crime: Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bhutan, Bosnia-Herzegovina, Bulgaria, Burundi, Cambodia, Canada, Cape Verde, Colombia, Cook Islands, Costa Rica, Cote D'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Haiti, Holy See, Honduras, Hungary, Iceland, Ireland, Italy, Kiribati, Kyrgyzstan, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Moldova, Monaco, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niue, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, Samoa, San Marino, Sao Tome And Principe, Senegal, Serbia (including Kosovo), Seychelles, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Switzerland, Timor-Leste, Togo, Turkey, Turkmenistan, Tuvalu, Ukraine, United Kingdom, Uruguay, Uzbekistan, Vanuatu, Venezuela

2. Abolitionist for ordinary crimes only

Countries whose laws provide for the death penalty only for exceptional crimes such as crimes under military law or crimes committed in exceptional circumstances: Bolivia, Brazil, Chile, El Salvador, Fiji, Israel, Kazakhstan, Lat-

via, Peru

3. Abolitionist in practice

Countries which retain the death penalty for ordinary crimes such as murder but can be considered abolitionist in practice in that they have not executed anyone during the past 10 years and are believed to have a policy or established practice of not carrying out executions. The list also includes countries which have made an international commitment not to use the death penalty: Algeria, Benin, Brunei, Burkina Faso, Cameroon, Central African Republic, Congo (Republic of), Eritrea, Gambia, Ghana, Grenada, Kenya, Laos, Liberia, Madagascar, Malawi, Maldives, Mali, Mauritania, Morocco, Myanmar, Nauru, Niger, Papua New Guinea, Russian Federation, South Korea, Sri Lanka, Suriname, Swaziland, Tajikistan, Tanzania, Tonga, Tunisia, Zambia

4. Retentionist

Countries and territories that retain the death penalty for ordinary crimes: Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Chad, China, Comoros, Democratic Republic of Congo, Cuba, Dominica, Egypt, Equatorial Guinea, Ethiopia, Guatemala, Guinea, Guyana, India, Indonesia, Iran, Iraq, Jamaica, Japan, Jordan, Kuwait, Lebanon, Lesotho, Libya, Malaysia, Mongolia, Nigeria, North Korea, Oman, Pakistan, Palestinian Authority, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Somalia, Sudan, Syria, Taiwan, Thailand, Trinidad And Tobago, Uganda, United Arab Emirates, United States Of America, Viet Nam, Yemen, Zimbabwe

For full report, see:

<http://www.amnesty.org/en/death-penalty/abolitionist-and-retentionist-countries>

from Page (6)

Human rights violations in Bagram...

I want to mention briefly, which raises the same issues of lack of transparency and due process violations, and the same questions of whether and how NATO can play a role in pushing for accountability. This is a newer facility called the Afghan National Detention Facility, informally known as Block D, which was built and funded by the US as a separate unit of Pulecharkhi prison outside of Kabul for the express purpose of holding Afghan detainees transferred from Guantanamo and Bagram, and referring them for release or criminal prosecution in Afghan courts. The facility has been open since April 2007, and as of a few months ago held more than 300 prisoners. Like Bagram, the United States – nor the Afghan government – will disclose who and how many are being detained, and their status. As of late last year, the majority of detainees had not been charged, tried or released. By now, some may have been held from as long as two years – in addition to the time served at Guantanamo and Bagram before. In addition, the prosecutions that have gone forward have rested largely if not solely on files of “evidence” provided by the US military – evidence that may have been obtained through torture or coercion and is currently being challenged in US courts, but that US military has been sending directly to Afghan prosecutors to try to obtain convictions.

Given the violations that have been and still are being perpetrated against detainees in US custody in Afghanistan, and the reality that US detention operations will not only continue, but expand given the presence of the US in Afghanistan for the foreseeable future, the US should be answerable to its allies in Afghanistan for its conduct – and NATO should have a role to play in ensuring accountability. The failure to act and turning a blind eye to knowing violations may itself be culpable.

