

Legislative Newsletter

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NEWS:

WJ Investigates Censorship of 2 Afghan Movies

The Wolesi Jirga (WJ) plenary session on 15 October assigned its Cultural Affairs Committee to investigate a Ministry of Information and Culture ban on two Afghan films – *Hamsaya* (Neighbor) and *Madrasa* (School). According to WJ Speaker H.E. Abdul Rauf Ibrahim, “If the Information and Culture Minister’s reasons for the ban are not convincing, he should be summoned to the House.”

Ms. Shenkai Zaheen Karokhel (Kabul) brought the attention of the House to the two Afghan films banned from the Kabul Film Festival. In her view, the two films depict the struggles of Afghan refugees in Iran. One of the films, *Hamsaya*, reflects the behavior of Iranian border police against Afghan refugees while the other film, *Madrasa*, portrays an Afghan girl in Iran who is not allowed to study in a state school. “The National Assembly should take measures to broadcast these two films *Madrasa* and *Hamsaya* in cinemas and local TV channels,” Ms Karokhel said.

A number of legislators believe that Afghan government officials have been requested by Iranian diplomats in Kabul to prevent the screening of these films. “Today I do not know whether I am in Kabul or Tehran. I am really concerned about Iran’s interference in Afghanistan’s affairs,” said Ms. Shukria Barakzai (Kabul). She further demanded that Iranian spies be stopped from implementing their country’s policies in Afghanistan. “I call upon the government to remove from the country of all the spies sent to destabilize Afghanistan.”

Mr. Abdul Sattar Khawasi (Parwan) said, “It is very strange that immoral films have been aired on Afghan TV channels yet the films which show real problems of the nation are banned by the government.” He also dwelt on the shelling of Afghanistan by Pakistan, saying, “We cannot blame only the Minister of Foreign Affairs for the rocket attacks, our diplomacy is very weak.”

MPs Condemn Forceful Removal of Barakzai’s Tent

Members of the Lower House condemned the Deputy Minister of Interior for forcibly removing unseated MP Ms. Semeen Barakzai from the tent outside Parliament where she held her hunger strike and taking her to hospital. According to the MPs, the Deputy Minister of Interior (MoI) used “hundreds of police and rangers” to storm Ms. Barakzai’s tent and took her and her supporters.

Addressing the Wolesi Jirga (WJ) plenary session on 15 October, Dr. Nelofer Ibrahim (Badakhshan), who was also on a hunger strike in support of Ms. Barakzai, told MPs that hundreds of police details forcibly removed Ms. Barakzai and her tent. “She was taken to hospital in an ambulance against her will. I was cuffed by police officers last night. Some MPs went to visit Ms. Barakzai in hospital but they were not allowed to see her,” She said. Ms. Ibrahim added that she and few others joined Ms. Barakzai on her

hunger strike as a woman, human being, and colleague and to nurse her. “Ms. Barakzai is an oppressed person, her health condition is critical. I want to ask the Minister of Interior what crime Ms. Barakzai committed.” Ms. Ibrahimi said.

Although the interior ministry reported that Ms. Barakzai is now in military hospital, where her health condition is also reportedly stable, MPs reacted angrily to the way she had been treated, claiming that Afghan forces must defend the borders of the country instead of launching an offensive on Ms. Barakzai’s tent. Ms. Shakiba Hashemi (Kandahar) denounced what she deemed a brutal act of the MoI. “I strongly condemn the act of the Ministry of Interior. The transition process is not yet complete and we are already witnessing brutal acts by the MoI in the country’s capital,” said Ms. Hashemi. She accused security officials of not respecting human rights. “Most of (President) Karzai’s government officials do not respect human rights. They should be identified as national traitors and must be tried immediately. They should respond to rocket attacks on Afghanistan by Pakistan,” she said.

Concurring with Ms. Hashemi, Mr. Sarwar Usmani (Farah) said, “I condemn MoI for removing the tent of Ms. Barakzai brutally and this is against the civil laws.” Responding to the MPs assertions, Speaker Ibrahimi told the House that he discussed Ms. Barakzai’s removal from her tent with the NA Security Director, General Sher Aziz Kamawal. “General Kamawal told me that four female doctors, four female nurses and 20 female police officers came to transfer Ms. Barakzai to hospital.”

