

Seeking Redress for Past Wrongs

Author: [IWPR Afghanistan](#)

Recent appointments by the Karzai administration suggest that those accused of human rights abuses are unlikely to be held to account any time soon.

The appointment last week of General Abdul Rashid Dostum to the newly-created post of chief-of-staff of Afghanistan's armed forces appears to run counter to a recent survey indicating that the vast majority of Afghans want those suspected of past human rights violations excluded from the government.

The naming of Dostum, along with the appointment of Ismail Khan, accused of human rights abuses when he controlled the western part of the country, as minister of water and energy in December, is fuelling renewed demands at home and abroad that those responsible for the years of strife in the country be held responsible.

In January, the Afghanistan Independent Human Rights Commission, AIHRC, issued a report entitled "A Call for Justice" which found that 90 per cent of respondents want war criminals removed from government posts. The report also found that almost 45 per cent of those surveyed want to put alleged war criminals on trial immediately, while over a quarter say such a trial must take place within the next two years.

The AIHRC was established in 2002 as part of the Bonn Agreement that brought the interim government into existence after the fall of the Taliban. Its duties include monitoring human rights, investigating violations, and developing domestic institutions to protect those rights.

As part of its mandate, the 11-member committee appointed by President Hamed Karzai was required to "undertake national consultations and propose a national strategy for transitional justice and for addressing the abuses of the past".

To fulfil that task, between January and August 2004, the commission interviewed 3,451 people in 32 provinces of Afghanistan, 400 Afghan refugees in Pakistan and 300 in Iran.

The report covers over 20 years of violence, beginning with the communist coup in 1978, through the resistance to Soviet occupation from 1979 to 1989, the internecine battles of the mujahedin between 1991 and 1996, and finally the Taliban years to 2001.

A startling 70 per cent of respondents said that either they or a family member were victims of human rights violations during this time. And they are now demanding that something be done to punish the guilty.

But if the study found that most Afghans demand justice, the report also concluded that many remain highly sceptical that the country currently has the capacity to right past wrongs.

For example, the study found that close to 58 per cent of those surveyed do not trust the justice system in the country.

Part of the reason for this loss of faith seems to be the visible lack of redress. The report quotes people as saying that the abuses continue, and that many of those responsible for present and past misdeeds are

still in power.

Some human rights advocates doubt the time is right for the nation to come to grips with its past.

"The government itself is under the direct influence of the war criminals and Afghanistan's courts do not have the independence or authority to take them on," said Lal Gul, head of the Afghan Commission for Human Rights - a non-government organisation which despite its similar name is separate from the official AIHRC.

Lal Gul questioned the value of publishing such a report before the government is able to implement its findings.

Mohammad Sediq Patman, a political analyst, agreed, saying he fears that even raising the possibility of human rights trials might encourage those in power to destroy documents that could later be used against them.

Patman said he was unhappy with the AIHRC report, "The purpose of this report is not clear to me. I think the commission was only trying to show how effective it was."

The government, he added, would not be able to deal with war crimes suspects in a resolute manner. "Our government is one of reconciliation," he said. "The government is still trying to implement the constitution."

Farid Hamidi, a member of the AIHRC, defended the report, saying the commission was doing its job properly.

"One of the main jobs of the commission is to foster national consultation about the violations of human rights," he said. "The commission did its duty - now it's up to the government."

But even Hamidi conceded that Afghanistan's justice system may not be up to the task of handing out punishment to those charged with war crimes. He said wholesale reform of the justice system is still needed so that it "can listen to the people when they complain".

When questioned about the report last month, Jawed Ludin, a spokesman for President Karzai, said, "The government will try its best to ensure justice, but the report issued by the Independent Commission for Human Rights still needs a lot of evaluation."

Some of those considered to be among the most likely targets for legal action have already spoken out against the report's findings.

Burhanuddin Rabbani, who served as head of state between 1992 and 1996 and still heads the Jamiat-e-Islami faction, and Abdul Rab Rasul Sayyaf, head of the Islamic fundamentalist Ittehad-e-Islami party, denounced the committee's report last month at a rally marking the 25th anniversary of the first large-scale uprising against the Soviet invasion of Afghanistan.

"The mujahedin are proud of what they did during the jihad and the resistance," said Rabbani. "We will not

back down.”

Sayyaf was even more adamant, saying, “Whatever we have done was jihad, and it is a crime to call the mujahedin criminals. Anyone accusing the mujahedin of crimes has put himself beyond the limits of Islam.”

In a previous interview with IWPR, Ismail Khan also made his feelings clear.

“When we were in danger from the communists, those newspapers were praising us with all their might,” he said. “But now that the danger has passed, they are calling us names.”

Kabul residents are no more optimistic than the legal experts about the likelihood of war criminals being brought to trial.

“Human rights violators are in key positions in the government,” said Sayed Jafar, a resident of Dasht-e-Barchi, a district in southwestern Kabul. “How can the government put them on trial?”

Due to the sensitive topic of this story, IWPR is withholding the name of its author.

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