Part II: Background information on misery of Afghan prisoners transferred from Guantanamo & Bagram

There have been more than 200 Afghans detained at the U.S. Naval Station at Guantánamo Bay, Cuba since the prison opened in January 2002. Since then, more than 160 have been repatriated, most of whom are now living in freedom and in the process of trying to rebuild their lives. Others are not so fortunate. Beginning in April 2007, under the terms of a repatriation agreement negotiated between the U.S. and Afghan governments, every Afghan “released” from Guantánamo and returned to Afghanistan has been sent to a U.S.-built detention facility within Pul-e-charkhi prison outside of Kabul, where they have been detained with Afghan prisoners transferred from the U.S. Air Base at Bagram. This facility, named the Afghan National Detention Facility (ANDF), currently holds more than 200 men formerly imprisoned at Guantánamo and Bagram, some of whom have been held at the ANDF for over one year without charge or trial.

Those who have been tried have gone through a patently unfair process: prosecutions have been based largely, if not solely, on flawed and inadequate evidence provided to the prosecution by the U.S. military; prisoners have been prevented from questioning and confronting the evidence against them; and

while prisoners are now afforded defense lawyers, the first group to stand trial were unrepresented and access to effective legal assistance remains a concern. Not surprisingly, the majority of trials that have gone forward have resulted in convictions, with sentences as high as 20 years.

There have been some improvements in the process in recent months. Earlier this year, President Karzai appointed a commission to review ANDF prisoners' files, which has ordered the release of several prisoners. While this is a positive development, it is not enough. More than 200 men continue to be arbitrarily detained at the ANDF, after years of illegal detention at Guantánamo and Bagram. For these men, justice has already been delayed and denied indeed.

The government of Afghanistan has a duty to provide ANDF detainees with fair trials and the minimum due process guarantees enshrined in the Afghan constitution and in international treaties to which Afghanistan is a state party. For its part, the U.S. government has a duty to close Guantánamo responsibly. It should refrain from pressuring other countries to detain indefinitely or prosecute transferred prisoners as a condition of repatriation, as well as from facilitating convictions in foreign courts with evidence that would not be admissible in U.S. courts, as it is doing in Afghanistan. As the United States “empties” Guantánamo and other widely-criticized prisons, the United Nations, particularly through UNAMA, and the broader international community should closely monitor the transfers and the situation of prisoners upon return to ensure that the men are either released or afforded the fair process they have been denied for years, and not simply wrongfully detained and convicted under a different guise.

Where are the prisoners being held?

As of April 2007, all Afghan prisoners transferred from Guantánamo and Bagram have been sent to the ANDF, a special “national security” wing of Pul-e-charkhi prison outside of

Kabul. Built by the United States and financed with over \$20 million, the specific purpose of the ANDF is to hold prisoners transferred from other U.S. detention facilities. The facility has 350 cells and a capacity of up to 700 if detainees are held two to a cell. The United States maintains on-site presence at the facility through training teams and military officers who serve as “mentors” to ANDF military personnel, and has earmarked \$18 million for continued training and mentoring over the next three years.

Who are the prisoners?

To the extent of available information, it appears that all prisoners at the ANDF to date have been Afghan and transferred from either Guantánamo or Bagram on the basis of an assessment by an ANDF task force, composed of representatives from various Afghan government agencies as well as the U.S. embassy. These men had in some cases already been detained and tortured by the United States for more than six years without charge or any fair process by which to challenge their detention. Some had in fact been “cleared” by the U.S. military and determined not to pose a threat to the United States or its allies, yet were still sent to the ANDF for continued detention and criminal pros-

Execution. One prisoner formerly detained at Guantánamo said that when he boarded a plane departing Cuba, he was told only that he was going home. He knew nothing of his continuing detention at the ANDF until he arrived there. In recent months, ANDF prisoners have gone on hunger strike three times to protest their political prosecutions and sham trials. The most recent strike lasted ten days, during which prisoners had literally sewn their mouths shut in protest.

