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Armanshahr Foundation

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FIDH: Bush Indictment - No Immunity for Former Presidents Under law

7 February 2011

Today, two torture victims were to have filed criminal complaints, with more than 2,500-pages of supporting material, in Geneva against former U.S. President George W. Bush, who was due to speak at an event there on 12 February. Swiss law requires the presence of the torturer on Swiss soil before a preliminary investigation can be opened. When Bush cancelled his trip to avoid prosecution, the human rights groups who prepared the complaints made it public and announced that the Bush Torture Indictment would be waiting wherever he travels next. The Indictment serves as the basis on which to prepare country-specific, plaintiff-specific indictments, with additional evidence and updated information. According to international law experts at the New York-based Centre for Constitutional Rights (CCR) and the Berlin-based European Centre for Constitutional and Human Rights (ECCHR), former presidents do not enjoy special immunity under the Convention Against Torture (CAT).



“Waterboarding is torture, and Bush has admitted, without any sign of remorse, that he approved its use,” said Katherine Gallagher, Senior Staff Attorney at CCR and Vice President of the International Federation for Human Rights (FIDH). “The reach of the Convention Against Torture is wide – this case is prepared and will be waiting for him wherever he travels next. Torturers – even if they are former presidents of the United States – must be held to account and prosecuted. Impunity for Bush must end.”

“Waterboarding is torture, and Bush has admitted, without any sign of remorse, that he approved its use,” said Katherine Gallagher, Senior Staff Attorney at CCR and Vice President of the International Federation for Human Rights (FIDH). “The reach of the Convention Against Torture is wide – this case is prepared and will be waiting for him wherever he travels next. Torturers – even if they are former presidents of the United States – must be held to account and prosecuted. Impunity for Bush must end.”

While the U.S. has thus far failed to comply with its obligations under the Convention Against Torture to prosecute and punish those who commit torture, all other signatories, too, are obligated to prosecute or extradite for prosecution anyone present in their territory they have a reasonable basis for believing has committed torture. If the evidence warrants, as the Bush Torture Indictment contends it does, and the U.S. fails to request the extradition of Bush and others to face charges of torture there, CAT signatories must, under law, prosecute them for torture.

In a statement this weekend, the groups who organized the complaints said, “Whatever Bush or his hosts say, ... Continued on page 4

Afghanistan's Elections Stalemate

International Crisis Group

OVERVIEW

The prolonged crisis over Afghanistan's parliamentary elections has further undermined President Hamid Karzai's credibility. He is now even more isolated politically than he was after his dubious re-election in 2009. The Wolesi Jirga was inaugurated on 26 January 2011, following a lengthy standoff that exposed sharp political fault lines, which could plunge the country deeper into not just political but armed conflict. Clashes between the executive, legislature and judiciary over the results of the polls are paralysing government and weakening already fragile institutions. Constitutional review is long overdue, and failure to implement changes that reinforce the separation of powers will only further weaken the state's ability to provide security or good governance. If public confidence is to be restored, the president and Supreme Court must disband a special tribunal that was created to adjudicate elections complaints but lacks a clear legal mandate. The new parliament must also immediately place electoral and constitutional reform at the top of its agenda. If left unaddressed, the current political crisis will stoke ethnic tensions and could drive disenfranchised Afghans into the arms of the Taliban.

By the time Karzai returned to office on 19 November 2009, the destabilising effect of the flaws in the electoral system was readily apparent. Nonetheless, in the haste to push ahead with an ill-conceived agenda of putting an “Afghan face” on the transition process, international stakeholders, in particular the leadership of the International Security Assistance Force (ISAF), allowed Karzai to hijack the debate inside and outside parliament over electoral reform and to manipulate the political process. By insisting that the 18 September 2010 Wolesi Jirga (the lower house of the National Assembly) elections go forward, they backed Karzai's ill-considered wager that an irrational system could somehow produce rational results.

The president's 18 February 2010 decree on the electoral law was one of many unheeded signs that the parliamentary polls would likely end in disaster if not postponed. The decree sharply limited the authority of the Electoral Complaints Commission (ECC), increased ambiguity over the role of the Independent Election Commission (IEC) and created confusion over candidates' right of appeal in the event of disqualification. In a rare show of unity, the Wolesi Jirga rejected the decree on 31 March. Karzai, however, bypassed the lower house, ensuring that the Meshrano Jirga (the upper house) essentially endorse... Continued on page 4



Entry into force of the International Convention for the Protection of all persons From Enforced Disappearances



23 December 2010

As the International Convention for the Protection of all Persons from Enforced Disappearances enters into force, FIDH hails this decisive step in the protection of the rights of victims of this atrocious crime.

« The phenomenon of enforced disappearances is universal, affecting all continents. These horrific crimes not only target the 'disappeared' persons themselves, but also their families and whole societies, » stated Souhayr Belhassen, FIDH president.

The crime of enforced disappearance is one of the most serious human rights violations and can constitute a crime against humanity if committed as part of a widespread or systematic attack against civilians.

Whilst the need for such an international instrument providing a legal definition of this crime was widely recognised, it took decades to achieve general consensus on its content.

More than 30 years after the adoption of Resolution 33/173 by the UN General Assembly (December 1978) which for the first time referred to the issue of « Disappeared Persons », the International Convention on the Protection of all Persons from Enforced Disappearances now constitutes a binding instrument containing important provisions for the protection of the rights of victims.

The legal significance of the Convention is marked, since it not only provides a legal definition of the crime of enforced disappearance, but also establishes a set of obligations of States to prevent and prosecute this crime through concrete measures at the national level. The Convention recognises in particular the right to information, the right to know the truth, the right to justice and the right to reparation.

«The right to know is a fundamental right, as the phenomenon of enforced disappearance breaks the daily life of families», underlined the former UN Special Rapporteur, Louis Joinet, during his testimony at a recent trial in Paris that ended with the conviction on 17 December of 14 Chilean high ranking officials from the Pinochet regime for the enforced disappearance of 4 Franco-Chilean citizens in the early 70s.

As of today, the Convention has been signed by 87 countries and ratified by 21 (Brazil being the last country to ratify the Convention on 29 November).

The Convention puts an obligation on State parties to take measures to prosecute the perpetrators of this crime when they are present on their territories, under the principle of universal jurisdiction, irrespective of the nationality of the victims and the alleged perpetrators, as well the country where the crime was committed.

Finally, the Convention creates a Committee that will monitor implementation by State parties.

« We now urge states that have not yet ratified the Convention to do so and encourage those that are already party to the Convention to implement its provisions, including by incorporating the crime of enforced disappearance into their national legislation » concluded Souhayr Belhassen.

For more information see:

<http://www.icaed.org/>

Source: <http://www.fidh.org/Entry-into-force-of-the-International-Convention> ☑

European Complicity in the CIA Rendition and Secret Detention Programmes



[The following is a summarised version of the Amnesty International's submission to the Workshop on "Torture and Secret Detentions: UN Perspective and the EU Role to Play" of the European Parliament's Sub-Committee on Human Rights in Brussels on 25 January 2011, by Julia Hall.]

This submission to the European Parliament Sub-Committee on Human Rights (DROI) by Amnesty International focuses on the "state-of-play" with respect to accountability for EU member and candidate states' complicity in these abusive practices. It highlights key developments in Italy, Germany, Lithuania, Macedonia, Poland, Romania, Sweden, and the United Kingdom - countries where inquiries into state complicity or legal processes aimed at individual criminal responsibility have occurred or are currently in process. It also highlights new reports and sources of information that build on the TDIP and PACE reports and have the potential to propel the project for accountability forward, in particular the February 2010 United Nations Joint Study on Global Practices in Relation to Secret Detention in the Context of Countering Terrorism. The submission summarizes information from an Amnesty International report titled Open Secret: Evidence Mounts of European Complicity in Renditions and Secret Detention, published in November 2010. While the overall "scorecard" to date regarding... *Continued on page 4*

Afghan parliament inauguration highlights crisis of accountability

27 January 2011



AI Index: PRE01/033/2011

The Afghan government must investigate thousands of allegations of human rights violations, criminal activity and electoral fraud by members of the country's parliament, which begins its second term on 26 January, Amnesty International said.

At least 40 parliamentarians are accused of serious human rights abuses while serving, including murder, kidnapping, extortion, intimidation of activists and journalists, and election related violence.

