

**AFGHANISTAN**

ABDUL SAMAD

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## NOVEMBER & DECEMBER 2008

### Review

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 October 2008

Since the collapse of the Taliban government a number of private hospitals have been established in the city of Kabul. During the month of October the Upper House Complaints Hearing Commission monitored the activities of these hospitals. It seems that the Afghan Parliament and some Commissions (Committees) of the Afghan Parliament are the only source where the general public feel its worth taking their complaints to. Monitor-

ing activities of the private hospitals and private businesses is obviously welcomed by the Afghans. However, if the performance of private and public organizations and institutions remain the same, the Afghan public will obviously feel disappointed.

During the month of October, the President made some changes to his cabinet and most importantly replaced the Minister of Interior Affairs. Media reported that Mr. Zarar Ahmad Moqbil, the former Minister of Interior Affairs was not happy to be removed from his previous post and appointed as the new Minister of Refugees Affairs. Ahmad Moqbil didn't show up in the Lower House to get his vote of approval from the Lower House MPs.

The main prison in Kabul (Pul-e-Charkhi) was witness to another unrest during the month of October. Once again prisoners alleged that they are being treated inhumanely by prison officials. Prisoners sew their lips in protest and decided to go on hunger strike. Prisoners and Lower House MPs have called for the removal of the Investigation Department of the National Directorate of Security (NDS) and improvement in the treatment of prisoners by prison officials.

### November & December 2008

During the first days of November, almost one year after six Lower House MPs were killed in suicide

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SAMAD/KHALATBARI

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[www.kas.de/afghanistan](http://www.kas.de/afghanistan)

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attack in Baghlan province, some Lower House MPs expressed their unhappiness about the continued delay in releasing the result of the investigation. They called on the government to release the finding of its investigation.

During the first week of the month of November, Upper House Senators approved the draft benefits law of disables and remaining families of martyrs. Upper House Senators also approved the draft composition, duties and authorities law of the Independent Election Commission.

Media reported that some Lower House MPs who make up the United Front have gathered to commemorate the assassination of six MPs in Baghlan province one year ago. Once again they voiced their unhappiness about the lack of attention on the part of the government in relation to the investigation of the assassination. Mustafa Kazemi, who was one of the MPs killed in Baghlan was the Front's spokesman at that time. The government says that they have arrested those behind the killing of MPs, school children and civilians and the arrested persons are already behind bars.

On the 9<sup>th</sup> of November, the draft foreigner's residence law was under discussion in the Upper House. According to this version approved by the Upper House Senators, foreigners would need to pay 90 dollars for a three months multiple visa, 180 dollars for a six months multiple visa and 360 dollars for a one year multiple visa and those countries who increase the visa fees for Afghans should be dealt with likewise. This draft law was approved by the Lower House earlier.

On the 11<sup>th</sup> of November, Lower House MPs considered the environment condition in the city of Kabul worrying and stressed that the health of more than four million people is being put at risk as a result of the ever increasing air pollution level in the city of Kabul.

Upper House senators approved the friendship agreement between Afghanistan and Tajikistan that was signed between the Presidents of Afghanistan and Tajikistan three years ago. On this day, Upper House Senators as they have done on numerous occasions voiced their concerns once again about the recent civilian casualties by foreign forces in the Shawali Kot District of Kandahar and once again called for the legalization of the foreign forces status and activities in Afghanistan.

On the 15<sup>th</sup> of November Lower House MPs condemned the acid attack on the faces of school girls in Kandahar province. Both houses of the Parliament as well as the Afghan public spoke on this issue, condemned this inhuman act and asked for maximum punishment for the perpetrators of this abhorrent act.

The plight of the returning refugees in Takhar province was discussed again and MPs agreed that the plight of these refugees needs to be investigated urgently. About 1,000 refugees returned to Takhar early this year to settle in their homes and take possession of their lands; however armed militias are not allowing these refugees to return to their homes and lands. The 1000 refugees are said to be housed in the former prison compound.

Some Lower House MPs said that the fate of Mullah Omar can only be decided by the law. These MPs

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AFGANISTAN

SAMAD/KHALATBARI

No. 07/2008

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believe that President Karzai can only be isolated by making comments when he said that he will guarantee security for Mullah Omar and if the international community disagrees, they can remove him or leave.

Lower House MPs discussed the decreasing prices of basic commodities on the world markets but they said that they didn't know the reasons behind the increasing price of basic commodities in Afghanistan.

On the 17<sup>th</sup> of November, two Afghan Doctors who have invented an instrument to treat human body joints were commended by the Lower House MPs. Herat province MPs who have been on strike and complaining about the worsening security situation in Herat, have returned to the Lower House on this day. Other MPs were happy to see them return to the house.