What are the due process violations?

There are serious concerns regarding the lack of due process and fair trials for ANDF prisoners. Of the more than 200 prisoners at the ANDF, some of whom have been detained for over one year, many have yet to be charged and tried or released. The first trials did not take place until October 2007, six months after the first prisoners were transferred, and even then only 12 cases went forward. Under Afghan criminal procedure, detainees must be indicted within 30 days of arrest, and international treaties Afghanistan has ratified prohibit arbitrary detention and protect the right to be tried without undue delay. Prisoners are now offered defense lawyers upon being indicted, but the first 12 men who went to trial – ten of whom were convicted – had no lawyers. Currently, the only entity providing legal defense for ANDF prisoners is one non-governmental organization; as of April 2008, they had six lawyers representing over 160 defendants.

The prosecutions that have proceeded to date have rested on “evidence” provided by the U.S. military and little else. Given that it is now well-established that torture has been used in interrogations at Guantánamo and Bagram, and that Combatant Status Review Tribunals (CSRTs) conducted at Guantánamo were allowed to consider evidence obtained through torture, it is highly likely that the evidence being provided by the U.S. military to Afghan prosecutors includes statements and information obtained – and corrupted – by torture. The permissibility of such evidence in the CSRTs is currently being challenged in the U.S. Supreme Court, yet the United States is handing over this very evidence to the government of Afghanistan to prosecute prisoners and obtain convictions. The evidence provided by the United States also includes second- and third-hand statements and summary allegations with no names of witnesses who can be interviewed or brought to court, effectively denying prisoners and their lawyers from confronting or challenging the evidence.

It is unsurprising under these circumstances that most of the trials have resulted in convictions. Of the trials conducted as of April 2008, 65 prisoners were convicted while 17 were acquitted. The majority of those convicted were sentenced to prison terms of 3 to 20 years. The rest were sentenced to time-served, still marking them as guilty, legitimizing their period of detention at the ANDF and at Guantánamo and Bagram before, and precluding them from seeking damages for wrongful imprisonment.

In February 2008, President Karzai established a commission tasked with reviewing the files of ANDF prisoners and making recommendations for prosecution or release. The commission has ordered the release of over 40 prisoners to date, although it has also recommended an equal number of cases for trial.

Why is this an issue of international concern?

While there are currently systemic weaknesses in the Afghan judicial system that make the due process violations experienced by ANDF prisoners no different than those experienced by any other Afghan prisoner, the situation of ANDF prisoners is yet unique. The prisoners at the ANDF were captured and detained as “enemy combatants” at Guantánamo and Bagram by U.S. forces and pursuant to U.S. law, policy and procedures. They were transferred from Guantánamo and Bagram to the ANDF pursuant to a bi-lateral agreement between the United States and Afghanistan. Their trials and convictions were based almost exclusively on evidence provided by the U.S. military. As such, there is an international aspect to their detentions and to the responsibility for the violations of their rights.

In addition, on March 20, 2008, the United Nations Security Council renewed the mandate of the UN Assistance Mission in Afghanistan (UNAMA), charging it, among other things, with “assist[ing] in the full implementation of the fundamental freedoms and human rights provisions of the Afghan constitution and international treaties to which Afghanistan is a state party.” Resolution 1806 (2008) further stresses the importance of “accelerat[ing] the establishment of a fair and transparent justice system, strengthen the rule of law throughout the country,” and “[s]trengthen in this context the importance of further progress in the reconstruction and reform of the prison sector in

Afghanistan, in order to improve the respect for the rule of law and human rights therein.” The UN Security Council added that it “calls on the Afghan government, and the international community and international organizations” to implement the Afghanistan Compact, which has set benchmarks and timelines for progress on the rule of law and human rights.