Dozens of members face credible allegations of war crimes like attacks on civilian targets and massacres committed during Afghanistan's long-running civil conflict.

"We fear that the criminals and warlords in the Afghan parliament and government could keep getting away with human rights abuses unless they answer to the ongoing investigations," said Sam Zarifi, Amnesty International's Asia-Pacific director.

Amnesty International is urging the Afghan authorities to continue investigation of human rights violations committed by parliamentarians by the Electoral Complaints Commission and the Afghan judiciary, without recourse to parliamentary immunity.

"There are a number of brave parliamentarians who strive to represent the interests of the Afghan people and push for a better, more just government, but unfortunately they are outnumbered by those with little respect for the rights and demands of their constituents."

President Karzai had delayed the parliamentary inauguration, demanding that parliamentarians submit to his own special tribunal for investigating widespread claims of fraud during the September elections.

"Karzai's special tribunal has no legal basis and seems designed to pack Parliament with his supporters rather than to fairly and properly assess the conduct of candidates," said Sam Zarifi. "In this stand-off, the right answer is to stick to the rule of law, not bend it for the sake of political advantage."

"For the last four months a parliament full of human rights violators has been pitted against a president trying to circumvent legal checks on his power. The losers have been the Afghan people," said Sam Zarifi, Amnesty International's Asia-Pacific Director.

The Electoral Complaints Commission received nearly 6,000 complaints, including more than 2700 that the UN termed "serious" enough to affect the outcome of the polling. Some 2300 complaints were registered against the candidates and their agents, and more than 700 complaints of intimidation and violence.

"Credible investigations by the ECC will be vital for bringing much needed legitimacy to this new parliament" said Sam Zarifi. "And if there are more serious allegations of human rights abuses by sitting members of Parliament, the Afghan judiciary needs to provide justice and redress to the victims"

"Both Karzai and the parliament have squandered their public legitimacy because of their poor record of performance and their failure to provide responsive, responsible, accountable governance."

Source: <http://www.amnesty.org/en/for-media/press-releases/afghan-parliament-inauguration-highlights-crisis-accountability-2011-01-27> ☑

Interview

War crimes and crimes against humanity with a glance at Afghanistan

Jawad Darwaziyani interviewed Dr. Ghulam-Haydar Allameh; a university professor and law scholar:

Q: How do you define crimes against humanity and war crimes?

A: The last and most comprehensive international treaty, the Rome Statute of the International Criminal Court, has defined crimes against humanity in its Article 7 as follows:

1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
 - (a) Murder;
 - (b) Extermination;
 - (c) Enslavement;
 - (d) Deportation or forcible transfer of population; ... *Continued on page 3*



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War crimes and crimes

(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;

(f) Torture;

(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;

(i) Enforced disappearance of persons;

(j) The crime of apartheid;

(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

2. For the purpose of paragraph 1:

(a) "Attack directed against any civilian population" means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;

(b) "Extermination" includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;

(c) "Enslavement" means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;

(d) "Deportation or forcible transfer of population" means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;

(e) "Torture" means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;

(f) "Forced pregnancy" means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy;

(g) "Persecution" means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;

(h) "The crime of apartheid" means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;

(i) "Enforced disappearance of persons" means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

War crimes have been defined in Article 8 of the same treaty as follows:

(a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention.

Eight crimes have been stated as clear instances of those breaches, which the readers may note directly in the ICC Statute.

(b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts.

Twenty-six crimes have been stated as instances of such breaches.

(c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause.

Four crimes have been stated as instances of such breaches.

According to neutral international bodies such as Amnesty International, UN Human Rights Commission's rapporteurs, and Human Rights Watch, hideous crimes against humanity and war crimes have been committed in Afghanistan during the civil wars of 1992 – 1995 and under the Taliban.

(d) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts.

Twelve crimes have been stated as instances of such breaches.

Q: What is the difference between the two international crimes?

A: The difference is that crimes against humanity often occur at peace time and the victims are civilians, but war crimes often occur in war and the victims are mostly military personnel.

Q: What international developments preceded the recognition of those crimes in the Rome Statute?

A: War crimes have long been enshrined in international law, but crimes against humanity entered the law literature with the establishment of the Nuremberg trials after World War II. The charter of the Nuremberg International Military Tribunal referred to three types of crimes: a) crimes against peace; b) war crimes; c) crimes against humanity. The German Nazi leaders had to account for those crimes.

Around the same time, the Tokyo International Military Tribunal was established to try the Japanese war criminals and its statute included crimes against humanity.

Later, the Balkan atrocities occurred (1991 – 1993) and then the war between the Tutsi and Hutu tribes in Rwanda and massacres of 800,000 Tutsis by the Hutus. In response the UN established two ad hoc tribunals: The International Criminal Tribunal for the former Yugoslavia in The Hague and the International Criminal Tribunal for Rwanda in Tanzania. Statutes of both tribunals have stated crimes against humanity and war crimes within their jurisdiction.

Subsequently, the UN organised an international conference in Rome in July 1998 to establish the International Criminal Court. The ICC Statute was adopted on 17 July 1998 and Articles 7 and 8 dealt with crimes against humanity and war crimes respectively.

Q: What is the background of crimes against humanity in Afghanistan?

A: According to neutral international bodies such as the Amnesty International, UN Human Rights Commission's rapporteurs, and Human Rights Watch, hideous crimes against humanity and war crimes have been committed in Afghanistan during the civil wars of 1992 – 1995 and under the Taliban.

Q: Which social factors lead to commission of such crimes in Afghanistan?

A: There are different factors, e.g. absence of an independent national government, when civil wars occur and prepare the ground for atrocious crimes. Another factor may be the propaganda regarding racial and religious hatred, as a result of which one side of the war deems every ill-treatment and even massacre of the other party to be justified. To prevent those crimes, a spirit of fraternity and friendship among the races, ethnic communities and religions must be promoted.

Q: Afghanistan has ratified the ICC Statute. Why does the ICC not have jurisdiction to investigate the crimes in Afghanistan?

A: The ICC has jurisdiction for crimes that have occurred after 1st July 2002 when its Statute came in force.

Q: Has Afghanistan enshrined those crimes in its laws?

A: Unfortunately, that is one of the deficiencies here. Advanced countries have defined war crimes and crimes against humanity in their internal laws and they put on trial and punish perpetrators of those crimes if and when they travel to their country. Afghanistan, however, has not defined those crimes in its laws. How can the state try and punish a perpetrator of such crimes?

Q: What is the status of crimes against humanity in the laws of Afghanistan and the international human rights instruments in comparison? How far do the applicable laws in Afghanistan bind the government to conform the laws to the conventions and treaties that it has ratified?

A: As a consequence of its membership of the ICC, the government of Afghanistan is obliged to conform its laws to the ICC Statute and amend the provisions of laws that contravene the Statute. Under the international law, governments may not behave contrary to their international obligations.

Q: The Constitution stipulates that persons convicted for crimes against humanity may not occupy posts of the president, ministries, membership of parliament and the Supreme Court. Has that Article prevented the appointment or election of such persons?

A: That Article is one of the good and strong provisions of the Constitution. Existence of such articles has a deterrent effect and can prevent the taking of key positions by perpetrators of crimes against humanity and war crimes. The other message of such articles is that the people of Afghanistan have said "no" to those criminals.

Q: The word used in the Constitution is "convicted" not "accused". Is there a mechanism in Afghanistan to prove conviction of those people?

A: The mechanism is what I outlined before. We have to prepare a law on war crimes and crimes against humanity as soon as possible to define those laws and to specify the procedure for investigation and prosecution of the perpetrators.

Q: When Afghanistan signed the Rome Statute, it also signed a bilateral agreement with the US under which American military personnel will not be tried in Afghanistan. Are those two documents not in conflict; how should American perpetrators of human rights be dealt with?

A: Human rights supporters reject such agreements. The government of Afghanistan must explain why it has signed that agreement. It does not make a difference who a perpetrator is. Every perpetrator must be tried.

Q: Why has it not been possible to implement some of the international humanitarian conventions which Afghanistan has ratified?

