

Legislative Newsletter

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NEWS:

Coalition Joins Plenary Session but Maintains Stance

After staging a 45-day boycott the Law Support Coalition (Coalition) joined the Wolesi Jirga (WJ) plenary session on 8 October and once again restated that they reject any change in the composition of the House. Welcoming back the Coalition, WJ Speaker Abdul Rauf Ibrahimimi (Kunduz) commended the heads of the provincial councils for mediating the dispute. "I am glad the heads of the provincial councils achieved their mission successfully. This is a step towards national unity," said Mr. Ibrahimimi.

At the beginning, members of the Coalition proposed that the provincial council leaders be invited to the plenary to talk on behalf of the Coalition, but Mr. Abdul Rahim Ayoubi (Kandahar) opposed the proposal. "We appreciate the role played by the provincial council leaders in mediating between the Coalition and Reformists, but bringing them into the plenary and permitting them to talk contradicts the WJ Rules of Procedure."

Contributing to the debate Mr. Mohammad Iqbal Kohstani (Kapisa) said, "I want to make it very clear that the Coalition and Reformist groups have no problems with each other. All MPs have a problem with the Independent Elections Commission (IEC)."

The head of the Coalition, Mr. Haji Abdul Zaheer Qadeer (Nangarhar), thanked Mr. Alhaj Sayed Hussain Anwari (Kabul), Ms. Shukria Barakzai (Kabul) and Mr. Ubaidullah Rameen (Baghlan) for their mediation in the dispute. "I do not agree with the people who allege that the Coalition has problems with the Reformists. The Coalition's interpretation of the Constitution is different from that of the Reformist groups. We view the IEC's decision to expel nine MPs as contradicting the Constitution. Once again I would like to state that the Coalition has not changed its position," Mr. Zaheer said. He also called upon the Reformists to support Ms. Semeen Barakzai who has been on hunger strike for almost a week now. "I call on the Reformists to stand by the Coalition to fight for her rights."

Ms. Shakiba Hashemi (Kandahar) read out the Coalition's stance in which they strongly restated their previous position. Although most Reformists walked out of the Chamber before Ms. Hashemi could read out her statement, the Coalition said it does not recognize the nine people appointed to the House as MP, but supports Ms. Semeen Barakzai and also insists on the stability of the system.

Responding to the statement, Haji Almas Zahid (Parwan) said, "This is the view of the Coalition. I respect that, but we should communicate peacefully to find solutions." Mr. Abdul Satar Khawasi (Parwan) hailed the efforts of the provincial council leaders for bringing the Coalition members back to the plenary and said, "They are the peoples' representatives; they can attend the plenary and also have the right to talk."

Dr. Abdul Zaheer, head of the Herat provincial council, thanked the speaker and MPs for giving him the chance to speak on behalf of his colleagues. “The provincial councils are interested in helping to build bridges between the people and the Parliament of Afghanistan. We have conveyed the messages of the Afghan people to parliamentarians, specifically to the members of the Coalition for consideration. The Afghan people are tired of terrorism, corruption and tribal and linguistic discrimination.” Mr. Zaheer added that the provincial councils have a number of problems, some of which could be easily rectified if the Parliament passes the Provincial Councils Bill. He appealed to the Lower House to consider and pass the Bill.

Meshrano Jirga Says President Should Appoint Barakzai as Senator

The Meshrano Jirga (MJ) plenary session on 11 October said President Hamid Karzai should appoint Ms. Semeen Barakzai as a Senator to end her weeklong hunger strike and save her life. The House expressed concern over Ms. Barakzai’s deteriorating health as a result of the strike and appointed a seven-member delegation to try to convince her to abandon her campaign. Legislators warned that Ms. Barakzai will lose her life if the government and the international community do not pay attention to her condition. Mr. Mohammad Alam Izedyar (Panjshir), First Deputy Speaker of MJ, urged Ms. Barakzai to end her strike explaining that “Islam and Sharia forbid hunger strikes”.

Although Ms. Barakzai was fighting for her rights under the Law Support Coalition (Coalition) after its disqualification by the Independent Election Commission (IEC), she opted to go on a hunger strike when the Coalition announced that it would attend Wolesi Jirga (WJ) plenary sessions. Ms. Barakzai emphasized that she would not break her fast until an independent investigation had started to consider her case. On the ninth day of her hunger strike, she read out her statement and said President Karzai, Second Vice President Qasim Fahim, WJ Speaker Abdul Rauf Ibrahimy and IEC Chairman Fazal Ahmad Manawi would be held responsible in case she died on hunger strike.

“I went along with my fellow sisters to her tent; she is in a critical condition. I suggest the Administrative Board, elders and scholars from amongst us (MJ) visit her and make her give up hunger strike. As we all know, hunger strikes are a civil movement in the West, but in Islam and Sharia, a hunger strike that leads to someone’s death is suicide and is forbidden,” Ms. Najiba Hussaini (Daikundi) told the Senators.