Pursuant to this resolution, the United Nations, as well as the international community as a whole should work to ensure that Afghanistan is fully able to implement international rule of law and human rights standards providing for fair and impartial trials.

What are the obligations of the governments of Afghanistan, the United States, the United Nations, and the European Union?

To the Government of Afghanistan:

- Review without further delay the cases of remaining ANDF prisoners and immediately charge or release the prisoners.
- For prisoners who will be charged, notify them of the charges against them and their right to a lawyer.
- Ensure that every detainee who requests a lawyer receives one, and provide financial and logistical support and resources to ensure that prisoners actually receive effective representation.
- Commence trials within a reasonable period of time after charge.
- Do not admit any evidence obtained through torture or coercion, including such evidence provided by the U.S. military.

To the Government of the United States:

- Eliminate as a necessary condition for release from Guantánamo or Bagram that detainees must be detained at the ANDF and/or criminally prosecuted.
- Stop facilitating unfair trials with flawed evidence.
- Provide public and transparent information on the United States’ involvement in the detention and judicial proceedings of ANDF prisoners.
- Uphold the highest rule of law and human rights standards in cooperating with the correctional and justice systems of Afghanistan.

To the United Nations:

Implement and enforce the UNAMA mandate to ensure fairness and transparency in the prison sector and justice system in Afghanistan, beginning with requesting access to the prisoners at the ANDF and asking the following questions of the Afghan government. Answers to these questions can and should be provided without delay.

- What are the names, nationalities, former places of detention, and dates of transfer of all prisoners at the ANDF?
- How many have been charged? Tried? What were the outcomes of the trials?
- Will district courts in Kabul continue to have jurisdiction over ANDF cases, or are there plans to give jurisdiction to a special national security court, as existed previously?
- Are the trials ongoing?
- What is the composition and mandate of the presidential commission?
- Has evidence obtained through torture or coercion been used as a basis to charge or convict ANDF prisoners? How do you establish that evidence provided by the U.S. military to the prosecution was not obtained through torture or coercion?
- Are there current efforts or plans to provide additional resources for the defense of ANDF prisoners? What is the existing capacity of defense counsel?
- Are transfers to the ANDF ongoing?
- What is the role of the United States in operations at the ANDF and in the prosecution of ANDF prisoners?

1-Attorney with Center for Constitutional Rights (CCR, www.ccrjustice.org). Founded in 1966, the CCR is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights.

2-This article appeared in *Politis asia* (Siasatnama) Issue 1-2 (Autumn 2009). We have coined the overall headline. Part I is a presentation made by Ms. Kebriaei to the ‘60/60 Conference: The Role of NATO Post 9/11’ (Strasbourg, April 2009). Part II is the report written by Ms. Kebriaei on behalf of the CCR to address ‘the Ministers and Representatives of Participating Countries and Organizations to the International Afghanistan Support Conference Paris, New York, 12 June 2008,’ regarding the situation of former Guantánamo and Bagram detainees of Afghan nationality returned to Afghan authorities. Please note the possibility of changes in facts and figures since the date of writing.

References of more articles published in the Dari version of this issue

• A review of Michel Foucault’s *Discipline and Punishment: The Birth of the Prison*

Also translations of the following English items appeared in *Armanshahr (Dari)* No. 19 – 20:

- **Basic Principles for the Treatment of Prisoners** (UN General Assembly Resolution 45/111: <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NRO/565/00/IMG/NR056500.pdf?OpenElement>)
- **Prisons in Thailand 2011** (Introduction chapter); see a summary of the original report by Union for Civil Liberties at: <http://www.bbc.co.uk/news/prisons-in-thailand-2011-world-asia-pacific-13598193>
- **Bagram, the new Guantánamo**, Clive Stafford Smith (<http://www.guardian.co.uk/commentisfree/2009/jun/24/bagram-afghanistan-prison-abuse>)
- **Women within walls**, Marina da Silva, *Le Monde Diplomatique* (<http://mondediplo.com/2003/10/13prison>)
- **United States: trade in torture**, Stephen Grey, *Le Monde Diplomatique* (<http://mondediplo.com/2005/04/04usatorture>)
- **United States: the black hole of Guantanamo**, Augusta Conchiglia, *Le Monde Diplomatique* (<http://mondediplo.com/2004/01/02guantanamo>)

