



Konrad  
Adenauer  
Stiftung

50 years of competence worldwide



# Parliamentary Bulletin

Volume I, Issue 6

9th of September 2007

## REVIEW

On 19 December 2005 the Afghan Parliament came together for the first time in three decades. The inaugural gathering began with a reading from the Koran and was followed by a brief speech by the ageing former King *Zahir Shah*, who was ousted in a coup in 1973. "I thank God that today I am participating in a ceremony that is a step towards rebuilding Afghanistan after decades of fighting. The people of Afghanistan will succeed!" the 91-year-old *Zahir Shah* told the assembly to applause. The parliamentary and

provincial council elections were held on 18 September 2005. Afterwards, the first results were declared on 9 October. Final results were delayed by accusations of fraud, and were announced on 12 November. Former warlords and their followers gained the majority of seats in both the Lower House and provincial councils. Women won around 28% of the seats in the Lower House, six seats more than the 25% guaranteed in the Afghan Constitution which was launched in 2004. Approximately twelve million voters



were eligible to vote for the 249 seats of the *Wolesi Jirga*, the Lower House of Parliament, and the 34 provincial councils.

## EXECUTIVE SUMMARY OF MAY 2007

In this month's Parliamentary Bulletin, we have covered the events of the Afghan Parliament in the early part of June and some news since the 6<sup>th</sup> of June 2007, when the Afghan Parliament started its summer recess days and the work of late July. During this bulletin,

the former King Mohammad Zahir - the Father of the Nation (*baba-e-mellat*) - died. The majority of the Afghans and both houses of the Afghan Parliament considered his 40 year reign as the most peaceful time in Afghanistan. Other issues

that keep coming back for discussion especially in the Lower House, is the issue of the Lower House versus the government. The Lower House criticized the government and would like the government to respect its decisions in relation to the no-confidence vote



delivered about two ministers of the government and other issues but the government says that the President is the highest authority in accordance with the constitution of Afghanistan and only he has the right to appoint and dismiss cabinet ministers.

### June, July and August 2007

On the 4<sup>th</sup> of June, media reported the Supreme Court of Afghanistan which was asked by the President to shed some light on the no confidence vote delivered by the Lower House of the Afghan Parliament in relation to Dr. Rangin Dadfar Spanta, Minister of Foreign Affairs, sent its response to the President. According to the media the Supreme Court considered the second round of voting in the Lower House inappropriate and not in accordance with the constitution of Afghanistan.



Just before going on its summer recess days off, the Lower House of the Afghan Parliament once again stressed that they no longer consider Spanta as the Minister of Foreign Affairs and Akbar as the Minister of Refugee Affairs and asked the government to introduce two new Ministers for the posts of Minister of Foreign Affairs and Minister of Refugees to be approved by the Lower House.



On the 6<sup>th</sup> of June, the Afghan Parliament took its 45 days summer holidays. The Afghan Parliament prefer to call these 45 days recess days and not holidays, and an opportunity to meet with constituents. A similar 45 days recess is also taken during the winter. Soon after returning from their summer recess days, both houses of the Afghan Parliament paid their tribute to the late former King and Father of the Nation Mohammad Zahir Shah and considered him a symbol of the national unity. The former King of Afghanistan died on the 23<sup>rd</sup> of July 2007. Both houses of the Parliament considered the former King's 40 year reign as the most peaceful and secure time in Afghanistan. On the 30<sup>th</sup> of July, Lower House MPs from



Badakhshan, Nimroz, Balkh, Badghis, Uruzgan, Helmand, Baghlan and Kunduz reported about the problems of insecurity in these provinces and considered administrative corruption, drug trafficking and lack of development as the major factors behind insecurity.

On the 31<sup>st</sup> of July, Lower House discussed the latest insecurity in the provinces of Zabul and Herat. It was decided that a delegation of Mohammad Mousa Hotak, MP from Wardak, Alam Khan Azadi, MP from Balkh, Shujaul Molk Jalala, MP from Kundar Hamidullah Tokhi, MP from Zabul and Mullah Salam Racketi, MP from Zabul will travel to these mentioned provinces and report to the Lower House on the problems of insecurity.