A: The government of Afghanistan has consistently tried to ratify international treaties and implement them here. For instance, the Ministry of Foreign Affairs has prepared and published reports about the international human rights instruments in the past few years. Up to now, the Ministry's reports on the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights have been published and, to my knowledge, they are preparing a report on the Convention for Elimination of All Forms of Discrimination against Women.

Q: Several criminals have been tried abroad, e.g. Zardad and others. Why did that trend not continue and not impact trial of others in and out of the country?

A: Those criminals were tried under the domestic laws of European states. Britain and the Netherlands have tried Afghan war criminals in recent years. They could do it, because they have enshrined the international crimes in their domestic laws.

Q: What are the challenges facing the ICC and the use of Universal Jurisdiction in regard to trial of war criminals and how can those challenges be overcome?

A: The ICC and the Universal Jurisdiction are facing two major challenges: Firstly, the political interests of states that occasionally take precedence over justice and sacrifice the latter. Secondly, it is phenomenon of impunity. Perpetrators of international crimes are often powerful in their countries and they enjoy impunity which prevents the judiciary to bring them to trial. ☑

from Page 1

FIDH: Bush Indictment...

we have no doubt he cancelled his trip to avoid our case. The message from civil society is clear - If you're a torturer, be careful in your travel plans."

The complaints that had been scheduled to be filed on Monday asked that the General Prosecutor of the Canton of Geneva investigate allegations that men were tortured as part of the Bush administration's well-documented torture program. Bush proudly recounted in his recently published memoir that when asked in 2002 to if it was permissible to waterboard a detainee - a recognized act of torture - he replied "damn right."

Monday, 7 February, is the ninth anniversary of the day Bush decided the Geneva Conventions did not apply to 'enemy combatants.'

According to the Bush Indictment, which was written on behalf of torture victims by CCR and ECCHR, former President Bush bears individual and command responsibility for the acts of his subordinates which he ordered, authorized, condoned or otherwise aided and abetted, as well as for the violations committed by his subordinates which he failed to prevent or punish.

"Bush is a torturer and deserves to be remembered as such," said Gavin Sullivan, Solicitor and Counterterrorism Program Manager, ECCHR. "He bears ultimate responsibility for authorizing the torture of thousands of individuals at places like Guantánamo and secret CIA 'black sites' around the world. As all states are obliged to prosecute such torturers, Bush has good reason to be very worried."

CCR, ECCHR and FIDH were joined by more than 60 human rights organizations and prominent individuals who signed on to support the call for George W. Bush's prosecution, including former UN Special Rapporteur on Torture, Theo van Boven, former UN Special Rapporteur on Independence of Judges and Lawyers, Leandro Despouy, and Nobel Peace Prize recipients Shirin Ebadi and Pérez Esquivel. A number of the human rights organizations which signed on are facing the on-going harms of the "counterterrorism" policies advanced under the Bush administration and then adopted or employed in their own countries. The complaint included 2500 pages of supporting materials.

Manfred Nowak, former UN Special Rapporteur on Torture (2004-2010), was to submit an expert opinion on the complaints concluding that the conduct to which both plaintiffs were subjected constitutes torture, that Switzerland had an obligation to open a preliminary investigation, and that George W. Bush enjoys no immunity.

Source: <http://www.fidh.org/Human-Rights-Groups-Announce-Bush-Indictment-for> ☑

from Page 2

European Complicity

the establishment of investigations in Europe that are truly independent and effective, as well as sufficiently public, has been disappointing, progress toward accountability gained some momentum between 2008 and early 2011 as evidence of European complicity mounted -- and indicated that Europe remains fertile ground for accountability. The key impediment to onward progress in Europe with respect to holding governments accountable, bringing perpetrators to justice, and achieving redress for victims, however, is the oft-repeated "need" for "state secrecy" in order to protect national security, which remains a serious threat to genuine ac-



countability.

Europe must not become yet another "accountability-free zone", with governments eager and enabled to simply forget the past or to whitewash inquiries into their involvement in these egregious practices. If such collective amnesia or exoneration by perfunctory investigation is not challenged, Europe will be complicit in a profoundly damaging overarching violation of international law in relation to what the USA previously called the "war on terror": creating an environment of impunity for grave human rights violations and denying victims the redress to which they are so clearly entitled. Any such impunity would fundamentally undermine international human rights law, an impact that many governments with poor human rights records outside North America and Europe will undoubtedly note and exploit to their advantage.

Amnesty International urgently calls on EU member state and candidate governments to reject such impunity, to capitalize on the momentum in Europe toward accountability, and to commit in full to justice for the victims of rendition, enforced disappearance, and torture and other ill-treatment in the context of the fight against terrorism in the aftermath of the 11 September 2001 attacks in the USA. Claims of state secrecy must not be used to shield governments and individuals from scrutiny for their involvement in serious human rights violations. Moreover, in order to ensure that such abuses do not occur in the future, European governments must implement reforms for the civilian oversight of national intelligence and security agencies and of foreign intelligence agencies operating on their territories. This combination of accountability, effective redress for victims, and reform will help re-establish the primacy of human rights law and the responsibility of states under that law to provide human rights protection to all persons entitled to it.

To that end, Amnesty International calls on the European Parliament to:

- Resume its investigation into EU member and candidate states' complicity in the US-led rendition and secret detention programmes with the goal of updating the 2007 TDIP report;
- Monitor member state compliance with EP resolutions and include that information in any follow-up to the 2007 TDIP report;
- Ensure that the DROI and LIBE committees, in specific and in collaboration as required by the 2007 EP resolution, follow-up on the work of the TDIP to secure full public accountability of EU institutions and member states for violations of international and European human rights law, including article 2 TEU and the EU Charter of Fundamental Rights.
- Urge parliamentarians from relevant countries that have not established European Convention on Human Rights (ECHR)-compliant investigations to take immediate action at national level to seek accountability for their government's role in the rendition and secret detention programmes, effective redress for victims, and reform of national laws and policies to ensure that the human rights violations perpetrated in the course of these operations do not happen in the future.

Full text at: <http://www.amnesty.org/en/library/info/EUR01/001/2011/en> ☑

66th Goftegu public debate

Books with no readers, readers with no writers



In the wake of the publication of 7 new titles in its series of publications, Armanshahr Foundation organised its 66th Goftegu public debate with the title of "Books with no readers, readers with no writers: what to do with the book crisis?" on 18 January 2011.

The Speakers were: Nancy Dupree (Afghanistan specialist and head of the Dupree Foundation), Afsar Rahbin (poet-researcher), Rahnoward Zaryab (writer), Jala Nurani (writer-advisor at the Ministry of Culture), Mohammad Hossein Mohammadi (writer-advisor to Ministry of Culture), and Shiva Shargh (journalist). The meeting was held at the French Institute of Afghanistan.

This was the third public debate that Armanshahr Foundation had allocated to books and reading. The reports on the 18th public debate with the title of "Book, writing, reading" and the 26th public debate with the title of "Freedom of expression and civil responsibility; what separates the two?" have already been published in a single booklet. ...Continued on page 10

Politis asia No 6 - 7 published

Armanshahr Foundation has published *Politis asia* No. 6-7 with the title of "Universal Jurisdiction, mechanisms to prosecute human rights violators. The following is the Preface to this issue of *Politis asia*.

Publication date: Autumn 2010

Pages: 167

Print-run: 1,000 copies.

Preface

Addressing a one-day conference on justice and reconciliation in Kabul on 10 November, Mr. Frances Vendrel, former EU permanent representative on Afghanistan, underlined the pressing need of Afghanistan for justice in the following terms:

The government of Afghanistan must remain committed to the Rome Statute, which it ratified in 2003. If the local courts do not perform their tasks, the government must ask the International Criminal Court for help. There are many experiences of this type in the Sudan and some other African states. We believe in working to achieve peace and implement transitional justice and human rights in Afghanistan.



Informed activists may not find anything new in Mr. Vendrel's views. However, this underlines clearly the views that prevail among high ranking European officials, and they signify undoubtedly the endeavours of human rights activists over the past few years.

Assisting and helping the civil society and human rights activists to prosecute perpetrators of human rights violations is a goal that Armanshahr Foundation has pursued by organising Goftegu [dialogue] public debate No. 63 in Kabul on 19th October 2010 as well as allocating the present issue of *Politis asia* to Universal Jurisdiction.