Armanshahr's new books and pamphlets

• "Writers without readers, readers without books"

This is the title of a newly published book of Armanshahr Foundation that discusses the crisis of books and book reading in Afghanistan. It contains the speeches and discussions at the 65th and 66th Goftegu public meetings of the Foundation in Kabul and Herat with the same title.

One of the speakers of the Kabul meeting, Ms. Nancy Dupree, Afghanologist, referred to the great writers of the past and pointed out that war had been unable to destroy literature and writers; writers organised poetry reading, literary criticism and other meetings in migration and prevented a literary decline.

Master Rahnvard Zaryab critiqued the prevailing situation. Reminding the role of schools, Sufi centres and theosophical literature in establishing contact between the people and the poets and writers, he criticized the existing institutions that have forgotten the task.

Pages: 130

Published: Summer 2011, in English and Dari

• "Re-visiting 60 years of contemporary history"

This new book is the outcome of speeches and discussions at the 72nd Goftegu public meeting of Armanshahr Foundation with the same title. The meeting marked the conclusion of the second round of contemporary history programme, which Armanshahr had organised in cooperation with the French Institute of Afghanistan during the preceding year. The



young participants had examined the historical chronology of 60 years of history in Afghanistan with a human rights approach. Messrs Sakhi Monir (director of National Archives), Dr. Sahabnazar Moradi (history researcher), Mr. Ali Amiri (university professor) had addressed the meeting.

Print run: 1,000

Published: 1st Edition, 2011

• "Physicians for Human Rights, Truth Seeking & Role of Forensic Medicine"

This book contains a sum-up of the discussions of a conference with the title of "Truth seeking and role of forensic medicine", which Physicians for Human Rights organised in Kabul in October 2010. It has four parts as follows: "Transitional Justice in Afghanistan-Local & Comparative Approaches", "Forensic Science—Documenting the Truth and Building Local Capacity and Sustainability", "Working Groups and Summary Recommendations" and "Conclusion."

Published: Spring 2011

• "Simorgh Stories"

Simorgh Stories are selected stories from entries received for the Simorgh Literary Prize Festival. There are stories about lives of humans whose homes and cities have been destroyed in war and their souls deeply scarred; stories of people who kill and are killed; narration of disintegration of souls, freedom, morals and humanity in the human society under war conditions.

One does not need to take part in war to know that war is destructive. This is obvious from the stories written by young people who have not participated in war, but understand it well. The stories mirror a generation who say no to war, violence and a vision of the world through the barrel of guns.

Previous titles in this series were selections of poetry of the Festival in two titles: 'Feather of Simorgh' and 'Simorgh, The Thirty Wise Birds'

Pages: 86

Published: Summer 2011

Print run: 1,000

Human rights organisations reports on prison or death penalty in region

If desired page does not appear by clicking on links, please copy and paste link address on your browser

General

<http://www.hrw.org/legacy/backgrounder/usa/us1205/index.htm>

<http://amnesty.org/en/library/asset/EUR04/003/2006/en/3e0a425a-d3d4-11dd-8743-d305bea2b2c7/eur040032006en.html>

Afghanistan

<http://www.amnesty.org/en/news-and-updates/reports/detainees-transferred-to-torture-isaf-complicity-20071113>

<http://amnesty.org/en/library/info/AMR51/013/2008/en>

<http://www.amnesty.org/en/news-and-updates/news/transparency-bagram-detentions-needed-from-obama-administration-20090310>

