



Legislative Newsletter

4th June 2011, Vol. 5, No. 18

NEWS

Senators Concerned with Taliban Infiltration of Security Forces

During the 29 May plenary session, Senators in the Meshrano Jirga (MJ) condemned the recent attack in Takhar province which killed senior government officials. The lawmakers voiced their concerns about what they called Taliban infiltration of security forces. Gen Mohammad Daud Daud, police commander for northern Afghanistan, was the most senior ranking official killed in the attack which occurred on 28 May.

Mr. Mohammad Alam Izedyar (Panjshir), MJ's First Deputy Speaker, called it a "huge loss" and said, "The government must pay attention to security forces because the enemy has penetrated the security forces." Echoing Mr. Izedyar's sentiments, Daud Asas (Zabul) called on the government to do more in order to stop these kinds of attacks. "The government should screen all the government officials." There were also calls on the government to capture and trail the perpetrators of the attack. "The mastermind behind this attack must be captured." Mrs. Bibi Rohgul Khairzad (Nemroz) said.

Other senators believed that the government alone couldn't prevent attacks of this nature and that the society as a whole should join hands in order to defeat the terrorists. Calling the Takhar attack "brutal," Ali Akbar Jamshidi (Daikundi) said, "It is a duty of Islamic scholars to preach to people that suicide attacks are not allowed in Islam and the government must eliminate the roots of Afghan Al-Qaeda."

The Meshrano Jirga agreed to form a delegation of both houses of the National Assembly in order to find a solution to the problem. "A delegation comprised of administration boards of the Wolesi Jirga and the Meshrano Jirga should meet with the President in order to discuss the security issues as soon as possible." said Mr. Izedyar.

Senators Discuss Mining in Afghanistan

Senators of the Meshrano Jirga (MJ) invited the Minister of Mines, Wahidullah Shahrani, and Deputy Interior Minister, Sediq Nasir Abdul, to their 31 May plenary session for a briefing on mining related security issues. Minister Shahrani explained that the revenues generated from the mining industry was set to rise and will eventually enable the Afghan economy to sustain a healthy growth without international aid. Senators were not satisfied with his explanation, and they highlighted many issues that surrounded the mining industry in Afghanistan.

The issue of illegal mining was one of the issues raised repeatedly by various senators. Mr. Ahmad Bashir Samim (Badakhshan) said, “The leaseholders of the lapis mines in Badakhshan only report the low quality of lapis to the government in order to avoid paying taxes. The high quality lapis finds its way directly to Pakistan.” Mr. Samim alleged that the police post designated to protect the mines, is instrumental in facilitating this illegal trade. He said, “The head of the police post stationed there asks for a million Afghans every week, regardless of how much has been extracted.”

Addressing Senator Samim’s concerns, Minister Shahrani said that the Badakhshan’s lapis mines have not been leased to any contractors officially. “No contract exists between the Ministry of Mines and those people extracting lapis from mines in Badakhshan. It is totally illegal. Hence we can’t ask them to pay taxes on an illegal activity.”

In response to the allegation concerning police activities and non protection of the lapis mines in Badakhshan, Deputy Minister Sediq conceded that the police station referenced was part of the problem rather than the solution. “It is clear that police stationed there are not doing their job, we have asked the Ministry of Mines to write to us so that we can replace the police there.” said Mr. Sediq.

Some Senators asserted that mines had become the property of the provinces in which they were located, not the property of the national government. Mr. Mohammad Dawood Asas (Zabul) said, “Wherever there are mines, the local people work and benefit from them. What are the rest of people meant to do?” Senators also took issue with the future forecast of the mining industry and asked the Minister Shahrani to brief them on what he had done until now. “Your forecast is for the future. It is for the next five years. We will not be here to ask you after five years, you should focus on now.” argued Mr. Rafiullah Haidari (Kunar).

Senators also called upon the government to invest in the mining industry. “The government is not practically investing in our mining industries and the tendency is to leave it to private investors. I don’t think that is a rational choice considering that the private sector is not really interested.” argued Mr. Mohammad Ismail Munshi (Jawzjan) said.

Minister Shahrani invited Senators with particular information about mines or general ideas about better management of them, to visit him in his office for an informal meeting. Senators welcomed the move.

MPs Concerned about Recent Deaths

A delegation of legislators from the Wolesi Jirga (WJ) is scheduled to meet with President Karzai to discuss security issues. A delegation consisting of WJ leadership and committee chairpersons is scheduled to meet with President Karzai on 6 June. The issue of the Special Elections Court may also be discussed during the scheduled meeting.

Increasingly members of the Wolesi Jirga have expressed concern over reports of increasing numbers of civilian casualties. Further not all legislators blame the Taliban for the deaths. Speaking in the 1 June plenary session, Mr. Kamal (Kunduz) argued that the local militia, referred to as “Arbaki” - is the reason for the deteriorating security situation in the north. “The reason for the increasing number of deaths in the north is because the Arbakis

have created a wedge between the government and the people, especially in the north.” said Mr. Kamal. He further warned the house that the situation would get out of control if it was not addressed immediately.