However, MPs, specifically those from the Coalition for Law Support, disapproved of General Kamawal’s version of events and proposed that he be summoned to the plenary to respond to their questions. General Kamawal did not appear before the House.

Meanwhile the Meshrano Jirga also discussed the removal of Ms. Barakzai’s tent but instead of condemning, they supported the police intervention. According to them the police had a responsibility to do so because hunger strikes are not allowed in Islam. “We do not have hunger strikes in our religion and we do not want the US and UK’s democracy in our country,” said Senator Akhondzada. Senators thanked the National Assembly Security Director, General Shir Aziz Kamawal for facilitating the removal of striking MP Semeen Barakzai and her tent.

MJ Speaker H.E Fazal Hadi Muslimyar asserted that some elements wanted to gain political mileage from Ms. Barakzai’s hunger strike, “Those who perform their duties in a sincere manner should be appreciated.” Referring to some MPs’ alleged calls that Gen. Kamawal should be removed, Mr. Muslimyar said that the Security Director is appointed by President Karzai and “Parliament cannot terminate his contract”.

Wolesi Jirga Approves 1390 Budget Annex

The Wolesi Jirga’s (WJ) 15 October plenary session approved the 1390 Budget Annex (Annex) which will help unlock the deadlock with the International Monetary Fund (IMF) and the donor community over aid to Afghanistan. Before the voting, Mr. Amir Khan Yar (Nangarhar), Chairman of the WJ Commission on Finance, Budget, Public Accounts and Banking Affairs presented a brief report on the Annex. He said, “The government proposed to transfer \$51 million to the Da Afghanistan Bank to end a deadlock with IMF in order to release aid for Afghanistan . . . If we don’t pass the Budget Annex, there will be very serious consequences in the future and international donors may not support our budget.”

Afterwards, Minister of Finance Mr. Hazrat Omar Zakhilwal also briefed the House on the Annex, which he explained that it was very important and, if it is not approved, “Afghanistan will face many problems in the near future”. He added that in the last ten years Afghanistan’s development budget as a whole and half of the ordinary budget was financed by donors, but in the last three years the ordinary budget and some national development projects were financed from the internal revenues. “I would like to say that our budget and expenditures are supported by donors. Donors give their own conditions whenever they provide aid and they demand more reforms in the system. All donors have agreed to rely on the IMF reforms policy,” Mr. Zakhilwal informed the MPs.

He further explained that Afghanistan has between 40 to 45 donors and the IMF represents all of them. If Afghanistan makes some reforms in the financial system, the IMF will issue a certificate and the donors will release more aid to the Afghan government. “October is the deadline for the IMF to approve the 1390 Budget Annex and transfer \$51 million to Da Afghanistan Bank. If we do not transfer this amount, the IMF will not release \$280 million for the current year and \$1.8 billion for next year.” According to the Finance Minister, “Suspension of aid by the international community will have a negative effect on our efforts to maintain the value of our currency. The \$51 million will be given by donors to Da Afghanistan Bank indirectly in the future.”

Meshrano Jirga Discusses Border Shelling, Calls on Government to Defend Nation

The Meshrano Jirga (MJ) on 16 October expressed concern over fresh rocket attacks from Pakistan and Iran, calling upon the Afghan government to take the security of border villages seriously. “Iran fired nine rockets on Nimroz province and Pakistan fired 51 rockets on Kunar province yesterday,” said Mr. Sher Mohammad Akhondzada, proposing that the rocket attacks from the two neighbors be included on the agenda.