<http://www.amnesty.org/en/library/asset/AMR51/031/2009/en/fc855c8c-2291-4e73-bd98-324907c17fa9/amr510312009en.html>

<http://www.amnesty.org/en/library/asset/AMR51/021/2009/en/415f8464-cffe-4c25-a09a-0fce7e839709/amr510212009en.html>

http://www.google.com/url?sa=t&source=web&cd=6&sqi=2&ved=0CFgQFjAF&url=http%3A%2F%2Fwww.undoc.org%2Fpdf%2Fcriminal_justice%2FAfghan_women_prison_web.pdf&rct=j&q=Prison%20rules%20in%20afghanistan&ei=6fyBTsrwMsizhAfyomADw&usq=AFQjCNEeizO6P4eZXiH0psV-TJiq1GrsQA&cad=rja

<http://www.ipak.org/staff/wprison/source/1.html>

<http://news.bbc.co.uk/2/hi/programmes/newsnight/8771605.stm>

http://en.wikipedia.org/wiki/Bagram_torture_and_prisoner_abuse

http://www.fantompowa.org/schey_taliban_pow.htm

<http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=2191&context=facpubs&sei-redir=1#search=%22prisoners%20rights%2B1977%22>

http://wn.com/Amnesty_International_Close_Guantanamo_Prison_Video

<http://www.youtube.com/watch?v=210mXX9s0Jw>

<http://www.spiegel.de/international/world/0,1518,650324,00.html>

Iran

<http://www.fidh.org/A-State-Terror-Policy>

<http://www.fidh.org/Iran-death-penalty-A-state-terror-policy-Special>

Pakistan

<http://www.fidh.org/Slow-march-to-the-gallows-Death-penalty-in>

<http://www.amnesty.org/en/library/asset/ASA33/036/2006/en/c43f5729-d3f0-11dd-8743-d305bea2b2c7/asa330362006en.html>

<http://www.hrw.org/reports/2007/02/26/ghost-prisoner-0>

Tajikistan

<http://www.fidh.org/Tajikistan-A-coalition-of-non-governmental>

Uzbekistan

http://www.fidh.org/IMG/pdf/FIDH_Observations_for_CAT_Jan_07.pdf

<http://www.fidh.org/The-Death-Penalty-in-Uzbekistan-Torture-and>

<http://amnesty.org/en/library/asset/EUR62/001/2010/en/7c11b2fa-e80e-4dc9-b767-dbd53dd70ef/eur620012010en.html>

<http://amnesty.org/en/library/asset/EUR04/009/2004/en/50f5a43e-d548-11dd-8a23-d58a49c0d652/eur040092004en.html>

Reports on human rights and prison

General (UN, EU etc):

<http://www.ohchr.org/Documents/Publications/training11Add3en.pdf>
<http://www.iprt.ie/human-rights-in-prison>
<http://www.abouthumanrights.co.uk/prisoners-rights-if-convicted-crime-serving-sentence.html>
<http://hrcoalition.org/node/166>
<http://www.prisonreform.org/>
http://www.udhr60.ch/report/detention_salla0609.pdf
<http://www.equalityhumanrights.com/human-rights/human-rights-practical-guidance/sector-criminal-justice-courts-and-prisons/human-rights-approach-to-prison-management/>
<http://www.auilr.org/pdf/21/21-1-5.pdf>
<http://www.penalreform.org/publications/human-rights-and-prisons-trainers-guide-human-rights-training-prison-officials-0>
<http://www.google.de/url?sa=t&source=web&cd=57&ved=0CFwQFjAGODI&url=http%3A%2F%2Fwww.massdecarcerate.org%2Fdownload%2FHumanRights.doc&rct=j&q=Prison%2Bhuman%20rights&ei=mfdlTpawI8yB4ASc9YzSCg&usg=AFQjCNFsaCOs7zEhpr-1Nfux2YWFMTmi3A&cad=rja>
<http://webjcli.ncl.ac.uk/2009/issue1/foster1.html>
http://nhrc.nic.in/library/prisons/Book_on_Prisons.pdf
http://hrbaportal.org/wp-content/files/12475049811fco_pdf_prisonreformhandbook.pdf
<http://www.greenleft.org.au/node/43577>
http://www.hreoc.gov.au/human_rights/prisoners/index.html

