



## Legislative Newsletter

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### NEWS

#### **ICOIC: ‘Senator Mawen Ahmad Suspension Illegal’**

Following an appeal against the Meshrano Jirga’s (MJ) decision to suspend one of its members earlier this year, the Independent Commission of Oversight and Interpretation of the Constitution (ICOIC) determined this week that the Upper House cannot suspend any Senator from their post. The Commission stated in a letter that this power resides with the Afghan Supreme Court.

The MJ suspended Mr. Mawen Ahmad (Ghor) in April 2010 following allegations that he was involved in the mass killing of up to 50 people. The suspension came after the MJ’s Complaints Committee received submissions against Senator Ahmad from Ghor province over a period of three years, although the actual date of the mass murder is not known. However, the ICOIC advised the MJ that its decision to suspend Mr. Ahmad is not constitutional, resulting in the MJ “revoking the suspension”.

MJ Deputy Speaker Fazil Hadi Muslimyar (Nangarhar) said that the ICOIC’s letter gave a detailed interpretation of the Constitution and outlined the scope of the Upper House’s authority. “It states clearly that we can’t dismiss any member from the MJ, regardless of our reasons,” he told the December 5 plenary session.

Senators were also of the view that Mr. Ahmad is innocent until proven guilty: “He is only accused and has not been charged. We consider him innocent,” said Mukaram Khan Nasiri (Laghman). Mohammad Alam Izedyar (Panjshir) implored that Mr. Ahmad was innocent and the MJ should not get itself entangled in the legal process, adding that he should come back in the next sitting and continue to execute his duties until he is charged of the alleged crime.

“At that time, if Senator Ahmad has not been arrested and charged, he can still attend the MJ,” said Muslimyar. The Attorney General has called him several times to appear before his office to answer questions about the allegations. He is yet to present himself to the AG and has not been charged.

Meanwhile, the MJ adjourned for the 45-day winter recess on December 7 and is expected back on January 22.

#### **Senators Welcome Arrival of Welfare Law**

During the November 30 plenary session, Senator Abdul Baqi Baryal (Ghazni) expressed his pleasure over the official publication of the Law on the Rights and Privileges of the Relatives of Martyrs, the Missing, and the Disabled. The new law will provide a minimum monthly income of 1,500 Afghanis (USD\$30) to relatives of martyred and disabled Afghans.

Serving as deputy of the Meshrano Jirga’s (MJ’s) Committee of Health, Public Welfare, Environment, Martyrs and the Disabled, Senator Baryal stressed the need for public awareness. “Almost 10 percent of the world’s population suffers from some kind of disability and there are 800,000 people in Afghanistan with special needs,” he said.

With support from two-thirds of its members, the Wolesi Jirga in February 2010 overrode the President's rejection of this legislation that raised controversy mostly around the benefits given to the disabled and the relatives of the martyrs. According to the Afghan Constitution, this majority is sufficient to force the implementation of legislation. Since its passage, legislators criticized the government over the delay in the publication of the law in the Official Gazette.

### **Speaker Mujadidi Denies Existence of a Karzai-Qanooni Agreement.**

Meshrano Jirga Speaker Sebghatullah Mujadidi denied being part of an alleged pact between President Hamid Karzai and outgoing Wolesi Jirga Speaker Younus Qanooni. Recent media reports have alleged President Karzai signed an agreement with Mr. Younus Qanooni which guarantees Mr. Qanooni's re-election to the position of Speaker in return for Lower House cooperation.

In a statement on December 6, Mr. Mujadidi dismissed the media reports as malicious and the "work of individuals who are trying to weaken the government of Afghanistan as well as defame senior politicians by showing them as opportunist dealers". The Upper House Speaker also called on the government to prosecute the people behind the forgery.

Presidential spokesman Wahid Omar and Mr. Qanooni have both denied existence of an agreement between the executive and the legislature. (See APAP Legislative Newsletter, November 29 2010).

Elections for the next WJ speaker will be held in January 2011 when the newly elected parliamentarians are sworn into office. Mr. Qanooni has announced his intention to present himself for re-election at that time.

### **Committee News:**

Meshrano Jirga:

#### **Senate Conducts Public Hearing on Health**

In an effort to provide opportunities for the Afghan public to share their challenges and opinions with their legislators and other relevant government officials, the Meshrano Jirga (MJ) Committee of Health, Welfare, Environment, Martyrs and the Disabled held a public hearing about health services in Afghanistan on November 4. Officials from the Ministry of Public Health, Directorate of Environmental Protection and Ministry of Rural Rehabilitation and Development participated in the event, which was also attended by representatives from non-governmental health service organizations and various interested civil society organizations.

The public hearing was part of a series of public meetings conducted by various sectoral committees in the MJ which are sponsored by USAID's Afghanistan Parliamentary Assistance Project (APAP).

In his opening speech, Second Deputy Speaker of the MJ Mohammad Alam Izedyar (Panjshir) said, "Human resources in the health sector, the quality of medicine and other health-related matters still need the attention of the government. The health sector needs to be supported in order to reduce mortality rates in the country."

According to Committee member Senator Abdul Hanan Haqyoun (Paktia), coordinated action between the legislative and executive pillars of government could address some of the challenges. "We have visited some of the provinces where people are faced with difficulties in regards to public health care. We know that the government does not have the capacity to provide advanced health services, but people should at least be provided with basic health services."

Mr. Abdul Ali Kakar, the Director of the Doctors Association in Paktia Province, outlined some of the challenges the people were facing. “There is no criteria for doctors’ fees in provinces, no oversight of clinics, the quality of medicines is poor and patients are not treated quickly enough in public health clinics,” he said.

The number of health clinics has increased from 500 to 1,800 since 2001, according to Acting Minister of Public Health Suraya Dalil. “Now it is time to think of the quality of health services instead of the quantity. We are facing difficulties finding female doctors and nurses in rural areas -- 25 percent of health centers lack female staff.”

### **Legislation**

There is no legislative activity to report at this time.

### **Upcoming Events:**

The Meshrano Jirga is on winter recess until January 22.