



# Legislative Newsletter

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## NEWS:

### **National Assembly Criticizes Foreign Forces over Kandahar Shooting**

The Afghan National Assembly this week criticized foreign forces following the killing of 16 civilians by an American soldier in Kandahar. Lower House Speaker Mr. Abdul Rauf Ibrahimy (Kunduz) led the barrage of criticism when he prematurely ended the Wolesi Jirga's 12 March plenary session in protest over the incident, which took place on 11 March. Some incensed MPs called for the public trial of the soldier under Afghan law while others proposed that Afghanistan pulls out of the Strategic Partnership Agreement with the US.

Ms. Bebe Hameeda Youssef (Kandahar) said the American soldier entered civilian homes and killed poor women, children and old men. "When will such crimes end? NATO says a soldier with a mental breakdown did this brutal act, why did America send their psycho to Afghanistan? We decided at the Traditional Consultative Jirga that NATO and ISAF should end their night raids . . . Americans have overstepped the limits. I am not against the Strategic Agreement between Afghanistan and the United States but at least Americans should know their limits," said Ms. Youssef. She also called on President Karzai to take serious action instead of just condemning incidents.

"I strongly condemn the barbaric action of the American soldier in Kandahar province yesterday. Signing the Strategic Partnership agreement with the United States would give American soldiers immunity," said Mr. Nasrullah Sadiqzada Neeli (Daikundi).

In his contribution, Mr. Mohammad Naem Lalai Hameedzai (Kandahar) offered his condolences to the families of victims. "President Karzai and his two vice presidents are not honest; they merely condemn barbaric actions of NATO forces. They should take serious steps to address this problem. Killing of innocent people by American psychos is a mere conspiracy. President Karzai and his two vice presidents should resign if they cannot manage the situation. We should also close the doors of parliament to condemn incidents such as these," said Mr. Hameedzai.

Mr. Mullah Sayed Mohammad Akhondzada (Kandahar) said contrary to media reports 6 American soldiers were involved in the massacre. He said the people of Kandahar will demonstrate and block the Kandahar highway and "do whatever we can against the Americans".

Mr. Hameedullah Tukhi (Zabul) said, "The recent barbaric act by an American soldier is totally different from other incidents. This soldier walked around 3-5km and killed innocent people. An official delegation should go to Kandahar to find out how many Americans were involved in this case. Following that the criminals should be tried in Afghanistan." He also suggested that MPs should protest against this incident.

Mr. Saleh Mohammad Saljoqi (Herat) read out a statement by the Wolesi Jirga (WJ) condemning the shooting incident, which said in part:

“The Lower House of the Afghan Parliament seriously condemns this brutality and is deeply concerned by it. The Lower House wishes paradise for the martyrs and extends its sorrows and condolences to their families at this very difficult time. . . . The people of Afghanistan have reached a point where they would not tolerate such actions anymore. Thus, the people of Afghanistan want the US government to take serious actions against the perpetrators of this brutality and publicly prosecute them to ensure such actions are not repeated in future

Subsequently, Mr. Abdul Rauf Ibrahim (Kunduz) tasked the Justice and Judiciary Committee as well as Internal Security Committee with investigating this incident. Speaker Ibrahim then ended the session prematurely in protest.

Meanwhile, the Upper House also concluded its 13 March plenary session early in protest over the Kandahar incident. Some members of the MJ proposed that legislation be enacted to control operations of foreign forces, protect Afghan citizens from foreign forces and bring to book those guilty of killing innocent civilians.

Senator Rona Tareen (Appointee) said, “This is not the first time that foreign forces have killed civilians. They have killed civilians on many occasions and we (senators) have remained witnesses. The president should take this issue seriously . . . . The perpetrators of this incident should not be forgiven; they should be tried under Afghan law.”

Contributing to the debate, Senator Amanullah Azeemi (Uruzgan) said, “My heart is bleeding for the people of Kandahar . . . . Allah (God) will take us to account for this incident. What would we tell Allah? I met a NATO commander in a meeting recently and asked him if killing children is in their constitution . . . . I told him NATO would, like Russians, be defeated in Afghanistan.” He suggested an early conclusion of the session in protest over the incident.

Appointed Senator Mr. Nesar Ahmad Harris also offered his condolences to the families of victims. “The Reform and Justice Parliamentary Group demands that the government investigates this issue seriously and not rely on information provided by delegations to Kandahar province. The perpetrators of the incident should be tried in line with Afghanistan laws and the government should pay compensation to the families of victims in line with international standards,” he said. Mr. Harris further questioned the legitimacy of foreign troops in Afghanistan and called on both Houses of the NA to come up with new legislation to control the activities of the foreign forces.