Women:

<http://www.quano.org/humanrights/women-in-prison/womenPrisonLinks.htm>
<http://www.google.de/url?sa=t&source=web&cd=57&ved=0CFwQFjAGODI&url=http%3A%2F%2Fwww.massdecarcerate.org%2Fdownload%2FHumanRights.doc&rct=j&q=Prison%2Bhuman%20rights&ei=mfdlTpawI8yB4ASc9YzSCg&usg=AFQjCNFsaCOs7zEhpr-1Nfux2YWFMTmi3A&cad=rja>
<http://www.sheilakitzinger.com/Prisons.htm>

South America

http://www.udhr60.ch/report/detention_salla0609.pdf

India

http://www.google.de/url?sa=t&source=web&cd=2&sqi=2&ved=0CEIQFjAB&url=http%3A%2F%2Fwww.humanrightsinitiative.org%2Fpublications%2Fprisons%2Fbhupal_98_workshop_report.doc&rct=j&q=Prison%2Bhuman%20rights&ei=kPFITq6iMI7Vsgb7pqyNCg&usg=AFQjCNE6IsUV0nq7ZkbriLU38i4ax0Ax5w&cad=rja

US

<http://www.aclu.org/prisoners-rights>
http://justice.uaa.alaska.edu/forum/21/1spring2004/b1_mentallyill.html
<http://www.auilr.org/pdf/21/21-1-5.pdf>
http://www.internationalcure.org/UPR_USA.htm