Confirming Ms. Hussaini’s concern, Mr. Hassan Hotak (Zabul) said, “I visited Ms. Barakzai this morning, she is gravely ill, she may slip into a coma. The MJ should contact government officials immediately so that a solution is found.” Mr. Sefatullah Haqmal (Lugar) suggested that the government should appoint Ms. Barakzai to the Senate to replace one of the absent senators. Neither Senators Sibghatullah Mujadidi nor Din Mohammad have attended any sessions since their appointment earlier this year. Dr. Zalmai Zabuli (Zabul) concurred, “Some senators will be meeting President Karzai to discuss the rocket attacks from Pakistan. We should use the meeting to suggest that the President introduce Ms. Barakzai to replace one of the absent senators.”

In a show of great compassion Mr. Daoud Assas (Zabul) said, “If there are no legal obstacles, I am prepared to step down as Senator and offer my seat to Ms. Barakzai to save her life.”

Mr. Izedyar acknowledged Mr. Assas’ offer and went on to appoint a seven-member delegation to visit Ms. Barakzai. The delegation included Mr. Hafez Abdul Qayum (Nuristan), Mr. Ihsanullah Bayat (Kabul),

Mr. Hajji Rafiullah Gul Afghan (Kabul), Ms. Shehnaz Ghousi (Heart), Ms. Bakht Bibi Rahimi (Ghazni), Mr. Ayatollah Parwani (Parwan) and Ms. Gulalai Akbari (Badakhshan).

Ms. Gulalai Akbari (Badakhshan) said Vice President Khalil's representatives and some cabinet ministers visited Ms. Barakzai in an effort to convince her to end her hunger strike to no avail. "Her health is deteriorating fast. The MJ Administrative Board should appeal directly to the President," she said.

On the same day, a group of legislators gathered in a tent outside Parliament and called upon President Karzai to open a formal investigation into Ms. Barakzai's case, or appoint her as Senator. "Someone should save her life; she will lose her life if the government does not pay attention to her condition," Ms. Wahida Safi (Langman) said.

However, Ms. Farida Kuchi (Appointee) objected to the suggestion that Ms. Barakzai be appointed to the Senate. In her view, seconding Ms. Barakzai to the Senate will set a wrong precedent as the other unseated MPs might "go on hunger strike to obtain the same status".

Mr. Hafez Abdul Qayum (Nuristan) said, "The Wolesi Jirga elections were marred with irregularities. Senators should ask President Karzai and other related organs to reconsider her case and bring her back to Parliament to save her life."

Meanwhile, Mr. Mawlawi Mahmood Danishjo (Balkh) presented a four month report of the Religious, Higher Education and Cultural Affairs Committee to the senators. He highlighted the major success during the last four months. "We had 45 committee sessions. We visited Nangarhar University, Directorate of Culture of Nangarhar, Kabul University and some private schools. The other big achievement was a draft proposal on changing the education system in Afghanistan."

Mr. Danishjo further informed MJ that in the next two years, 500 000 students will graduate, but only 100 000 will enter private and public universities. "We propose that university entry tests be conducted from Grade 6 and students should be graded into three categories. The first category of students should be sent to university for higher education, the second category to institutes of higher learning and the last category should be sent to vocational colleges."

Senator Danishjo added that his committee was working on ensuring that private schools amend their syllabi in line with the national curricula and that these schools give 35% concession to poor students to enable them to access higher education.

At the end of the session, Rafiullah Gul Afghan, Second Deputy Speaker of the MJ, informed the House that he had received a phone call from the President's chief of staff to discuss Ms. Barakzai's hunger strike. "Mr. Khuram, Chief of Staff of the President's Office said that the President welcomes the senators' suggestion to introduce Ms. Barakzai as a senator. The President is ready to introduce her as senator," he said.

Wolesi Jirga Seeks Solutions to Barakzai's Hunger Strike

On the 11th day of unseated parliamentarian Semeen Barakzai's hunger strike, the Wolesi Jirga (WJ) plenary session of 12 October called upon government to take serious measures to resolve the issue. In his statement, WJ Speaker Mr. Ibrahim said, "I have talked to the President and presented the WJ's suggestions. Based on our suggestion the President assigned Mr. Fazal Ahmad Manawee, Chairman of the

Independent Election Commission (IEC) to reopen the case and study it. Mr. Manawee paid a visit to Ms. Barakzai in her tent and informed her that the IEC is going to evaluate her case.”

Recently two members of civil society, two students and one incumbent MP, Ms. Nelufar Ibrahim (Badakhshan), have also joined Ms. Barakzai on hunger strike, and have promised that they will not back down until the government meets Ms. Barakzai’s demands. “Ms. Barakzai’s hunger strike entered its 11th day but the government and WJ have not taken serious measures to solve the issue. Let me make it clear that Ms. Nelufar Ibrahim (Badakhshan) also joined Ms. Barakzai on hunger strike to support her cause,” Mr. Watandost Khoshak (Herat) said.