The first article by Khalil Rostamkhani, an English summary of which is also available here, is based on the related presentation at the Armanshahr Foundation offices in Kabul on 19th October 2010. There are two well researched papers by the International Federation for Human Rights that aim to offer the gist of the UJ -related experiences in various countries as well as the expected problems, obstacles and challenges that have to be tackled in practice.

In another paper, Menno T. Kamminga, the distinguished Netherlands-based scholar and co-director of Maastricht Centre for Human Rights, draws valuable lessons from cases where Universal Jurisdiction has been exercised in respect of gross violations of human rights. Then in her paper, Ms. Brigitte Stern, prominent Professor of International Law at the University of Paris I, discusses the specific case of crimes against humanity and the application of UJ under the French law. The anthology is concluded by a paper by Ms. Soheila Hamed, which is a detailed compilation on the emergence of the UJ, its background and history, scope and challenges etc. We hope this anthology will serve as a worthy contribution in assisting the human rights and justice activists. ☑

68th Goftegu public debate

Contemporary music & work of Vahid Qassemi

The 68th Goftegu public debate of Armanshahr Foundation (5th year) was organised in Herat, in cooperation with the Information and Culture Directorate of Herat Province to discuss contemporary music and the work of Vahid Qassemi, a leading contemporary musician. Around 250 people attended the meeting, where the new books of Armanshahr were distributed. In conclusion of the meeting, Vahid Qassemi gave a framed picture of Master Sarahang to the Music Department of Herat as remembrance. The Music Department, in turn, awarded a Plate of Honour to Mr. Qassemi.



Maruf Kabiri, writer and poet, opened the meeting by a review of the work of Vahid Qassemi. In his introductory remarks, however, he pointed out the sorrowful state of critique. ... Continued on page 9

Politis asia 4 - 5 published

Armanshahr Foundation has published a double issue of *Politis asia* (No. 4-5) with the main heading of "Discrimination and political participation of women: Role of Education". The preface says: "The extent of gender inequality may be different in different societies and cultures. The issue of gender is however a political issue before being a social one."

This issue of *Politis asia* contains interviews with education and women's rights researchers and activists from Iran and Afghanistan with the aim of exchanging ideas and raising awareness in the region. The point that has been emphasised in this issue is that progressive women and men worldwide and in particular in the region can enter dialogue, learn from experience of each other and offer new ways and discourses for the liberation of women from discrimination, violence and second-class citizenship, independent of the daily politics of the governments.

There are three parts in the book with 11 interviews. Part I deals with 'Education and its impact on political participation of women', for which Dr. Saeed Payvandi, education specialist and university professor in Paris, Mr. Sorour Hussein, former Deputy Minister of Vital Literacy of Afghanistan, and Ms. Jamila Palusha, a women's rights activist and a founding member of the Democratic Organisation of Women of Afghanistan have been interviewed.

Part II, 'Political participation, beyond education', concerns the multi-sidedness of women's political participation and elimination of discrimination. Dr. Nahid Tavassoli, women's movement researcher and managing editor and chief editor of Nafeh Literary Journal, Dr. Azadeh Kian, researcher and professor sociology and director of Women's and Gender Studies Centre in Paris 7 - Diderot University, and Dr. Fatemeh Sadeghi, Ph.D. in political science and a researcher of women's rights have discussed the pertaining issues.

In conclusion, Part III is allocated to 'the experience and struggles of women's rights activists in Afghanistan'. Detailed interviews have been conducted with Ms. Adeleh Mohseni, a graduate of law and women's rights activist and a founding member of Women's Political Participation Committee and Afghanistan Women's 50% Campaign, Dr. Alema, Ph.D. in Philosophy and History from Germany and a founding member of Women's Political Participation Committee and Afghanistan Women's 50% Campaign, Ms. Azra Jafari, women's rights activist and the first women mayor in Afghanistan, Ms. Najieh Hanafi, women's rights activist and a founding member of the Committee for Political Participation of Women in Afghanistan, and Ms. Soraya Perlika, graduate of economics, women's rights activist and a founding member of the Democratic Organisation of Women of Afghanistan and a founding member of Women's Political Participation Committee and Afghanistan Women's 50% Campaign.

The print-run for the first edition was 1,000 copies and Armanshahr Foundation is planning to launch its second edition soon.

Pages: 200

Publication date: Spring-Summer 2010

Publisher: Armanshahr ☑



Review of Master Zaryab's new book

'The end of three invulnerables'

'The end of three invulnerables' is a work by Master Rahnoward Zaryab with eight essays and one interview with the writer. The first of eight articles is 'Voltaire and Prince of Kanadaha' and the last Death of Achilles, Esfandiyar and Siegfried. Others are The Blind Owl again, Women's Poetry in the 80s, The First Five, Tall Palace, Reconstruction of an Oriental Narration in Latin America, Saadi and Boccaccio Two Narrators of one Nice Story. The book has been published by Amiri Publishing House with a print-run of 1,000 copies in Kabul.

Zaryab refers to 1930 as a turning point in the Persian literature, because that was when Sadegh Hedayat

.. Continued on page 7



New literary publication of Armanshahr

'By 21st Cigarette'

In its Simorgh series of literary publications, Armanshahr Foundation has recently published 'By 21st Cigarette' by the young Afghan poet and writer Rooholamin Amini. The writer has divided the book into short chapters with the titles of 'First Cigarette', 'Second Cigarette'... to offer his reflections, for which he is incidentally not seeking an audience. His views on the world, relations of humans, work, social customs, clichés, concerns, loneliness, language, meaning, interpretability of words and other issues are reflected in those short chapters indirectly through the experience of his daily life. Nevertheless, that is not what he intended, because he is writing for the love of the words.

By giving the heading of one cigarette to each short chapter, it may be Amini's intention to indicate that it is possible to say everything during the time spent to smoke one cigarette. The book does not follow one narrative and each chapter may be read separately. Nevertheless, there is a linear story in the background, which seems like a secondary issue, but the writer offers his views on many topics and concepts with the help of that story. While narrating that secondary story, the writer repeats some of the sentences on purpose to emphasise its importance.

Armanshahr had previously published 'It is an Abandoned Time Here!' from the same writer in winter 2010.

Print-run: 1,000

Pages: 82

Publication date: Autumn 2010

Publisher: Armanshahr



from page 1

Afghanistan's Elections

the decree by voting to take no action on the issue on 3 April. Meanwhile, vetting processes designed to keep known criminals and members of armed groups off the ballot broke down, raising the risk of candidate rivalries turning violent. The Wolesi Jirga elections were thus held against a backdrop of heightened political tensions and deteriorating security.

Absent electoral reform, the result was unsurprisingly a repeat of previous election debacles. As in the August 2009 presidential and provincial council polls, violence and insecurity created tremendous obstacles for both candidates and voters. Election day violence hit record highs, leaving at least 24 dead. Insecurity left wide swathes of the population unable or unwilling to vote, particularly in regions where the insurgency has spiked, with many disenfranchised after the last minute closure of hundreds of polling stations. Systemic fraud, including intimidation and ballot stuffing, was witnessed countrywide, resulting in the IEC ultimately throwing out 1.3 million ballots, an estimated quarter of total votes cast. The ECC subsequently disqualified 21 winning candidates for electoral fraud, prompting losing candidates – many from Karzai's Pashtun political base – to hold street protests and to press their case through back channels at the presidential palace.

Karzai's politically calculated capitulation to the demands of losing candidates prompted a criminal inquiry into the conduct of the polls. Days after the preliminary results were announced on 20 October, the attorney general filed a broad indictment against more than a dozen senior elections officials and also against dozens of parliamentary candidates, after receiving information from the ECC about suspected fraud involving hundreds of candidates. The Supreme Court appointed a special tribunal on elections in late December. Tasked with investigating electoral fraud and corruption, the tribunal claimed it was empowered to annul the elections. The newly established Independent Commission for the Supervision of the Implementation of the Constitution (ICSIC), reportedly in correspondence with the president, rejected this presumption but never publicly announced its position. With the commission's role as an arbiter of constitutional disputes still unclear, the president was free to seek other, more favourable interpretations of the special tribunal's authority.