The draft water law and the draft extradition law of prisoners were approved by Lower House MPs.

On the 19<sup>th</sup> of November, Lower House Speaker, Younus Qanooni announced that the President has already said that he is not interested to hold the office of the President one day longer than stipulated in the constitution. ***Therefore, the Lower House wants Presidential election to be held in the month of Jawza 1388 (May/June 2009). The Independent Election Commission said earlier that due to technical issues the Presidential election needs to be delayed and held during the month of Mizan 1388 (September/October 2009).*** The following day, the Independent Election Commission officials announced to the media that it would not be possible to hold the Presidential elec-

tion during May/June for the reasons that their preparation are aimed at holding Presidential election later in the year (September/October). A number of MPs and political analysts said to the media that elections should be held as it is stipulated in the constitution; otherwise it will be a violation of the constitution.

On the 21<sup>st</sup> of November, seven members of the Upper House assigned to draft a bill for legalizing the activities of the international forces in Afghanistan held their first meeting. Seven members of the Upper House were given this task after a meeting that was held two months ago about this issue in which lawyers and experts were also invited to the Upper House to give their opinions on this issue.

After General McKiernan, the NATO Commander in Afghanistan announced to the media that there might be a need to implement an awakening strategy similar to Iraq in Afghanistan, majority Upper House Senators voiced their concern in this regard and said that a small number of local militias can not be a match for the insurgents when the strong 70.000 NATO forces equipped with modern weapons are unable to defeat. Senators asked the international community to help with strengthening and developing the Afghan Army and police forces.

The confusion about when to hold the Presidential election continued and on the 23<sup>rd</sup> of November, Dr. Azizullah Ludin, the Head of the Independent Election Commission said that the reason to postpone election to later in the year was to give everyone a chance to participate in the election. Dr. Ludin added that the election commission was an implementing body and not a legislative institution; he went on

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**AFGANISTAN**

SAMAD/KHALATBARI

No. 07/2008

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to say that there is a need for the three powers of the government (Executive, Legislative and Judicial) of the government to get together and make a decision about the timing of the Presidential election in 2009.

The Head of the United Front, Burhanudin Rabani, who is also a lower House MP and majority members of this front are also MPs and former militia commanders said to the media that the current US Representative to the United Nations, Zalmay Khalilzad is not the Front's candidate for the upcoming Presidential election. Burhanudin Rabani added the front will soon announce its candidate and the candidate might come from inside or outside the Front.

Upper House Senators discussed with the Minister of Information the media law and a number of other media related issues such as the broadcasting of immoral shows on private television channels and blocking of immoral websites from the internet. The Minister said that after asking the relevant media outlets to stop showing immoral shows and when these media outlets did not comply, he has already referred them to judicial authorities and the blocking of indecent websites was discussed with the Ministry of Communication. Mr. Khoram said to the Senators that the media law approved by both houses of the Afghan Parliament was heavily influenced by some foreign embassies based in Kabul and the Afghan laws were made for Afghans by others.

On the 24<sup>th</sup> of November, Lower House MPs discussed the sale of publicly owned enterprises. MPs believe that the current process of selling these enterprises is not transparent and if it continued as such they would resign from their

posts. Lower House MPs complained about the sale of the agricultural development bank building and assets. They argued that the sale of this bank went ahead in contradiction with the law for the privatization of publicly owned assets. MPs believe that the sale of public assets is controlled by a group which they call the 'economic mafia' group and in the past this group has benefited from the sale of other publicly owned assets already sold. According to media reports, the Ministry of Finance says that the sale of publicly owned assets complete all the legal process before they are sold and they are sold because the government dose not need them.

Following the comments made by the Minister of Information in the Upper House, Lower House MPs commented on what Minister Khoram had said to the Upper House Senators about the media law. Some MPs were not happy with his comments and called on the Minister to come in to the Lower House and provide an explanation.

On the 28<sup>th</sup> of November, elders from Paktia province demonstrated in front of the Afghan Parliament and said that they will not participate in the next elections if foreigners continue to search their homes unlawfully and the bombing of civilians continues. Elders also accused local government officials of incompetence and corruption. Paktia provincial Elders added that religious Madrasas are being closed and their teachers put in prisons.

The Minister of Finance was called in to the Lower House on the 30<sup>th</sup> of November to explain the recent sale of the agricultural development bank. The Minister of Finance said that the mentioned bank was sold prior to the approval of the

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AFGANISTAN

SAMAD/KHALATBARI

No. 07/2008

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law and government owned enterprises are not sold yet. The Minister added that this Ministry will not have any problem if the Lower House wants to be consulted when an enterprise is going to be sold.