On the 2<sup>nd</sup> of August, Faruq Wardak, Heading the Secretariat of the Peace Jirga explained to the members of the Lower House the purpose of holding the Peace Jirga between Afghanistan and Pakistan. Wardak said in the Peace-Jirga the factors behind insecurity and the joint effort to fight terrorism will be discussed.

On the 4<sup>th</sup> of August, the Lower House discussed the draft salary law for the cabinet ministers and high ranking government officials. On this day the bill to reform the police was also approved by the Lower House. This bill was presented by the Internal Affairs Commission of the Lower House; it has 5 chapters and 16 articles. Some members of both houses of the Afghan Parliament took part in the Peace Jirga between Afghanistan and Pakistan from August 9 to 12; therefore the normal schedule of the Parliament was not running according to the normal timetable. We have decided to include the proceedings of the Peace Jirga for the reasons that this was the first face to face meeting between members of both governments, MPs, tribal elders and civil society representatives: The Peace Jirga begun with speeches from members of both countries, the main





emphasis of the speeches seemed to be on not accusing one another for the problems of the respected countries but rather on finding solutions to the problems and encouraging dialogues with oppositions especially the Taliban in Afghanistan.

Pakistan's President Parvez Musharaf created some concern by not participating in the first three days of the Jirga but he made it to the last day of the Jirga and that gave a new impetus to the Jirga. For the first time Musharaf admitted that the insurgents in Afghanistan were supported by some elements in Pakistan and he said that they should not be allowed to continue their activity in Pakistan. Musharaf divided the insurgents in these categories:

1) those groups cooperating with Al-Qaida and are ready to fight.

2) The Taliban and

3) Taliban sympathizers.

The second and third groups were described by Musharaf as ignorant and don't know what they are doing and are part of the Afghan society and should be re-integrated into the Afghan society to lead a normal life. Musharaf considered finding solutions for these problems the duty of the Afghan government and the representatives of the Afghan people. President Musharaf also said that for good relation between the countries trust needs to be created between the two countries or things will not move ahead. President Karzai who spoke after Musharaf finished, said to him, "the trust of Afghanistan is with you".

At the end of the Jirga a 6 point resolution or rather recommendations were also voted on, here is the unofficial translation of that resolution, which was published in one of the government's daily newspapers:

1) Terrorism is a threat to both countries, serious campaign against

terrorism should continue, the government and people of both countries have been asked not to allow the training centers of terrorists in their respected countries.

2) The Peace Jirga also decided to form another smaller Jirga comprising of 25 persons from well known and influential people from both sides to oversee the implementation of the following objectives:

a) Speeding the process of ensuring peace and reconciliation with oppositions.

b) Convening of regular meetings to oversee the implementation of the Peace Jirga decisions and recommendations.

c) Making programs and facilitating the convention of future joint Jirgas.

3) The Peace Jirga once again stresses on the importance of brotherly relations, following and respecting the policies of amicable relations, non interference and coexistence for increasing economic, civic and cultural relations.

4) Members of the Jirga know that there is a link between terrorism and narcotics and also condemns the cultivation, process and trafficking of drugs, and is asking the government of both countries to seriously make an effort for the elimination of this terrible menace. The Jirga is asking the international community to assist farmers with alternative livelihood.

5) The Islamic Republic of Afghanistan and Pakistan with the support of the international community in the areas that have suffered should implement infrastructural projects in economic and civic sectors.

6) The comprehensive and important recommendations of the five commissions of the Peace Jirga are attached with this document and are part of this resolution.

On the 12<sup>th</sup> of August, Lower House approved the agreement on exchanging prisoners between Afghanistan and Iran. This agreement has already been approved by the Islamic Council of Iran.

Two days later the Lower House discussed the issue between one of the MPs and the





current Attorney General, a few months ago MP, Haji Farid from Kapisa province had gone to the Attorney General office to discuss an issue with him that is still not known to the Afghan public.

The Attorney General accused the mentioned MP at the time of asking him for a favor to release some criminals but the MP denied this. After quiet a few attempts to convince the Lower House that he has been defamed, finally on the 15<sup>th</sup> of August, majority Lower House MP voted in favor of Farid and asked the Attorney General to report to the Lower House and clear the matter with Farid. Prior to voting on this issue a number of MPs who spoke on this issue said that the Attorney General should also be given a chance to discuss all issues related to MPs for the reason that the Attorney General might also have a say in relation to the MPs.