On 19 January 2011, at the tribunal's request, Karzai announced that he would delay parliament's inauguration by a little more than a month. The tribunal said it needed time to adjudicate electoral fraud complaints. Angered by the delay, more than 200 newly elected parliamentarians announced the next day that they would defy the president's order and inaugurate parliament with or without him. Ultimately caving to strong international pressure, Karzai inaugurated the parliament on 26 January, but continues to abuse his authority by retaining the special tribunal. Although the tribunal has initiated recounts in several provinces, IEC officials announced on 21 February that they would not cooperate with the process. The dispute between the executive and the electoral institutions runs the risk of escalating violence at the local level at a time when ethnic

tensions have never been higher.

The outlook for resolving the crisis, absent meaningful electoral and constitutional reform, does not look promising. It is unlikely that Karzai's opposition will accept the special tribunal's judgments. Nor will the dubiously elected parliament be viewed as legitimate. Karzai could be tempted to use the tribunal against his opponents, in a bid to bend the National Assembly to his will. As this briefing was published, fourteen election officials had been indicted along with dozens of sitting members of parliament. With the lower house also deeply divided over the selection of the speaker, Afghanistan's government is in a state of near paralysis. The Wolesi Jirga's call, in a resolution passed on 12 February, for the president and Supreme Court to dissolve the special tribunal, has increased the risk of an escalated clash between the three branches of government.

The international community and Afghan leaders must recognise the gravity of the current impasse. Karzai must heed parliament's call to disband the special tribunal. The Afghan government as a whole must move swiftly to mend fragile institutions, to initiate substantial electoral reform and to adopt constitutional amendments to strengthen the checks and balances between the executive, legislature and judiciary. Provincial and district-level government institutions must be empowered to deliver services to the Afghan people. The president and parliament, with the support of the international community, should:

- dissolve the special elections tribunal immediately and refer election-related criminal charges to the primary courts in the original jurisdictions in which they were allegedly committed;
- convene a loya jirga for constitutional reform that reinforces the separation of powers by enhancing the independence of the judiciary and legislature; reducing the executive's ability to resort to rule by decree; and strengthening provincial and district level governance through greater devolution of administrative and political authority;
- pass legislation clarifying the role of the Independent Commission for the Supervision of the Implementation of the Constitution and fully defining its competence and authority in relation to the Supreme Court; and
- repeal the 18 February 2010 presidential decree on the electoral law and enact wide-reaching electoral reforms to broaden political participation, including by rationalising the elections calendar; removing barriers to political party participation; reducing opportunities for fraud by implementing district delimitation and cleaning up the voter registry; clarifying the authorities of the electoral commissions; and standing up a permanent electoral complaints commission.

Kabul/Brussels, 23 February 2011

Source: <http://www.crisisgroup.org/en/regions/asia/south-asia/afghanistan/B117-afghanistans-elections-stalemate.aspx>

Full report: <http://www.crisisgroup.org/~media/Files/asia/south-asia/afghanistan/B117%20Afghanistans%20Elections%20Stalemate.ashx>

Report on history study group

A glance at current state of historiography in Afghanistan

Armanshahr Foundation has established a study group in cooperation with the French Institute of Afghanistan to research about the chronology of Afghanistan from the start of the decade of democracy to this date (1964-2010). The group consisting of eight young students has been meeting once a week at the FIA since 2nd December 2010. Every now and then one of the historians is invited to discuss historical issues, and in particular analytical history.

Mr. Gholam-Mohammad Mohammadi, a former university professor and historian, who addressed the 9th meeting of the group, summed up the state of historiography in the country as follows:

Positive factors and conditions:

- One of the positive conditions at present is the relative freedom of the press, speech and expression; that is mainly the result of presence of international organisations and the international community that protect those freedoms to some extent.
- Emergence of modern information technology such as computer, internet, free news agencies, radio, TV, satellite networks. Even the totalitarian governments are unable to block them altogether. These are new phenomena for our country.
- While war is a harmful and destructive phenomenon, it plays an important role in the awakening of human societies, in particular in our country. Despite the irreplaceable destruction, it has awakened our eth-



nic communities and cultural circles.

- The migration of our intellectuals and writers to the neighbouring countries and other continents has helped progress of their education, specialty and experience. Many of our writers have achieved world standards.

Negative factors and conditions

- A negative impact on the state of historiography is the increased ethnic, religious, language and regional differences.
- The absence of supporting bodies and free societies to organise the writers in groups has led to individual historiography.
- Absence of literary criticism and indifference to good and bad works prevents the disclosure of deficiencies and shortcomings.
- The massive proportion of social gaps has left a hostile impact on criticism. Most writers do not take the trouble, because academic criticism has been replaced with political conflict.
- Financial poverty of the writers and the society's tendency to collect money and to plunder block the progress of cultural activities. Writers and thinkers are concerned with the subsistence of their families. Thus, knowledge and science have been employed by money and power and the mafia.
- While billions of dollars are pouring into our society, most writers cannot afford to pay for printing, editing, design and other expenses.
- After the injustice of the royal and totalitarian eras, the rule of criminals in various governmental, religious, political and military positions has led to killing, abduction and torture of hundreds of scholars in the past 30 years. Instead of the rule of law, guns, gun-wielders, mafia circles have closed the stage to true academic historiography. ☑

Report on demands and activities of 50% Campaign



Afghanistan Women's 50% Campaign was established through the initiative of Armanshahr Foundation, National Union of Women of Afghanistan and Afghanistan Women's Political Participation Committee on the eve of the Presidential Election in 2009 to campaign for demands of women. Now the 50% Campaign has published a detailed report on its goals, demands and activities since its beginning.

The pamphlet has four parts. Part 1 contains a report on how the 50% Campaign took shape and its performance from the start to winter 2011. The report also introduces the committees formed to organise the activities. Part 2 deals with the election campaigns during the second Presidential Election and women's position in those campaigns. Part 3, with the title of 50% Campaign's Demands, has outlined details of its goals and demands and occasionally the specific mechanisms to achieve them.

Those goals have been arranged in seven main categories: 1) Endeavouring to achieve a lasting and just peace by peaceful means and putting an end to belligerent solutions and non-transparent negotiations with the perpetrators of wars and suppression; 2) Ensuring security for women (in regard to work, marriage, access to a fair judicial system); 3) General mobilisation for women's literacy and allocating the required financial and human resources to the task; 4) Endeavouring to change the discriminatory laws against women and inserting the principle of unconditional gender equality in all laws; 5) Endeavouring to create equal political, social and economic opportunities for men and women; 6) Endeavouring to create employment opportunities for women heads of families, invalids and disabled; 7) Endeavouring to improve access of all women to health and hygiene resources.

The final part of the pamphlet is dedicated to the presence of the 50% Campaign in important conferences and gatherings, e.g. the London Conference, the Kabul Conference, the Peace Jirga and others. All statements of the Campaign have been included as an appendix to the final part.

Print-run: 1,000 copies

Pages: 66

Date of publication: Winter 2011



from Page 6

The end of...

emerged and completely transformed the course of story in the Persian language. Hedayat with his brilliant masterpiece, *The Blind Owl*, and other stories is one of the greatest and most influential writers of the Persian language.

"Roger Lescot - who introduced Hedayat to the French speaking world - says *The Blind Owl* occupies the first rank among the enduring works in Iran. I will go further. In my opinion, this novel has assigned a special privilege to the history of our literature."

Some literary critics believe Rahnaward Zaryab was influenced by Sadegh Hedayat. The Master does not agree with that assessment, but he alludes to the issue in the concluding interview in the book: "I think I have been influenced, more or less, by all the great writers of the world whose work I have read."

Women's Poetry in the 80s begins with a reference to and a quote from Simin Behbahani. "The celebrated Iranian poetess, Behbahani, was once asked: 'What are the duties of a woman poet in the Islamic Republic?' The cultured poet answered: 'I detest carrying the word woman next to the word poet. One is either a poet or not...'"

Other articles in the book contain valuable opinions and comparisons, including a comparison between a narration by Saadi of Shiraz and a story entitled 'The Falcon' by Giovanni Boccaccio, who was born in Certaldo near Florence a century after Saadi. ☑

Armanshahr publishes new bilingual book of peace poetry

Simorgh: The Thirty Wise Birds

Human beings are members of a whole,
In creation of one essence and soul.
If one member is afflicted with pain,
Other members uneasy will remain.
Saadi of Shiraz (13th Century)

The Simorgh Literary Peace Prize was launched from Afghanistan on International Peace Day, 15 September 2009, calling for "365 days of peace, not a day less but a day more". The prize invited poets and writers to submit literary works promoting peace and rejection of war. About 1,000 works, verse and prose, were received by Armanshahr/OPEN ASIA from Afghanistan, Iran and Tajikistan.