Mr. Haji Bahram Samkanai (Paktia) proposed that the MJ should send a delegation on a fact finding mission to the provinces under attack. “The MJ should send a delegation to the areas in Kunar and Nimroz. Iran is continuously attacking Afghanistan. The Afghan government should take serious steps in this regard otherwise Iran will occupy our border checkpoints,” he said. Offering evidence to support Mr. Samkanai’s concerns, the representative of Nimroz province Ms. Saleha Mehrzad Barakzai (Appointee) said Iran has asked Barakchee district residents to vacate the area. “Iran is always attacking Nimroz, Iran wants to usurp Barakchee village which belongs to Afghanistan. We should make serious efforts to respond to these attacks. Two weeks ago Iran sent a letter to Barakchee village telling the residents to vacate or they will attack this village. Now they have attacked the villagers with rockets,” said Ms. Mehrzad. She further alleged that Iran has direct influence on the hiring and firing of Nimroz provincial government officials and also played a key role in the 2010 Nimroz provincial parliamentary elections.

Agreeing with Ms. Mehrzad, Ms. Shahnaz Ghawsee (Herat) raised concerns about the perceived Iranian influence on Afghanistan and objected to the ban imposed on two Afghan films at the Kabul Film Festival. “Iran’s influence is beginning to interfere in our internal affairs. The Ministry of Information and Culture should lift the ban on the broadcasting for two Afghan films that reflect problems of the Afghan children in Iran,” said Ms. Ghawsee.

Mr. Hidayatullah Rahayee (Bamyan) said Iran is a dangerous enemy to Afghanistan’s culture, prosperity and sovereignty. “Iran is a more dangerous enemy compared to Russia and Pakistan. Iran claims

ownership of Afghanistan's soil. Iran sees its interests in jeopardy in Afghanistan, that is why she sends the Taliban and suicide bombers to Afghanistan," said Mr. Rahayee. According to him, "Iran not only physically invaded our country but has infiltrated our religious values and culture." He called on the Afghan government to take serious measures against Iran.

Mr. Abdul Hanan Haqwayoon (Paktia) castigated Afghanistan's neighbors for continually interfering in its military, cultural and political affairs. "(President) Karzai should not call for a traditional Loya Jirga on the issue of strategic partnership between Afghanistan and the US. Instead he should convene a Loya Jirga to proclaim war against Iran and Pakistan," said Mr. Haqwayoon.

A number of Senators blamed the international community for not adequately equipping the Afghan National Police (ANP) and Afghan National Army (ANA) to guard Afghanistan's territory. "The international community should equip the ANP and ANA with light and heavy weaponry. Our neighbors have atomic weapons and we do not have even a rocket. We cannot win the war with empty hands," Mr. Gul Ahmad Azami said.

Ms. Taiba Zahedi (Herat) questioned the presence of the US forces alongside those from 46 other countries when they have failed to secure the country. "What is the advantage of having US forces in Afghanistan? Pakistan and Iran are fighting the US, not Afghans," he said. Mrs. Belqis Roshan (Farah) concurred adding; "Iran and Pakistan will continue their attacks on Afghanistan until our international friends leave. On the other hand the Iranian government is sending boxes full of cash to the Presidential palace. So how can the Afghan government take serious actions against Iran?"

Kunar province representative Mr. Rafiullah Haidari laid the blame on Afghanistan, saying that Iran would not have attacked Afghanistan if Afghans had reacted strongly against attacks by Pakistan. According to him some "emotional steps" of the Afghan government have impacted negatively on Afghanistan. "The strategic partnership with the US and India has caused civilian casualties in Afghanistan. And so have pronouncements by the US that they will leave Afghanistan by 2014. Pakistan does not take any action against the Haqqani network," said Mr. Haidari. Echoing Mr. Haidari, Mr. Mohammad Hassan Hotak (Zabul) said that the presence of NATO and ISAF forces in Afghanistan was responsible for the attacks on the country by the two neighbors. "Iran is supporting the Taliban financially and logistically. The Afghan government, with support from NATO and ISAF, should resolve the clashes with neighboring countries," he said. He went on to criticize local and international companies, including PRTs, that have not yet done any fundamental work to create jobs for Afghan youth.