A number of MPs accused some parliamentarians of encouraging Ms. Barakzai to continue her hunger strike to further their own political ends. Mr. Mirbat Khan Mangal (Paktia) said, “Ms. Barakzai’s issue has been resolved because the IEC has announced that it will evaluate Ms. Barakzai’s case. The international community and civil society should not comment further on this issue.” Concurring with Mr. Mangal, Mr. Hameedullah Tookhi (Zabul) alleged said, “Ms. Barakzai’s hunger strike has been misused and her strike is illegal.” Ms. Zaheen Karokhel (Kabul) also said that Ms. Barakzai has been forced to continue her hunger strike. “Ms. Barakzai’s life is in danger, and someone may kill her. She is forced by some elements to continue her hunger strike for their political goals,” said Ms. Karokhel.

Female MPs briefly walked out of the House protesting the alleged abuse of Ms. Barakzai’s strike for political gains. Ms. Fawzia Kofi (Badakhshan) said, “People should not consider Ms. Barakzai’s civil move political. Barakzai wants justice and her demand is to have her case evaluated. I support Ms. Barakzai as a woman not as an MP. I urge female MPs to support me and walk out from the session for 30 minutes to support Ms. Barakzai.”

During the plenary, the Speaker of the House received a phone call from President Karzai on Ms. Barakzai’s hunger strike. “The President told me that the IEC has issued a letter stating that it is going to investigate Ms. Barakzai issue. Barakzai should appoint two representatives to monitor the process of evaluation of her ballots,” Mr. Ibrahim announced after talking to President Karzai.

Ms. Shukria Barakzai (Kabul) suggested that Chairman of the IEC Mr. Manawee be prosecuted ‘for putting the country in serious turmoil’. Ms. Arian Yoon (Nangarhar) concurred adding the IEC committed fraud during parliamentary elections. “Mr. Manawee should be tried. Those who were clapping for Mr. Manawee until yesterday should not be part of the representatives of Ms. Barakzai. Those who change their stance on the issues are not serving the interests of the country,” she said.

Mr. Muhaqq (Kabul) said, “The WJ should vote on the trial of Mr. Manawee. We should send a delegation to Ms. Barakzai to see whether her stance has changed or not.”

COMMITTEE NEWS

Legislative Affairs, Judicial and Justice Commission Discusses Strengthening of Judiciary System

On 12 October, the Legislative Affairs, Judicial and Justice, Administrative Affairs and Fight against Corruption Commission of the Meshrano Jirga discussed the need to strengthen the rule of law in Afghanistan's justice and judiciary system with a delegation from the US Embassy in Kabul.

Briefing the committee members, Mr. Hans G. Klemm, US Ambassador and the coordinating director of Rule of Law and Law Enforcement in the US Embassy, thanked the commission chairperson Mr. Munsif (Kapisa) and members of the commission for affording them the opportunity to visit the MJ Legislative Affairs Commission. He also expressed his eagerness to share the planned programs for strengthening the rule of law in the country. "We think we all need strong partnership to strengthen the rule of law in the country and to combat our unique enemies – terrorists and traffickers – that we both face," Ambassador Klemm said.

He added that partnership is also important in order to assist the government to settle disputes justly, build the capacity of the country's judicial organs and assist Afghanistan's law enforcement agencies to build their capacity to combat drugs, narcotics and corruption. "We are similarly looking to sharing our experience with the government of Afghanistan in the area of the rule of law and law enforcement," Ambassador Klemm said. He added that the US embassy is working closely with the Afghan Supreme Court, law schools, prisons and the Ministry of Justice, as well as other universities to strengthen the rule of law in the country.

Deputy Chair of the Commission, Hafiz Abdul Qauom (Nuristan) accepted that the US has assisted the judicial system of the government of Afghanistan; but according to him the system still needs improvement. Senators suggested that capacity building workshops, seminars and study tours to other countries be conducted. "We also request your Excellency to provide an opportunity for this commission to visit legislative affairs commissions in different jurisdictions, such as the US, Italy, France, and most importantly to Islamic countries to learn from their experience and how they conduct their work, both legislative and oversight functions."

Azizullah Ulfatee (Jawzjan) was of the view that training should be provided to younger Afghans. "I think we should start at the university level. We should build our students' capacity and commitment to the fight against corruption and narcotics," he said.

Ms. Belqis Roshan (Farah) criticized US policies, "From the very first day when you came to Afghanistan you said that you will track down the warlords and those who violated human rights in the country. We all welcomed you hoping that you would probably bring justice but we found that you came for your own strategic objectives. You brought warlords to power . . . The people of Farah province no longer believe in your promise, and they now understand that you came for your own plans."