On the 30<sup>th</sup> of November, Lower House assigned another delegation to go to the Kabul main prison and investigate the latest problems in this prison. Prisoners in the Pul-e-Charkhi Prison went on strike again to complain about the delay in the hearing of their cases by government courts and the remaining unsolved problems from the last protest. The main reason for the last protest was the behavior of security forces and complaints about the investigation department of the National Directorate of Security.

Lower House MPs discussed the latest round of suicide bombing and insecurity in the city of Kabul. A number of MPs believe that what the police officials say about strong security measures to prevent suicide attacks and improve security in Kabul are nothing more than hollow promises. Lower House MP from Kabul, Shahla Atta said that it was impossible to believe the promises of police officials while a suicide attack takes place a few meters from police officers and they do nothing to investigate and to prevent it.

On the 4<sup>th</sup> of December, Lower House MPs once again on very critical terms voiced their concern about the conditions of the Afghan prisoners in jails. Members of the Afghan Parliament have intervened on a number of occasions to end prisoners protests, however, MPs allege that every time they intervene and end prisoners protest and officials promise that if prisoners end their protest they will accept the lawful demands of the prisoners. Unfortunately, what is prom-

ised by officials is not delivered and the situation continues as is. Lower House MPs Alemi Balkhi alleged that government judicial officials do not follow the rule of law. Deputy Minister of Justice, Abdul Qadir Adalatkhawa said to the media that some prison officials are not professionals. According to media reports there are 12,000 prisoners in the Afghan prisons.

## Conclusion

***Both houses of the Afghan Parliament would like the next Presidential election to be held during the month of May/June as stipulated by the constitution, however, the Independent Election Commission says that it would be difficult to hold election at that time.*** The Presidential election might be one of the issue that might appear on the agenda of the Afghan Parliament more than other issues next year.

During the month of November, the issue of creating locally armed tribal militias to fight against insurgents made headlines in the media and also discussed in the Afghan Parliament. Majority Upper House Senators and Lower House MPs of the Afghan Parliament disagree with this plan to arm local tribes. Similar plans were also implemented by the communist government in the 1980s. The communists armed local militias to fight against the mujahedeen. Later on some of these militias challenged the communist government and contributed to its demise in 1991. Senators and MPs as well as the Afghan public are calling on the international community to help strengthen the government security forces (ANA and ANP) and all weapons outside government security forces should be collected. It is easy to distribute weapons, however collecting them well take

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years as we are witnessing this dilemma with the current DIAG program.

Majority Lower House MPs believe that the sale of publicly owned assets need to be transparent and should benefit the public and not just a hand full of people they call the 'economic mafia'.

During this year and since the inauguration of the Afghan Parliament in December 2005, members of the Afghan Parliament have tried a number of times to help improve the plight of prisoners in the Afghan prisons. However, according to Senators and MPs, security and judicial officials are not performing their tasks in accordance with the binding laws of the country; therefore the prisoner's lawful rights are continuously violated.

The people of Paktia demonstrated in front of the Parliament and voiced their concerns as the people of other provinces have done on a number of occasions about corrupt government officials and the continued killing of civilians. The killing of civilians is of great concern to all Afghans and this issue also contributes to insecurity of the country.

Both houses of the Afghan Parliament are going on holiday for 45 days starting on the 6<sup>th</sup> of December 2008. This is the last Parliamentary Bulletin for this year. During this year and previous years both houses of the Afghan Parliament have been trying to voice their concern about various issues related to the lives of the Afghan people: government officials' performance might have been discussed more than other issues. Civilian casualties might have appeared on the agendas of both houses of the Afghan Parliament many times. Lower House MPs also

voiced their unhappiness about what they called blood money (when a civilian is killed, his or her family members receive 100,000 Afghanis or about 2000 USD). Senators and MPs discussed the insecurity issue with relevant security officials and provincial officials many times and they wanted to discuss this issue with the commanders of foreign security officials, however, the security situation is still a concern to majority Afghans as well as members of the Afghan Parliament. Other issues which kept appearing on the agenda were the issues of increasing commodity prices, lower wages of public workers and teachers.

Land grabs by armed militias is an issue that members of the Afghan Parliament are trying to solve with the help of government officials, however, this issue is still a concern to those Afghan refugees who want to return to their homeland and area of origins but are afraid to do so as armed militia might not let them settle back in their homes and take possession of their lands. The other issue which prevents Afghan refugees from returning to their country is the lack of employment.

We hope that the Parliamentary year 2009/10 (1387/8) will be a successful year. Also we thank our readers for all the good feedback and the general interest!