Senator. Anarkali Hunaryar (Appointee) said the incident was a human rights violation and perpetrators should be prosecuted to deter others from doing the same.

### **Kandahar Governor Snubs Upper House**

Kandahar governor Mr. Toryalai Weesa snubbed an invitation to the Upper House plenary on 11 March. This was the second time in a week that the governor has failed to appear before the Meshrano Jirga (MJ). Mr. Weesa was first invited to the plenary last week but chose not to attend the session. He did not offer an excuse for the failure to attend, prompting members to re-invite him to Saturday’s plenary, which again he

did not attend. The Independent Directorate of Local Governance (IDLG) director Mr. Farahi also did not heed Senators' summons to the same plenary session.

The two were summoned to the NA to explain circumstances surrounding a visit to Kandahar by a man pretending to be a senator. The phony senator was afforded a tour of provincial specified areas by the governor and took pictures and a video. "Unfortunately both the Kandahar governor and IDLG Director did not attend today's session. They consider themselves to be above the law," said Speaker Fazel Hadi Muslimyar (Nangahar) in his opening remarks.

Mr. Zalmi Zabuli (Zabul) raised his red card to draw members' attention to a report in a local daily newspaper, *Milli Bawar*, about Kandahar governor Mr. Weesa. "Mr. Weesa and Karzai's brother usurped 1 000 acres of Kandahar University land and illegally sold it to a Kandahar businessman. Mr. Weesa allegedly embezzled US\$50 million donated by Canadian forces towards construction of Gadawa Dam in Kandahar. The Kandahar governor is a spy for the Canadians," said Mr. Zabuli.

"If the Kandahar governor is not a traitor, he would come to the MJ to refute all allegations leveled against him. He is afraid of the MJ. He thinks coming to the Upper House would reveal his treasonous actions . . . The Canadian government threatened Afghan authorities that they would withdraw aid if Mr. Weesa is removed from his position," said Mr. Nesar Ahmad Harris (Appointee). He further suggested that the MJ should demand that the president removes Mr. Weesa from his post as governor, adding that the MJ should caution the IDLG Director as well.

Farah provincial senator, Mr. Gul Ahmad Azami also castigated the Kandahar governor for not attending the MJ plenary session. He said failure by the governor to appear before members is a clear indication that he is incapable of advocating for the people of Kandahar.

Adding his voice in criticizing the Kandahar governor for not coming to the MJ plenary sessions, Mr. Daoud Assas (Zabul) said the Ministers of Interior, Defense and IDLG Head have consistently refused to attend MJ committee sessions. "They have no respect for the nation's representatives," he said.

Mr. Hafez Abdul Qayoum (Nuristan) said, "The Kandahar governor is not a well known figure. He disclosed public secrets to a person pretending to be a senator. He should be tried as a national traitor. The governor violated the constitution by not attending the MJ session." Mr. Khaleqdad Balaghi (Kabul) added that failure by the Kandahar governor to attend MJ sessions is evidence of how prominent people are violating the law with no one taking them to account. Mr. Hedayatullah Rehayee (Bamyan) said, "The House should summon the IDLG director to explain to members reasons behind Mr. Weesa's failure to attend MJ plenary sessions. Kandahar, Nangarhar and Balkh governors have all failed to attend Upper House sessions."

Mr. Mohammad Amin Safi, (Kunar) said, "The House should discuss issues relating to the Kandahar governor with the president. The government signed agreements with India, Italy and U.K; I don't know why there are delays in signing the agreement with the US. What does the US want from us?" Mr. Basheer Samim (Badakhshan) agreed and said, "The House should talk to the president about the problems of the MJ with the director of IDLG.

Concluding the discussion, Speaker Muslimyar said Mr. Weesa would be indicted as a national traitor because he disclosed national secrets to an unknown person.

## **COMMITTEE NEWS**

### **MJ's Security Affairs Committee Summons National Security Directorate Officials**

The Meshrano Jirga's Internal Security and Defense Affairs Committee invited the First Deputy of the General Directorate of National Security (DNS), General Hassamudin, and Colonel Fazlullah, who is Advisor to the DNS, to its 12 March meeting to respond to the committee's concerns regarding involvement of the DNS on the security of the High Peace Council (HPC).