Mr. Shir Wali Wardak (Kabul), however, believed that it was the “enemies of Afghanistan” who were interested in maintaining the war in order to stay in the country. “Unfortunately there are some people who want to take our religious dignity from us and derail the peace process. American forces attack homes night and day and I warn you that it will lead to national resistance. The world is aware that we have buried five other empires in this country and this could be the sixth one.” said Mr. Wardak.

Mr. Mohammad Sarwar Usmani Farahi (Farah) argued that rhetoric would not help and that the WJ had to make a “bold move” to make its protest known to the United Nations. He too seemed to agree with Mr. Wardak, saying “We are witnesses to fourteen deaths in Nawzad [Helmand]. There were young and old among them. We have to send our resolution to the relevant authorities and must make it clear that those who claim to be here to help are in fact war criminals.”

Mr. Saleh Saljoqi (Herat) called for more clarity in dealing with the “enemies” and asked for a clear definition of it. “Our president is confused, the High Peace Council doesn’t know who to talk to. When they kill us, we say, they are our ignorant brothers.” said Mr. Saljoqi.

In an emotional statement, Ms. Fawzia Naseryar Guldarae (Kabul), condemned what she called a “series of planned assassinations” and blamed Pakistan and “their servants” [Taliban] for them. She paid tribute to “champions of freedom” for Afghanistan and said: “General Daud was one of the heroes of Afghanistan that stood up to the Pakistanis, who are trying to turn Afghanistan into their fifth province.”

Abdul Rauf Ibrahimi (Kunduz), Speaker of the WJ, assured the MPs that their issues would be raised at a meeting with the President.

COMMITTEE NEWS:

Meshrano Jirga (MJ):

Senate’s Defense Committee Discusses Military Officers Privileges

The Meshrano Jirga’s (MJ) Committee on Internal Security and Defense Affairs invited officials from the Ministry of Defense to its 30 May meeting to hear their recommendations regarding the Law of Personal Affairs of the Military Officers. Colonel Mohammad Hussain, Deputy Director of the Ministry’s Legal Department, explained government’s retirement program for Jihadi military officers. He said that the retirement of military officers with Jihadi background are divided in two categories. First, Jihadi officers who served as military officers prior to joining the holy war and are now part of the Afghan National Army (ANA). Second, Jihadi officers with no official military background prior to or after joining the holy war, who are part of ANA.

Based on the existing law regulating the retirement of the military officers, the first group is entitled to all retirement privileges because the time they spent in Jihad is considered to be

official military service. But the second category is not entitled to all retirement privileges since their activity in Jihad is not considered to be official military service. Mr. Hussaini suggested that the law be amended to allow retirement benefits for military officers with Jihadi background even though they had no military experience prior to joining Jihadi.

The committee agreed to consider the issue raised by the Ministry officials when the Law on Retirement of Military Officers is submitted to the National Assembly, on condition that the issue is not contrary to the Afghan constitution or other existing laws of the country.

Meshrano Jirga conducts Public Hearing on Finding Solutions to the Problems of Prisoners

The Meshrano Jirga (MJ) Legislative Affairs, Judicial & Justice, Administrative Reform and Fight against Corruption Committee, with financial and technical assistance from the Afghanistan Parliamentary Assistance Program (APAP/USAID) conducted a public hearing aimed at finding solutions to the problems of prisoners.

Speaking at the public hearing on 1st June 2011 the Chairperson of the Committee Mawlawe Ghulam Muhaidun Munsif (Kapisa) said that considering the numerous complaints made by prisoners and their families, and realizing the bureaucratic and corrupt nature of Afghanistan's judicial system, the committee members decided to conduct a public hearing. This hearing enabled Senators to hear from both, prisoners through their representatives and relevant governmental officials. "The Committee members had several site visits of prisons, detention centers and children rehabilitation centers. We received complaints from the citizens that the provision of adequate facilities for the prisoners is not guaranteed in the Constitution and Afghanistan's laws." said Mr. Munsif.

Affirming the comments from Mr. Munsif, Mr. Azizullah Ulfati (Jawzjan) informed participants at the public hearing on the committee's activities regarding the issue of prisoners, he said, "after several meetings with related government officials and families of the prisoners we found out significant problems, for instance female prisoners have particular problems, prisoners in general suffer due to lack of space and healthy food, and sometimes the delaying of justice causes prisoners to stay in prison while they have completed their terms."

H.E Habibullah Ghalib Minister of Justice in response to issues raised, said that although his ministry has done a lot to ensure the legal rights of prisoners, insufficient budget allocations made it impossible to respond to all concerns. "We know that most of the prisoners come from a criminal background, but we are conscious of their human rights and they must be provided with necessary facilities," added, Minister Ghalib.

After hearing various submissions from ministry officials, prison officials and interested persons, the chairperson of the committee Mr. Munsif concluded the hearing by summarizing the varied presentations and solutions that had been proffered. He assessed the public hearing as a successful gathering and on behalf of the commission made a commitment to follow up on the various submissions.. He further said, "The committee will invite all other related ministries who did not participate in today's hearing, I hope after collecting all problems and possible solutions we can agree on a way forward that responds to the problems of the prisoners.

Acronyms

MJ Meshrano Jirga
NA National Assembly
WJ Wolesi Jirga