MJ First Deputy Speaker Mr. Izedyar briefed the House on the progress made since last week regarding the rocket attacks on Afghanistan. He said, "We are in contact with President Karzai's office in order to meet him concerning the rocket attacks. A NATO civilian representative will come to Parliament tomorrow to update the Senators about the rocket attacks. We have drafted a letter to the Security Council and when it is translated it will be sent to the UN Security Council."

Concluding the session, Speaker Muslimyar said, "We condemn the apparent interference and rocket attacks of Iran and Pakistan. We urge the government to defend the country; the Afghan nation has defeated Britain and Russia before and we can defeat the attackers as well now."

Meanwhile, representatives of Kunar province in the Wolesi Jirga also expressed their concern over the cross-border attacks. During the 15 October plenary session, they claimed that Afghan security forces are ready to respond but the American forces will not let them do so. "Mr. Zalmai, commander of frontiers

police, wanted to respond against Pakistan's missile attacks accordingly, but the Americans prevented them (Afghan forces) from taking any action." Mr. Shahzada Shahed (Kunar) said. He further added that the government, National Assembly, religious scholars and tribes should have a joint meeting to adopt a strategy against these attacks and make a joint decision.

Meshrano Jirga Slams Delays in Conveying Electricity to Nangarhar Province

During their 18 October plenary session, Senators in the Meshrano Jirga expressed concern over delays in providing electricity to Nangarhar province and called on responsible authorities to ensure security of the electricity poles. Presenting his report to legislators, MJ Speaker H.E Fazal Hadi Muslimyar said that residents of Nangarhar faced a critical situation during the summer heat but the Ministry of Water and Energy has been unable to provide them with electricity. "One of the problems the province faces is a shortage of electricity. According to the elders of the province, the central government is yet to honor its promise to provide them with electricity," said Mr. Muslimyar.

The supply of electricity in Nangarhar province is small in terms of customers and electrical load. In the past few years the residents of the region have only received energy for a few hours after every third day. According to the legislators, the residents in that province have been waiting for years to get electricity supplied from the Naghlo Dam, but security issues have resulted in ongoing delays. Speaker Muslimyar, who also represents Nangarhar, added that the province is important for security reasons, explaining that the Taliban have disrupted work on setting up the grid to draw electricity from Kabul. "The residents are asking the Afghan National Army and the Afghan National Police to secure the area until the completion of the project. The elders also requested the government to start work on Kunar Dam and build canals to improve agricultural output."

Contributing to the discussion, Ms. Anarkali Hunaryar (Appointee) said, "Electricity is the main problem for Nangarhar inhabitants. The government should pay serious attention to this issue. When we visited the Nangarhar jail, prisoners complained of the lack of electricity." Mr. Rafiullah Haidari (Kunar) weighed in, saying; "We do not know how many more years it will also take to convey electricity to Jalalabad. How long should residents wait for energy?"

According to the Senators, the Darunta hydropower plant is not the only source of power for Jalalabad. There is also Kunar River, but due to interference by some neighboring countries, the government has failed to construct dams and solve this problem. "Why has Kunar Dam not been constructed when Pakistan is claiming partnership in Kunar River water?" Mr. Noor Mohammad Kafeel (Kapisa) asked.

Responding to the Senator's question, Mr. Muslimyar said he is not aware of the problems with Pakistan regarding the Kunar Dam project. He, however, strongly criticized the Minister of Water and Energy, Mr. Ismail Khan, for not providing electricity to Nangarhar on time. Referring to Mr. Khan as a "traitor", Mr. Muslimyar said the minister has failed to serve the Nangarhar people.

Mr. Hajji Khan Mohammad Khagi (Paktia) said, "Ismail Khan does not have the capacity to be Minister of Energy and water. He is biased against the Pashtuns, which is why he has done nothing in Pashtun areas and provinces. He should resign." However, Ms. Tayeba Zahedi (Appointee) disagreed with Mr. Khagi, saying, "Mr. Khan is our leader and Sharia forbids talking behind someone's back. Please summon him to

the Senate and then raise your concerns to him. He may also have reasons for not implementing projects in the southern provinces.”