Also on this day the prisoners exchange agreement between Afghanistan and Russia was discussed but was not voted on for the reasons that a large number of MPs wanted the current Russian government the inheritor of the former Soviet Union to explain to the Afghan people the whereabouts of Afghans gone missing during the communist government and if those Afghans are still being kept as prisoners in Russia. This issue was sent to the Ministries of Justice and Foreign Affairs to follow up with Russian authorities.

Lower House also approved Afghanistan becoming a signatory to the United Nations Conventions against Corruption. One day after the Lower House asked the Attorney General, Abdul Jabar Sabit to the report to the Lower House, Sabit held a press conference, in which he said that the Speaker of the Lower House had a personal problem with him, therefore he asked him to report to the Lower House. Sabit said that for some time now he has been asking the Speaker, Yunes Qanooni to send a number of

MPs to his office for investigation but the Lower House refuses to do that.

The Attorney General did not come to the Lower House on the 20<sup>th</sup> of August as it was decided by the Lower House, and instead the Parliamentary Affairs Ministry sent a letter to the Lower House, the letter said that while the Attorney General respected the Lower House and the elected MPs, according to the constitution of Afghanistan the Lower House didn't have the authority to act as the court of law and solve a dispute between two persons.

Lower House Speaker, Qanooni said the Attorney General didn't do the right thing by speaking with the media; instead he should have contacted the Lower House and discussed the issue with the Lower House. In the press conference, Attorney General, Abdul Jabar Sabit accused Qanooni for trying to create impediment in the campaign against corruption and named one former colleague and three of Qanooni's close relatives for being involved in corruption. Sabit said three are arrested and one has escaped to a foreign country and also he will not discuss other issues for the purpose of national interests. Qanooni said to the House that he will respond to the accusations of Sabit at an appropriate time.

Once again the Lower House decided to discuss the issue of MP Haji Farid and Sabit. Some MPs said that the doors of the Lower House should be closed as the government was not paying attention to the decisions of the Lower House. Others said that the Lower House was not a place to solve personal disputes between two persons and the Lower House should stop wasting the time of MPs.

Lower House decided that a commission will be formed to monitor the work of the government and regularly report to the general session of the Lower House. This commission will have 25 members. After briefly discussing the main agenda, an issue



to create separate gender department within the Ministry of Finance or not to create one, upset women MPs and for the first time in almost a year and half women, all women MPs walked out in protest. After the house agreed to include this request, women MPs returned to the House.

On this day the prisoner exchange agreement between Afghanistan and Russia was also approved by majority MPs in the Lower House of the Afghan Parliament and this time no mention of Afghans missing during the communist government.



On the 22<sup>nd</sup> of August, the discussion over what to do with government officials' not paying attention to the decisions of the Lower House once again took over the main item of the agenda. After almost two hours of speeches, it was decided that the Lower House will hold some closed sessions. The purpose of these closed sessions would be for the MPs to speak frankly with one another, explain the problems of the individual MPs and the Lower House as well the problems within the government. A number MPs said that the credibility of the Lower House needs to be restored first before any discussion on other issues.



Along with a number of other issues, the Lower House continued to discuss the composition of the government and on the 25<sup>th</sup> of February as part of wanting a smaller government voted for the annulment of the Youth Deputy Ministry from the composition of the Ministry of Culture. This move by the Lower House surprised many and even a number of Lower House MPs said that while they respected the decision of the majority, it was not the right decision as the Afghan youth needed an institution to look after their interests.



On the 27<sup>th</sup> of August, Gul Pacha Majeedi, Head of the Lower House MPs Security and Benefits Commission said to the media that for some time now this commission has been asking a number of MPs accused of corruption and others



accused of land grabbing and are wanted by the Attorney General office to report to his office. Mr. Majeedi added that the call from the Attorney General office is warranted and these MPs should report to his office and clear themselves. Media reported that at least 4 MPs are accused of corruption and about 20 are accused of seizing lands, among them former ministers and previous high ranking government officials. Majeedi also said to the media that if these MPs do not report to the Attorney General office, he will have no other alternative but to ask the general session of the Lower House to make a decision on this issue.