The Simorgh Prize is a call for poetry, prose and life histories refuting war, torture and militarism. It aims to collect the memories of ordinary citizens as no society can live in the shadow of amnesia. The Prize is part of a larger initiative led by Armanshahr/OPEN ASIA to collect oral histories and people's narrations of war, support victims of violence and contribute to a just peace. If violence is to end in Afghanistan, history needs to be told through the eyes of those who have lost their loved ones and fallen victim to violence and oppression during the last four decades. Instability has not only deprived the people of the opportunity for growth and development. It has, in most cases denied people the chance to express their suffering, tell their stories and seek justice. In this civilisation where poetry occupies a unique place, the Simorgh initiative creates premises for collecting individual life stories that could grow to a collective experience with multiple voices. The Prize will be held every 30 months, in reference to the symbol of Simorgh.

The legend of Simorgh, a mythical bird, similar to the phoenix, is told in the Conference of the Birds (1177), a book of poems in Persian by Farid ud-Din Attar. It is about a perilous journey made by the birds of the world in search of the fabulous bird, Simorgh who lives on top of Mount Qaaf. Simorgh has an answer for every question and its feathers grant any wish. The birds are unable to endure the journey, and one by one, they drop out, each offering an excuse and many perish. Eventually, only thirty reach the mountain. When appearing before Simorgh they see themselves. They are the Simorgh and Simorgh is the thirty birds (this story relies on a clever word play between the words Simorgh and «Simorgh» - meaning «thirty birds» in Persian). The thirty birds seeking the Simorgh realise that Simorgh is nothing more than their transcendent totality.

Armanshahr has already published "Simorgh's Feather", a collection of poems submitted in Persian in 180 pages with a print-run of 3,000 in autumn 2010. This present bi-lingual anthology is a selection of 17 poems (nine of which are written by women) all originally in Dari (Persian) chosen from those entries.

The Simorgh Peace prize builds on two previous successful international initiatives launched by Open Asia since 2001. The first of these was the call for a "Caravan of 1001 poems for Peace and democracy in Afghanistan", featuring more than 900 works from 45 countries. This ambitious campaign led to the organisation of "One Week for Afghanistan" at UNESCO headquarters in Paris under the auspices of the UNESCO Secretary General in 2003. This included the staging of a play "Caravan of Peace: Destination Afghanistan" based on the poems and an international photo exhibition. Five anthologies of poems from the Caravan were published by Armanshahr/OPEN ASIA in three languages in Afghanistan, France and Tajikistan. This paved the way for a second initiative; the publication of a collection of international poems by women for peace in Afghanistan entitled "Women Celebrate Peace", in 2008.

'Simorgh: The Thirty Wise Birds' is the fruit of collective work and we are indebted to Khalil Rostamkhani for co-translating into English, Lara Griffith, Amir Jahangiri and Margot Douaihy for having enriched and edited the poems, Shahriar Ghane for the cover photography (barn-turned-primary school in Saydan village, Parwan, 2003) and Mohammad Asef Rahmani who has made available 10 photographs from the 1986 exodus of 17,000 refugees from Samcheh area in Ghal-e Sheberghan in Northern Afghanistan.

We would like to repeat what Zahra Zahedi tells us in her poem:

Let's hold hands
Dissolve the world in this encounter
Bring your toys
Let's break the missile
Discard the gun

Let's sing
Guissou Jahangiri and Rooholamin Amini
Kabul, winter 2011
<http://jayezasimorgh.blogfa.com>
Omid Khosravi
my brother is a gun
my sister a dynamite stick
but I still think
you can blow up the world
with a rose

Elias Alawi
what difference does it make?
"Glenelg" or "Tehran"
"Cologne" or "Kandahar"
you are not
and
morning light does not shed through the window of this room.

my therapist says
you suffer from nostalgia
nnnn-oooo-ssss-ttt-aaa
lll-ggg-iii-aaa !!!
do forgive, dear critics!
if I fail to abide by your
fine rules
these days
no longer
nothing rhymes
for us no more
the soil bears land mines
wine tastes of urine
wolves shepherd the sheep
the One asleep up above
has also forgotten the
rules.

I want to think of you
who have spread in my veins
like AIDS in Africa
like depression in the West
I want to think of you
but they say:
it was a boat carrying twenty-five bodies
twenty five thousand wounds
twenty five thousand dreams
they say:
a pair of lips as beautiful as yours had cried for help
hands as beautiful as yours had ...

I want to think of you
not of the drowned boat in the Pacific Ocean
nor of child trafficking
... sexual instincts of animals.

these are whorish times my dear
you sell your hair for ten Dinars
and I email this poem I am writing for you
to the Capital
to maybe win a prize.

my therapist says laughingly
find a new partner
drink fresh air
oh
what difference does it make?
you are not
and this room
has no window to breathe through



Joint Statement of Women's Political Participation Committee & Afghanistan Women's 50% Campaign



On whipping of a girl in Badghis Province of Afghanistan



"Jirgas and customary councils are operating in contravention of the Constitution and international obligations of Afghanistan."
21st February 2011

The Taliban have whipped a young girl for her opposition to forced marriage in Badghis Province of Afghanistan (Tolou News, 17th February 2011). The incident occurred at the Mangan Village of Balamorghab district of the province. The girl was lashed in public for her refusal to get married to an old man. The reports indicated that a Pakistani commander of the Taliban in the province ordered the lashing. Pictures show that the girl was lying on the ground, while two Taliban members were holding her hands and a third member was lashing her. Mowlavi Khodadad Saleh, president of the Western Zone Ulema Council, called that action inhuman and said: "Those actions are carried out on purpose to harm Islam. Those actions are unacceptable and contrary to Islam." Nobody has so far been arrested in this connection and the governor of Badghis has said he had no knowledge of the incident.

Recent events such as several cases of stoning, lashing of women in public, raping women and honour killings are shocking, and bitter and indicate the absence of the rule of law nationally as well as the weak functioning of the three branches of the State. The lack of knowledge of the highest executive official in the province is another example of lack of accountability of the authorities. We in the 'Women's Political Participation Committee' and 'Women's 50% Campaign of Afghanistan' condemn those criminal actions and demand:

The government

1. To guarantee the physical and financial security of all the people, as expressly provided for in the Constitution, and to prevent the recurrence of those horrendous and inhuman actions;
2. To prevent the recognition of customary laws that question the legitimacy of the Constitution and the international obligations of the government of Afghanistan and lead to promotion of traditional justice, the first victims of which will be women's rights;
3. To do its best to protect women and their rights, as the recent inhuman actions against the women illustrate the vulnerability of half the population, and set the fulfilment of full and equal human rights of women as the foundation for all negotiations and agreements with the political groups, in particular the Taliban;
4. To identify and prosecute the perpetrators and commanders of the recent atrocities as well as to question and prosecute the government officials in whose jurisdiction those incidents have occurred.

The new Parliament of Afghanistan

5. To abolish the discriminatory laws and to pass fair laws in favour of equality, to expand the lawful protection of women and to ensure implementation of the laws throughout Afghanistan by precise monitoring of the operation of the government agencies.

'Women's Political Participation Committee' and 'Afghanistan Women's 50% Campaign'

Kabul, Afghanistan

Contact: womenspoliticalparticipation.c@gmail.com

Campaign50darsad@gmail.com

www.Campaign50darsad.blogfa.com

Afghanistan Women's Political Participation Committee was established in May 2004 in response to requirements of women on the political scene. Since its establishment, the Committee has operated as a pressure group on government agencies. Its activities range from promotion of political awareness among women, encouraging women to stand as candidates and vote in elections, support for women's participation in the Cabinet and the Supreme Council of Justice, organizing conferences and demonstrations on various occasions, and monitoring the operation of the Parliament and the Government in respect of women.