Linking the lack of electricity to insurgency activities, Mr. Mukaram Khan Nasiri (Laghman) told the Afghanistan Parliamentary Assistance Program in an interview that Nangarhar is a growing city where lack of electrical power can result in an increase in the number of Taliban militants. “Nangarhar is considered relatively safe. However, if there is no power, there will be no jobs, leaving the residents with only two options: to go to other countries for employment or join the Taliban,” he said.

Concluding the session, Mr. Muslimyar said that the Minister of Water and Energy, Deputy Minister of Interior and Chief of Army Staff should be summoned to address senators’ concerns accordingly.

MPs Show Willingness to Attend Traditional Loya Jirga

Lower House Wolesi Jirga (WJ) Speaker H.E Abdul Rauf Ibrahimi informed the 19 October plenary that, contrary to their previous stance, 100 MPs have agreed to attend the Traditional Loya Jirga (TLJ). The TLJ is set to be convened in November to discuss, among other issues, the US-Afghanistan Strategic Partnership.

When tensions arose between the Legislature, the Executive and the Judiciary over the Special Election Court (SEC), MPs released three resolutions: 1) the SEC to be illegal; 2) a no-confidence vote concerning the Attorney General, five Supreme Court judges and the Chief Justice; and 3) MP would not attend the proposed TLJ. Legislators had declared that the TLJ has no legal basis, thus they will not participate in it and will query its budget.

Mr. Urfanullah Irfan (Kabul) called on the WJ’s leadership to implement the resolutions passed by the House, which he said is one of the most important issues for the prestige of the Lower House. “Members of the Supreme Court have continued to hold on to their jobs, despite the vote of no confidence passed concerning them. The Constitution and resolutions of the Lower House deem their acts illegal,” Mr. Irfan added. Echoing Irfan, Mr. Mohammad Aref Rahmani (Ghazni) criticized the MPs who registered to attend the TLJ. According to him, “Reneging on their resolution to attend the Jirga will hurt the MPs’ reputation.”

Some of the MPs were of the view that traditional jirgas were an unnecessary expense for a poor country like Afghanistan whose national budget depends on external sources. “Last year the Afghan government spent a lot of money convening a consultative peace jirga. We all thought that after that jirga we would have peace, but we are still witnessing Pakistan’s missile attacks on our soil and the havens for terrorists have been identified in Pakistan,” Ms. Shakiba Hashemi (Kandahar) said.

However, MPs argued that in the past few months the legislators had done nothing much other than protest and set up tents outside Parliament’s premises. They encouraged the MPs to stick to national, rather than personal, interests. “I think that the TLJ can respond to security and other ongoing problems of Afghanistan. I call upon MPs to be guided by national interests and not personal interests,” said Mr. Abdul Rahim Ayoubi (Kandahar).

Responding to the criticism on the House leadership administrative board, Speaker Ibrahimi confirmed voting against the proposed TLJ, which he claimed contravened the Constitution. He blamed those MPs who declared that the TLJ is an illegal and unconstitutional act and but have now filled in forms for participation. “We also agreed that members of the Lower House will not attend the Traditional Loya Jirga. We all agreed on this, but some 100 MPs have expressed interest to attend it. . . . Please tell me who does not respect the resolutions of the WJ? Is it the administrative board or the MPs themselves?”

Committee News

MJ International Affairs Committee Discusses Istanbul and Second Bonn Conferences

The Meshrano Jirga's International Affairs Committee on 17 October discussed the upcoming Istanbul and Second Bonn Conference and their implications on the security, economic and political situation of Afghanistan. Senator Ihsanullah Bayat (Appointee) stated that the second Bonn Conference will not have any fundamental success for Afghanistan. "The Bonn Conference will mostly discuss the success stories and achievements of the First Bonn Conference, and will suggest the way forward on the shortcomings."

The Second Bonn Conference is expected to be held in Germany at the beginning of December 2011. Ten years back, after the fall of the Taliban, Bonn hosted the first international conference on Afghanistan and this year the German city will host another conference where Afghanistan's problems and the way forward will be discussed. According to the Afghan Ministry of Foreign Affairs, at this conference Afghanistan will advance a specific agenda and new proposals for the international community.