Armanshahr/OPEN ASIA Publications

- One Thousand and one Poems for Afghanistan (anthology of writings and poems trilingual edition), Winter 2003
- Caravan of Poetry for Peace and Democracy in Afghanistan (An anthology of poems); Spring 2003
- Caravan of Light (for young readership); Spring 2003
- Poems for Peace (Tajik edition in cyrillic), Summer 2003
- In praise of Ahmad Shamlou, Living Conscience of International Poetry, December 2006 Goftegu series
- Who is a citizen? What are their obligations and rights vis-à-vis government and the society? December 2006 Goftegu series
- Role of Citizens in Seeking Truth and Justice, December 2006 Goftegu series
- Social Justice in Islam, Systems of Governance and other Schools of Thought, January 2007 Goftegu series
- Challenges of Freedom of Expression, Media and Press in Afghanistan, February 2007 Goftegu series
- Democracy and Social Justice in Multi-ethnic Countries, March 2007, Goftegu series
- In Search of Civil Society, International Experiences and Local Realities, April 2007 Goftegu series
- Cultural Incursion and Impact of a Quarter of Century of Immigration on Cultural and Political issues, May 2007, Goftegu series
- Against Oblivion, Experience of Truth and Justice Commissions, Monireh Baradaran, May 2007 Let's break the silence series
- Do Afghanistan Universities have the Capacity to Produce Elites? June 2007, Goftegu series
- Two Interpretations of Globalization, July 2007, Goftegu series
- We are All Feminists (Perhaps we don't know it), August 2007, Goftegu series
- Women's Movement: A National Movement or an Artificial Process? August 2007, Goftegu series
- Women Celebrate Peace (An anthology of national/international poems by women for Afghanistan), Guissou Jahangiri, 2009, Spring 2009; Let's break the silence series
- Tradition and Modernism, Confrontation or Correlation? Spring 2009, Goftegu series
- Sayyed Jamaaluddin and New Religious Thinking; Spring 2009, Goftegu series
- What has gone astray in Afghanistan's Higher Education System? Causes and Solutions; Spring 2009, Goftegu series
- The 50% Campaign: Afghanistan Women's Demands from the Future President, Spring 2009
- Violations of Human Rights and US Policy, Summer–Autumn 2009 (Politis asia 1-2)
- Simorgh (An Anthology of Poems for Peace); Autumn 2009; Let's break the silence series
- Youth and the Provincial Council; What is the Provincial Council doing? What do People Want? Autumn 2009, Goftegu series
- A Practical Guide for Victims to the International Criminal Court, autumn 2009; Let's break the silence series
- National Dialogue with Women: Justice Rendered or One Step Back? Autumn 2009, Goftegu series
- It is an Abandoned Time Here, Rooholamin Amini; Winter 2010; Let's break the silence series
- NATO, Exceptions to Democracy and Decline of Empires, Winter 2010, (Politis asia 3)
- Voice of Victims for Justice, summer 2010; Let's break the silence series
- From Structure of Parliament to a Critical Evaluation of First Parliament in Afghanistan; Summer 2010, Goftegu series
- Discrimination and Political Participation of Women: Role of Education, Spring-Summer 2010 (Politis asia 4-5)
- Simorgh's Feather (Selected poems of Simorgh Peace Prize); Autumn 2010, Let's break the silence series
- Market Economy in Afghanistan, Autumn 2010, Goftegu series
- From Book to Freedom of Expression, Autumn 2010, Goftegu series
- Animal Farm, George Orwell, Summer 2010, Simorgh series
- An evaluation of a decade of international presence in Afghanistan, Autumn 2010, Goftegu series
- Afghanistan: In Search of Truth and Justice, Autumn 2010, Let's break the silence series
- To the 21st Cigarette, Rooholamin Amini, Autumn 2010, Simorgh series
- Universal Jurisdiction, mechanisms to prosecute human rights violators, Autumn 2010, (Politis asia 6-7)
- The Afghanistan Women's 50% Campaign, Winter 2010
- Simorgh, the Thirty Wise Birds (an anthology of poems and photographs for peace in Afghanistan), Guissou Jahangiri, Rooholamin Amini, Winter 2010, Simorgh series
- Violations of Human Rights and US Policy, 2nd Edition, Winter 2011, (Politis asia 1-2)
- NATO, Exceptions to Democracy and Decline of Empires, 2nd Edition, Winter 2011, (Politis asia 3)
- Against Oblivion, Experience of Truth and Justice Commissions, Monireh Baradaran, 2nd Edition, Winter 2011, Let's break the silence series
- Young people, a World Between Fear and Doubt, Winter 2011, Goftegu series
- Revisiting our Collective Memory, Winter 2011, Goftegu series
- Nothing Can be Said in Fifty Years (collection of poems), Homeira Nekhat Dastgirzada, Spring 2011, Simorgh series
- Discrimination and Political Participation of Women: Role of Education, 2nd Edition, Spring 2011 (Politis asia 4-5)
- The Past Enlightens the Future (a collection of interviews with victims and political personalities), Spring 2011, Let's break the silence series
- A Review of War Ruins (an exact account of war, Herat 1989), Rasoul Pouyan, Spring 2011, Let's break the silence series
- Justice for Women in War and Peace (international contributions), Spring 2011, Let's break the silence series
- Truth Seeking and the Role of Forensic Science, Physicians for Human Rights, Summer 2011
- From illiteracy to war, from war to illiteracy, Summer 2011, Goftegu series
- Writers without readers, readers without books, Summer 2011, Goftegu series
- Simorgh Stories, Selected Stories, Summer 2011, Simorgh series
- Re-visiting 60 years of contemporary history in Afghanistan, Summer 2011, Goftegu series

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Weblogs:

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

<http://campaign50darsad.blogfa.com/>

<http://www.fidh.org/-Afghanistan>