Afghanistan Women's 50% Campaign was established by a group of women's rights, human rights and citizenship rights activists of Afghanistan in May 2009. The group consists of women's rights activists and defenders who have been pursuing women's rights and demands through their work in the press, NGOs, social institutions and political parties. The group's aim is to pursue the basic and fundamental demands of women of Afghanistan in political, social and economic fields. ☑

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Contemporary music & work

He said: Art has a heavy responsibility in this society, but music is not moving on a worthy path today. Mr. Kabiri then went on to describe Qassemi as a researcher, composer and artist, and one of the few artists, who are writing and working on a goal-oriented path, and pointed out: Qassemi has managed to combine combative literature with his music so effectively that every listener years for freedom, for example in his song with the lyrics of the late Fani:

Rue! Nest of eagles has burnt down

The forest caught fire and the birds burnt down

Where are you Rostam

To see that Kabulstan has burnt down

Cry you homeless nightingale

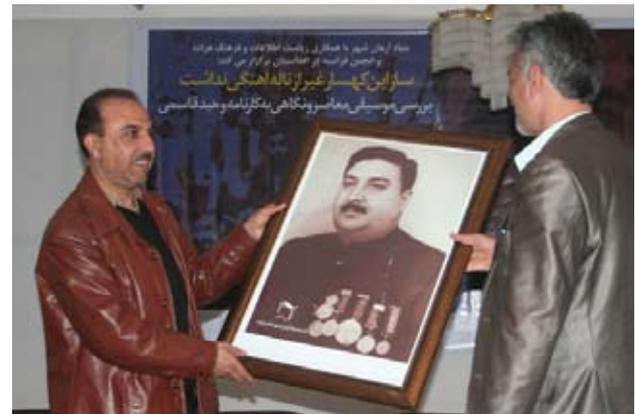
The orangery and vines of Parwan burnt down

Mr. Kabiri revealed: The master sang the lyric when a group of dark-hearted people were trying to burn down the orangeries and vineyards of the north. Endeavours of Vahid Qassemi to reconstruct the folkloric songs are worthy of praise. They play a worthy role in saving our folkloric songs.

The second speaker, Naqib Arvin, said: Contemporary music is not an issue for today only; contemporary life is changing all the time. The speed of change in modern societies, and even in Afghanistan, has brought humans out of cosiness. He then asked: Should our composer try to retain the roots of the native music or hear the new and changing sounds in the world and join the trend of change?

To discuss Qassemi's work, Arvin alluded to the developments in early 1980s: "Extensive developments took place in all levels of life in Afghanistan starting in early 80s. Although those years are considered years of catastrophe for us in many aspects, we also went through undeniable progress especially in the field of culture.

In his opinion, Vahid Qassemi is a distinguished musician of the past three decades in Afghanistan, who represented a new generation. "As a



young composer, he was well aware of the roots of his native music and employed the modern means to create a development in music."

The next speaker, Mr. Vali Shah-Bahra, director of Information and Culture in Herat had planned to speak about the state of contemporary music, but an urgent engagement persuaded him to speak briefly about the significance of music and Qassemi's record and leave the stage to Mr. Qassemi.

Mr. Qassemi began by fielding questions. The moderator asked: The background of our music today is the Indian classical music. The background of Indian classical music is the Khorassani music. What is the state of Khorassani music in Afghanistan today and why is it important to deal with it?

Mr. Qassemi said: "The works of Khorassani music indicate that our land possessed great music, and Herat was the centre of nurturing this music. Only two important specialised works remain on the Khorassani music: Behjat al-Rouh, by Safiyedding Herawi (6th century) and a book with the title of Music Treatise by Mowlana Banaei Herawi. The two books are two academic reference works on theory of music in that era. They both bear witness to the existence of music in that era, and refer to the theory and basis of music as Khorassani and Persian music.

Subsequently, Mr. Qassemi spoke about pop music in Afghanistan and musicians who had worked in this field. He also played samples of their works on harmonium. Finally, he sang one of his own songs at the request of the audience.

An 8-minute teaser of the work of Vahid Qassemi as well as two songs by local artists from Badakhshan in a concert organised by Mr. Qassemi in Babar Garden of Kabul, were also played. ☑

Public release of the Transitional Justice Data Base

Transitional Justice Data Base is a dataset of over 900 transitional justice mechanisms implemented world-wide from 1970-2007, including trials, truth commissions, amnesties, reparations, and lustration policies. The data are fully searchable and available here: <http://tjdbproject.com/>

The Transitional Justice Data Base Project began at the University of Wisconsin-Madison in 2005 and is led by three political scientists: Leigh A. Payne, Tricia D. Olsen, and Andrew G. Reiter. The data is the basis for a recent book--*Transitional Justice in Balance: Comparing Processes, Weighing Efficacy* (USIP Press, 2010)--as well as numerous other publications. More information about our project can be found at: <https://sites.google.com/site/transitionaljusticedatabase>

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Books with no readers

The moderator was Mr. Rooholamin Amini (Armanshahr), who outlined the aim of the public debate as follows: Armanshahr Foundation has published more than 40,000 copies of books in the past five years. Seven new titles are available here for free. In meetings like this one, we can ask various questions and view the challenges in the society from different perspectives.

When we speak of culture, we have to refer to a long-term plan to guarantee our future. The government is investing in various fields, e.g. by advertising to recruit the young people to the army, the police etc. However, it could spend one percent of the cost of those advertisements to encourage young people to read books. Even the students have stopped reading. This is the reason why we have organised this public debate.

Nancy Dupree, as the first speaker, briefly reviewed the cultural-literary past of Afghanistan: There was a pleasant tendency to language and literature in Afghanistan in the past. The people of this land have paid special respect to great writers such as Khajeh Abdollah Ansari, Ferdowsi, Aysa Durrani and others. Mahmoud Tarzi was a writer at the turn of the last century who employed the power of language and literature in politics. A new generation came after him like some of the gentlemen who are sitting here. This generation managed to bring a change to the ruling structure of literature. Young writers coming after Mahmoud Tarzi went through difficult conditions. The political dealings that caused great damages in all fields left their impact on literature too. Fortunately, war could not destroy literature and writers. Migrant writers organised poetry reading, literary critique meetings in Peshawar and other places and prevented decline of literature. In the 90s when it was possible for writers to return to their country, the conditions were unfavourable for them. There have been considerable events in the past 10 years. The Afghans are now using every opportunity properly. There have been great achievements in the past few years. Books are published in Mazar, Herat and Kandahar, where publishing books would have been unbelievable. We are now witnessing books with good design and good layout. There are bookshops within Afghanistan now. Bookshops and libraries did not have clients in the past, but they do now. The greatest challenge in Afghanistan concerns readers of literary works. Special attention should be paid to the creation of literary works.

Master Zaryab began by reciting a verse from Hafez, who had complained of the people and wanted to take his pearl elsewhere. He said: Hafez complained of the people of his age, who did not value him. Nevertheless, he was one of the few who gained a reputation in his life and his sonnets went beyond Shiraz and reached our cultural domain. Hafez also said in a verse that his reputation had reached the people of Egypt, China, Rome and Rey.

Who were Hafez's audience? In the first place, the royal courts and their entourage valued his pearl; then the Dervishes and the scholars. The khaneqahs (Sufi centres) were indeed promoters of literary culture among the lower people. It is not surprising that almost all our poets were Gnostics in the fifth century. It is a pity that many great literary-cultural works that did not have a mystical air were shelved, e.g. the Bayhaqi History. It was only in 1862, after the British orientalist M. Morley published it, when the attention of our scholars was drawn to it. The same fate befell the Shahnameh of Ferdowsi and quatrains of Khayyam. Apparently Shahnameh was the story of Zoroastrians and Khayyam's quatrains were tinged with opposition to religion.

The question is who our audience is now that the royal courts, Sufi centres and schools no longer exist. If we do not replace them with new institutions, the moral vacuum will be painful in the future. The audience for our literature should come from the educated layers. Unfortunately, the universities and schools do not perform their pertaining duties. We are currently bearing witness to a crisis among the audience of our literature. Then we can ask if the Ministry of Information and Culture, Ministry of Education, Ministry of Higher Education have made the necessary impact. Are the media interested in literature? Has the government had a strategic plan in the cultural field? ... In my opinion, the answer is no to all those questions. Our government and statesmen who replaced the old institutions do not recognise literature and arts at all. One glance at the programmes of presidential candidates would clearly show that there is nothing about culture and arts. Any reference to culture was geared to education, which is something else nowadays. This disorderly situation has caused us to have a poor cultural and artistic domain and a low

number of enthusiasts for literature. That is not an incident. A dangerous intentional procedure contributed to it, because arts and literature give birth to thought and idea. Works of writers such as Boccaccio and Cervantes moved Europe and awakened it from the long sleep of the mediaeval ages.