The draft media law approved by the Lower House is under discussion in the Upper House of the Afghan Parliament. Media reported that the Upper House has made a number of changes to the draft it received from the Lower House. One of the changes was in relation to the Radio Television Afghanistan (RTA), in the Lower House draft, the RTA was to work in the frame of the Afghan government but under the administration of the Ministry of Culture. The Upper House amended this and brought the RTA back under the administration of the Ministry of Culture as it is now.

On the 29<sup>th</sup> of August, the Lower House continued to discuss the composition of the General Directorates, while annulling the General Directorate for Anti Corruption from the composition of the government, the Lower House approved the duties and composition of the National Security, Environment Protection, National Sciences, National Olympic and Control and Auditing Directorates.

## CONCLUSION

The Lower House of the Afghan Parliament is trying to work on how best it can monitor the work of the government. As the government insists on its right on keeping the two ministers voted out of the government by the Lower House earlier, and after asking the Attorney General to report to the general sessions of the Lower House and answer MPs questions, which

*Mrs. Malalai Joya (born April 25, 1979) was elected to the 249-seat National Assembly or Wolesi Jirga in September 2005, as a representative of Farah Province. She gained international attention in December 2003 when, as an elected delegate to the Loya Jirga convened to ratify the Afghan Constitution, she spoke out publicly against what she termed the domination of warlords. On May 21, 2007, fellow members of the Wolesi Jirga voted to suspend her, citing that she had broken Article 70 of the Parliament, which had banned Wolesi Jirga members from openly*



*criticizing each other. Joya had compared the Wolesi Jirga to a "stable or zoo" on a recent TV interview, and later called other members of parliament "criminals" and "drug smugglers."*

the Attorney General rejected this call with a simple letter, the Lower House feels that as things stand right now, it can not monitor the work of the government properly, and in accordance with its internal rules of procedures decided to form a Commission for Monitoring the Work of the Government. This commission will have 25 members and to-date the Lower House has managed to vote for 2 members of this commission, they are Mirwais Yasseni from Nangarhar and Haji Zarif from Kabul. It might take a long time for the Lower House to come to consensus and vote for the remaining 23 members, as early this year after a number of attempts, MPs could not agree on electing the second Deputy Speaker, that seat is still vacant.

## GUEST CONTRIBUTION

*Written by Mrs. Malalai Joya,  
Former MP of Wolesi Jirga*

Since my speech in the Loya Jirga in December 2003, the fundamentalist warlords have regarded me as their target and a number of times tried to eliminate me physically and threatened me to be silent.

But from the first day I announced that I will be ready to give any sacrifices for my people and will not stop to voice their miseries and cry for peace, freedom and democracy. They organized a number of assassination attempts to kill me but fortunately I survived. Although I hate guns, in the past few years I have been forced to live under gun protection and I am always being guarded by armed men.

Before the parliamentary elections in Afghanistan I knew very well that the parliament will be only a showpiece for the West to say that there is democracy in Afghanistan and majority of the members will be from the criminal bands and the warlords. It was crystal clear that when warlords are armed across Afghanistan and hold key

positions in the government, how the election can be democratic and fair.

It was due to pressure from people of Farah on me to stand for the election, so to respect their support and campaign, I entered the election. After I won the seat, I knew that tough time is ahead of me to challenge the enemies of human rights and democracy inside the parliament.

From the first day of the parliament human rights groups announced that up to 70% of the members belong to warlords and human rights violators. Only the Hezb-e-Islami, the group termed as terrorist by the US government, has 34 members in the parliament. And only few days ago Qanuni announced that the parliament is home of Khalqi, Parchami, Taliban, Jehadi, Wahdati etc. Even the majority of the women in the parliament are pro-warlords and their showpieces.

I have always criticized the parliament and its composition and have called it a mockery of democracy. I never expect from it to do anything for Afghan people, most of the time the warlords present are arguing to increase the benefits given to MPs. They are bargaining for their salaries to be increased, but they have no intention or willingness to work on laws for the betterment of Afghan people.