Senator Humaira Neamati (Balkh) comment on rumors that the US will bring a third force such as "Hezbe Islami (Hikmatyar) or the Taliban" as participants to the Second Bonn Conference. She commented, "The assassination of Professor Rabani and President Hamid Karzai's speech indicates that they will not participate."

Senators also sought clarification on the Istanbul Conference, which they said was left on the sidelines of the 2011 UN General Assembly by the foreign ministers and representatives of 27 countries including the US, China, India and Afghanistan. Considered as a forerunner to the Second Bonn Conference, the Istanbul Conference will see regional states try to find ways of bringing peace and prosperity to the region, especially Afghanistan through expansion of trade and cooperation. They are expected to work out a broad-based strategy of reviving the New Silk Road.

The committee decided that the Foreign Minister should be summoned to the next session to brief the House on both the Bonn and Istanbul conferences.

Wolesi Jirga Cultural Affairs Committee Grills Minister on Afghan Films Ban

The Wolesi Jirga's (WJ) Religious, Cultural Affairs, Education and Higher Education Committee invited Information and Culture Minister Makhdom Raheen to answer MPs' questions regarding the recent ban of two Afghan films.

Last week, the media carried reports and an interview of an Afghan film director, Asad Sekandar, who claimed that his two films, *Hamsaya* (Neighbor) and *Madrasa* (School) – were banned during a film festival in Kabul. Sekandar alleged that Iranians were behind the issue because his films reflect real stories of Afghan refugees in Iran.

In their previous plenary session the MPs criticized the Ministry of Information and Culture responding to Iranian interests and tasked the Cultural Affairs Committee to find out why these Afghan movies were banned while "immoral" soap operas are continually screened on private television channels.

At the beginning of the session Mr. Mohammad Ali Akhlaqi (Ghazni) requested the reasons behind the ban. "Did the films contain anything that could be deemed harmful or offensive to our neighboring country?" he asked.

Mr. Abdul Wadood Payman (Kunduz) expressed dissatisfaction in the manner in which some Muslim countries regarded Afghans. He accused the Iranians of claiming good "neighborliness and Islamic brotherhood" yet in practice they treat Afghans very badly. "If a person migrates to the US, after a few years they can be allowed to vote and get all the benefits and privileges full citizens, but Saudi Arabia, Iran and Pakistan do not behave the same," said Mr. Payman He also criticized some private television stations for airing "vulgar" programs which he referred to as "inappropriate" for family viewing. "Private television stations are violating the law on media by screening dramas, films and songs which are not compatible with our culture and Islamic values. As a citizen of this country, I am ashamed to watch such TV programs in my home with my family, so I request the media to align their programs to the nature and values of this country," he said.

Mr. Khawasi (Parwan) also added his voice to those criticizing the private television channels. According to him, "These TV channels are leading this country to violence, immorality and destruction by telecasting immoral programs and extreme nudity." He explained that these films reflect the pain and suffering of Afghan immigrants in Iran. He said that the Iranians are disregarding and trampling on the values of good neighborliness and Islamic brotherhood. "These films must be screened tonight on all TV stations," Mr. Khawasi demanded.

Mr. Khalil Ahmad Shahidzada (Herat) acknowledged the role of the media in shaping public awareness, but also criticized some of the sensitive programs that are not compatible with Afghan culture and Islamic values. According to him the Constitution clearly states that no law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan, therefore any films depicting anything deemed contrary to Islamic morals shall be banned. "I told President Karzai that freedom of speech cannot be limitless, but should recognize the rights of others and not disregard the values and norms of the society," Mr. Shahidzada said.

The Minister of Information and Culture refused issuing any order to ban the two films, saying; "I did not issue any order to ban the mentioned films and I don't where this rumor came from." He added that the Afghan Film Company initially screened the two films in the presence of his advisor and he did not notice anything that could cause the banning of the films from public screening.

The MPs and the Minister of Information and Culture agreed that the film named *Madrassa* can be screened on all television stations without any censorship.