



Peace, justice, transparency, participation

Statement of Transitional Justice Coordination Group on Chicago Conference

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Kabul – Afghanistan

The Transitional Justice Coordination Group appreciates the ten-year achievements in government-building, civil and political rights, human rights, women's rights, education, reconstruction and other fields that have been reached with the participation of the people by the government and the international community for fulfilment of democracy. However, those trends have not taken root in our country and they constitute initial steps on the path to a stable and affluent society in peace and Justice.

More than 30 years of violence and war have destroyed the social, cultural and economic foundations in Afghanistan. Throughout all those years, millions of human beings have been killed, disabled, displaced, become refugees or have migrated. The people of this land have been the principal victims of war crimes, crimes against humanity, genocide, massacres, rape and violence.

Violation of human rights and women's rights, corruption, poverty, failure to implement laws, discrimination, release of terrorists without bringing them to trial, and unconditional negotiations with them and other armed opposition groups in the absence of concrete mechanisms are serious concerns of the people. All those problems and injustices are rooted in the inefficiency and inability of the government as well as the strategic mistakes of the international community in fulfilling justice in Afghanistan. To protect the achievements of the past decade and to reduce human rights abuses, the commitment of the government and the international community as well as their concrete and specific strategy for achieving peace and justice are essential. The people want peace but not any peace! Everybody knows that peace without justice is not peace among the just but among the unjust. To arrive at peace and justice in our country, we offer the following recommendations:

- The Constitution of Afghanistan is the most important achievement of the people, government and the international community during the past decade. This Constitution must in no way be sacrificed for political deals.
- Ensuring the separation and independence of the three branches of the State, abolition of the Amnesty Law and other discriminatory laws, holding transparent elections in due course; granting full powers to election commissions and Afghanistan Independent Human Rights Commission, granting powers to independent observers, civil society of Afghanistan and the international community to fully investigate election irregularities and transparent investigation of election-related complaints, in particular the cases concerning human rights abuses.
- Initiating public debate on transitional justice and rights of the victims with the participation and cooperation of the State institutions (the Executive, the Parliament and the Judiciary) in collaboration with the Afghanistan Independent Human Rights Commission, civil society and human rights organisations and groups of victims; preparing and implementing transitional justice mechanisms, and complementary

measures, e.g. truth commissions, redress for victims, building memorial monuments, and reviving and implementing "Action Plan for Peace and Reconciliation";

- Strengthening the Afghanistan Independent Human Rights Commission and guaranteeing its independence; releasing the Commission's "mapping report"; inviting a special rapporteur of the United Nations to investigate crimes and human rights abuses of the Taliban and other armed groups as well as the international armed forces based on international law and obligations;
- Implementing the UN security Council Resolution 1325 and ensuring active participation of women in all-day stages of the UN's peace negotiations;
- Fighting administrative corruption, combating arms trafficking from abroad, establishing transparency and accountability; preparing and implementing a disarmament plan nationwide;
- Preparing and implementing a specific plan of action to investigate mistreatment and torture of detainees and prisoners by the security forces of Afghanistan and the international forces; including the human rights concepts and conventions as principle topics of educational courses of these forces;
- The Taliban and other armed groups must not be permitted to impose their terms on the reconciliation process that will unfold between 2012 and 2014. The Constitution, human rights, women's rights and civil and political freedoms are non-negotiable. Peace with the Taliban and other armed groups should not take place in a non-transparent and unfair process. Evidently, the Constitution and the international obligations of Afghanistan may not be sacrificed in any negotiations. Should the Government of Afghanistan manifest an inability or unwillingness to protect its population from genocide, war crimes, ethnic cleansing, rape and crimes against humanity, the international community should be prepared to take collective action in a timely and decisive manner through the UN Security Council.
- In consideration of the failure of the peace process in Afghanistan led by the High Council of Peace and in the absence of any clear and efficient strategy and in consideration of the presence of non-specialised persons accused of past atrocities, the High Council of Peace is incapable of preparing the ground for peace in Afghanistan. Therefore, we propose the dissolution of this Council to prepare the ground for establishing more effective mechanisms and true peace through the participation of the people.
- Relevant UN Security Council committees must, in collaboration with international organisations and expert groups, set up appropriate institutions to implement efficient mechanisms to guarantee full respect for human rights, foster regional security and coordinate the fight against international terrorism.
- Systematic action must be taken based on Geneva Conventions to prevent the killing of civilians. The national and international military forces must establish a transparent reporting and follow-up system in regard to incidents causing harm to civilians. All those affected must be offered appropriate redress, including guarantees of non-repetition, uniform compensation to all victims, apologies, investigations, and other measures.
- NATO member states and donor countries must ensure that the transition process does

not focus solely on the handover of security responsibilities, but also provides sustained and professional training for security sectors. Forces parallel to the National Armed Forces including the tribal militia forces must be demobilised and outlawed.

- The systematic withdrawal of international troops must be accompanied with strengthening of democratic institutions including the justice system and capacity-building within the Afghan National Security Forces.
- Governmental bodies (in particular the security forces) and elected institutions of Afghanistan must be purged from criminal perpetrators.
- The imprisoned members of the Taliban, who are accused of commission of crimes, must be released only after investigation and trial not as prerequisite for the peace process.
- The Office of the Prosecutor of the International Criminal Court should pursue the case of Afghanistan and issue regular reports on the status of Afghanistan. In the event of inability or unwillingness of the national justice mechanisms to genuinely investigate and prosecute the main perpetrators of international crimes, the Office of the Prosecutor should open an investigation into crimes committed in Afghanistan since 2003, and respond to victims' needs.

The Transitional Justice Coordination Group, consisting of 27 national and international organisations, is working to fulfil transitional justice and to raise the voice of the victims. We endeavour to achieve a lasting peace and justice in Afghanistan.

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