The only reason I am there is to have the opportunity to expose the nature of the parliament and the policy makers and become the voice of my people in it. Being an MP gives me the opportunities to raise my opposition, and my voice is heard by others in Afghanistan and outside. I want to challenge them in their own home.

But of course I know there are a number of democratic-minded and real representatives of people in it, although a small minority, but I have respect to them and my comments are not directed to them. I had stated this point in that interview with Tolo TV but it was unfortunately censored. The



**„I received many emails, phone calls and letters from my people who told me I should better have called the parliament a zoo instead of stable .“**



voice of a number of other democratic-minded MPs and me is not heard and we are not given time to speak. My microphone has been cut off a number of times when I criticize this situation and want to express my point of view. Once they even physically attacked me inside the parliament and one of them said "take and rape this prostitute."

I think to call such a parliament a stable is simply not enough, I have enough reasons to present before a legitimate and neutral court if I am to be prosecuted for these comments. I received many emails, phone calls and letters from my people who told me I should better have called the parliament a zoo instead of stable.

I stress on my point that the parliament where world-known killers and human rights violators like Rasol Sayyaf, Burhanuddin Rabbani, Younus Qanoni, Mohaqiq, Noor-ul-haq Olumi, Mullah Salam Rocketi, Mustafa Kazimi, Haji Almas, Haji Farid, Sayed Mohammad Gulabzoy, Piram Qol, Hazrat Ali and others are members, it will be an insult to Afghan people to call it "national home". Can we bring democracy and positive change in Afghanistan when such dirty elements are real power holders and policy makers?

The warlord MPs hate me very much, they were looking for ways to kick me out of the parliament to silence the voice of people in it. But my recent comments were only used as a justification for them to realize their plot against me. And they so swiftly acted and illegally voted for my suspension while the parliament does not have the right to suspend a member for more than 2 days; they in fact removed me completely from this term.

I have no respect to this illegal act of parliament and will soon complain to the Supreme Court. I have a strong support not only among people of Farah but all over Afghanistan, the warlords who have come to the parliament with the power of gun, money and threats can't oust a representative of people. I am honored

to see people in different parts of Afghanistan stage protests in support of me; it gives me more courage and determination to continue to be their voice and defend their rights in any expanse. Also I am happy to see hundreds of freedom-loving people around the world send protest letters to Afghan officials and stand by me.

They even threatened me to refer my case to the court and prosecute me, this happens in the time while the warlords and criminals through "national reconciliation" bill enjoy full immunity for their brutalities and wrong-doings. They are the war-criminals setting in the parliament to appear in the courts fist of all, not me.

I have no fear to appear before a just court with the presence of international observers, because I have no trust to Afghan justice system which is also infected with the virus of warlordism, as the fundamentalist have upper hand in the judicial system too. I want to change the courts proceedings to a battle field and expose the war-criminals and corrupt officials and members of parliament through it.

If I am inside the parliament or outside, they can't stop me, for a minute I will not rest assured until the sworn enemies of Afghan people are brought to justice. I will continue to say the truth till my last breath.



## CONTACT

Email: [kas.kabul@ceretechs.com](mailto:kas.kabul@ceretechs.com)  
Phone: +93 - 700 - 277943

## PARLIAMENTARY BULLETIN

The Bulletin covers on a monthly base issues discussed in the Afghan Parliament. Additionally, chosen Members of Parliament make a contribution to the bulletin on issues discussed in the previous month.

### ***Abdul Samad Khan***

Born in Kabul in 1961 Abdul Samad Khan graduated from the Afghanistan Military Academy. After the end of the Taliban regime he started to work with foreign media organizations like BBC, Süddeutsche Zeitung and Neue Zürcher Zeitung. In 2003 he worked with the EU Commission as a media analyst then he served as a political officer at the Canadian Embassy for three years. Since 2006 he is in charge of the Konrad-Adenauer-Foundation's Parliamentary Program. He is fluent in English, Pashto and Dari.

### ***Dr. Babak Khalatbari***

Born in 1975 in Germany, he started his studies on the Middle East after his military service. He was a scholar of the Konrad-Adenauer-Foundation and studied at the University of Muenster, University of Cologne and Kuwait University. Since 2005 he heads the Kabul Office of the Konrad-Adenauer-Foundation. He speaks German, English, Arabic and some Dari.

---