The functioning of literature is a serious danger for corrupt, baseless and idle governments and irresponsible statesmen. Therefore those governments fear the promotion of literary culture among the people. They prefer to be indifferent to it. On the other hand, the states that have military and political presence in our country fear the emergence of thought and idea among our people. That is why they have not made any investment in the progress of culture and literature in the past 10 years. To the contrary, they have tried to engage our people with deceptive and entertaining programmes and to drug our young people with colourful sorcery. They have already done that in their own and other lands. Hollywood and Bollywood are clear examples of this. They scream that Afghanistan should be turned into a centre of commerce in the region, but nobody ever says that this land with its great and brilliant cultural legacy should be made into a cultural focal point in the region.

We have literary persons who do creative work. They do what they can even in the absence of prizes. Many of them publish their own works. The absence of publishers is another catastrophe.

Zaryab went on: Books and book reading must be in crisis. What else is to be expected, where the knowledge of several thousand years has been sent to oblivion; where knowledge, philosophy and literature have been replaced by superficial learning of computer skills and the English language? Here the black sorcery of Hollywood and Bollywood have drugged the minds of the people and the young people in particular; who would wish to read Dostoyevsky, James Joyce, Hedayat and others? The need for arts and literature is not even felt. Temples of big capital need tradesmen and merchants.

The third speaker, Mr. Jalal Nurani, said: In our country, writing is not a profession yet, because they never earned from this profession. They do not have an audience either. But writers live from writing in many countries. Our audience is also oppressed, because there are no writers to provide them with what they are seeking. This is one of our greatest challenges. For instance, we do not have literary critics. People watch films, photo exhibitions... but there are no critics to tell them the points of strength and weakness of those works.

Most directors write their own scripts. When we ask them the reason, they say: Where are the script writers?

The moderator said: On the one hand, there is a need for the government to intervene in some areas of publishing. On the other hand, there are concerns about the revival of censorship. How real is that problem?

Mr. Nurani answered: The censors were active under the previous regimes. Today the Ministry of Information and Culture has abolished it, to avoid accusations of censorship. On the whole, our writers suffer from absence of audience and the people

from lack of sufficient writers.

Mr. Mohammad Hossein Mohammadi, the last speaker, criticised the title of the public debate asking: Can we not say the crisis of audience, the crisis of writers, the crisis of publishing, crisis, crisis, crisis!?

He went on: Books published in the 1970s are being sold now. Did they not have readers? We have been facing the crisis of audience for a long time. The other big challenge is the challenge of publishing. The publisher is an intermediary between the writer and the reader. Do we have publishers in this sense in Afghanistan? The cost of publishing a book in Afghanistan is half the cost in Iran. The print-run is the same in the two Persian-speaking countries, but the publishing industry in the two countries is not comparable. We do not have distributors in Afghanistan. The writers hand out their books as presents. The other problem is the level of literacy despite the little progress in the past few years. One of the writers whose works I knew before sent me a book. When I read it, I noted that it was very superficial and told him so. He said: "That is the level of knowledge in Afghanistan."

He continued: "The various organisations do not have a proper attitude to books. Most of them store the books and do not distribute them. We were given seven books as presents today. Is this correct? Will this solve the crisis or worsen it? I wish they had prices and I would choose by the price. Do the people attend to the food of soul as much as they attend to the food for body? I agree with Mr. Nurani that I can't even call myself a writer, because I have not lived from writing. We do not have literary journalists."

In the question and answer part of the public debate, Ms. Dupree responded to the moderator's comments on foreign aid, especially from the US. She said: That is completely true. We should have thought about cultural development more than economic infrastructure. I always viewed this issue critically. I wish the donors will also pay attention to it.

One of the participants addressed Mr. Nurani: If you make a comparison between a vulgar film seller's shop and a library, you will notice that the young people take more interest in the films than the books. What has the Ministry of Culture done to deal with this situation?

Mr. Nurani answered: The ministry was divided into five ministries with five ministers in the past. That does not justify the fact that the ministry has done little. There are films that are worse than drugs. In the past we had seminars too. The ministry has resumed those programmes to find a pretext for publication of some books.



Book Reviews

• *Reign of despotism*

Author: Dai Fuladi
 Publisher: Civil Development Foundation
 Date: 2nd Edition, 2003
 Title of 1st edition: Afghanistan, reign of despotism
 Print-run: 3,000
 Pages: 479

"To do something against despotism is to give life to freedom."

Dai Fuladi is a well-known writer in Afghanistan. One of his books on the history of Afghanistan is "Reign of despotism" which is, to borrow his own words, the product of the recent civil wars and massacre of the people, all of which he has witnessed.

The preface begins by introducing and criticizing the various theories of despotism in Afghanistan, e.g. the class nature of despotism, theory of "national oppression", theory of "Afghan nation", and the Islamist theory. The writer's hypothesis is: "Humans of this land, Pashtun or otherwise, are victims of tribal despotism; tribal despotism is not a mechanism of government per se. Like any other government, tribal rule is formed and survives on the basis of the society's culture."

One other theory presented next to the theory of despotism is the relationship of the government with tribal culture. Characteristics and functioning of the government will not be understood if the tribal culture is not understood. "Despotism is both in the government and comes from the society

and culture."

One of the most important sources that the writer has named for identifying and getting to know despotic governments is "Taj ut-Tawarikh" by Amir Abdurrahman Khan. The writer claims that Taj ut-Tawarikh illustrates the birth, growth, taking of power, governance and leaving a legacy of despotic power.

He concludes in the final page of the book: Despotism is in the nature of our history; on the other hand, there have been societies every institution of which has been prone to despotism... Those bitter inherited realities represent the political and social history of Afghanistan: sword, war, plunder, murder... Tribal history is a history that has crept to the contemporary era. It is the same old historical stage, only there are new viewers to watch the events against a backdrop of the death of all material, spiritual and social values. That is the old historical role of the tribal society. Tribal history does not have the capacity to take in renovations; it is a history for burial of the new.

• *First Book on Constitutionalist Movement in Afghanistan (1st Quarter of 20th Century)*

Vol. II
 Author: Seyyed Sa'adeddin Hashemi
 Publisher: Sonboleh
 Year: First edition, 2005
 Pages: 365

Even though the Constitutionalist Movement is one of the most important developments in the history of Afghanistan in early twentieth century, it has not been adequately studied. Professor Seyyed Sa'adeddin Hashemi is one of the few people who have paid attention to this juncture of our history. We have previously reviewed the first volume of his book (See: Armanshahr No. 6) where he wrote on the first generation Constitutionlists. The second volume is concerned with the second generation of the Constitutionlists. It begins with portraiture of Mahmoud Tarzi and Seraj ul-Akhbar and ends with a portraiture of Mir Gholam Mohammad Gobar, the well-known intellectual and historian.

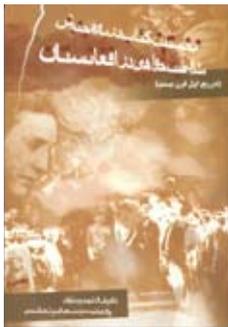
The most significant topics of the book concern Seraj ul-Akhbar and his influence on the ideas of reformist and freedom seeking groups, world wars and their impact on the intellectuals, influence of the mujahedin and freedom activists of India on the Constitutionlists, role of Kabul in

enhancing the struggle for freedom in the region, the October Revolution and its impact on the said generation, end of Habibullah Khan – who is notorious for blocking the progress of freedom.

In the second part of the book, the writer discusses the programmes and organisation of political circles after the taking of power by Habibullah Khan, the writing of the first Constitution and introduces the active figures of the historical era.

The writer has used first hand sources and has been fortunate to interview a number of the second generation Constitutionlists in person, e.g. Gobar, Abdulhadi Dawi and others. On the other hand, he has made good use of the documents of the India Office in London.

Even though he has tried to view the issue analytically, he has not succeeded much and the book is mainly descriptive. Nevertheless, it is a comparatively better book than the previous relevant works. ☑



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