Opening the meeting, Committee Chairman Senator Mohammad Amin Safi reminded the house that the HPC was established to handle negotiations with opposition groups based on the Afghan government's policy of reconciliation with the opposition (Taliban) through a political process and negotiations. "Unfortunately, those opposed to the peace process assassinated the head of the HPC a couple of months ago. The incident affected the people's confidence in the national security forces and particularly the abilities of the DNS. It is against this background that the committee sought an update on the measures the DNS had put in place to protect and coordinate the peace process."

General Hassamudin said that when the HPC was established, the DNS requested the leadership of the HPC for cooperation to ensure protection of the peace process as well as the commission. According to him, the HPC was requested to provide names of the opposition's representatives in the negotiations and allow the DNS to carry out their background check and provide the committee with intelligence information about them before they meet the committee for negotiations. Unfortunately, the DNS did not receive positive response from the HPC and the assassination of the head of the commission happened as a result of lack of coordination with the DNS. "I would also like to mention that due to the high political position of the Head of the Peace Council and sensitive political issues, the DNS was unable to provide intelligence services and security to the Peace Council and they also kept their engagements and negotiations with the Taliban secret," said General Hassamudin.

He also added that after the assassination the DNS managed to arrest some suspects and is still trying to convince the top officials of the HPC to allow the DNS to provide them with security. "As the national intelligence service provider we have security measures in place to protect the peace process as well as the HPC, but an official protocol with the Peace Council will give us more freedom in our work," he said.

Regarding the appointment of senior officials and staffing to the DNS, General Hassamudin said that the priority is to have the DNS free of corruption, hence the most eligible and honest people are appointed to key positions. "In regard to the staffing of the DNS I would like to mention that the recruitment is a long process involving complex investigation and background checks after which the recruits get short term and long term training," said General Hassamudin. He also requested the committee to support the DNS' efforts to establish an effective intelligence service.

Committee members considered the DNS officials' information satisfactory.

### **Wolesi Jirga Women's Affairs Committee Summons Three Government Officials**

Mr. Ahmad Wahid Shekib, (Tashkil Director of Administrative Affairs in the office of the president), Mr. Abdul Muneer Miherwar, (Ministry of Higher Education Policy and Planning Director) and Mr. Assadullah, (Ministry of Higher Education Finance and Administration Director) on 11 March attended the Wolesi Jirga's Women Affairs, Civil Society and Human Rights Committee meeting. The committee

summoned the three to explain gender considerations of their units' 1391 budget and percentage of direct and indirect female beneficiaries in their programs and projects in the budget. The committee had also invited representatives of the ministries of Education, Women Affairs, Labor, Social, Martyrs and the Disabled but they failed to attend the meeting and the MPs said they would take serious action over their failure to turn up.

Opening the meeting, committee chair Mrs. Fawzia Kofi (Badakhshan) welcomed the government officials and stressed the committee's concern about the gender issues in the 1391 budget. She pointed out that most of the ministries did not specify the projects and programs they had planned for women. "The Women Affairs Committee based on our goals and objectives would like a briefing on the exact percentage of projects and programs that are allocated for the women. The committee will then be able to conduct regular oversight on these projects," said Mrs. Kofi.

Mr. Meherwar stated that the Higher Education Ministry had proposed around 20 projects for women but the Ministry of Finance rejected those projects. "Therefore the Ministry of Higher Education asked donors to fund these projects. Fortunately, JICA promised US\$5 million for 3 projects and we are in the process of finalizing the financial documentation so that we receive the full payment," said Mr. Meherwar. He also listed the following projects for women that the Higher Education Ministry has implemented with donor funds:

1. Since 1389 the Ministry of Higher Education gave extra privilege to the concord examination (University Entry exam) and scholarships to encourage girls in higher education
2. A capacity building project for women in higher education has been designed and 80% of women will benefit directly.
3. The ministry developed a Higher Education Plan to establish higher education institutes as university annexes in all provinces
4. The ministry will establish and equip girls' dormitories in Badakhshan, Laghman and Paktia
5. Establish a Gender Unit in the ministry
6. Establish a mechanism to encourage girls in scholarships
7. Establish a policy to increase numbers of girls in higher education.

He mentioned that in the national budget the Ministry of Higher Education did not specify a separate budget for gender but it does not mean that women are excluded from development projects and programs.

In his presentation, Mr. Shakeb the Directorate of Tashkil Administrative Affairs in the President's Office pointed out the milestones that show progress in gender issues in Afghanistan since 1381.

1. Increased numbers of women in government after the Taliban Government to 18%
2. Established Ministry of Women Affairs to make policies for the other ministries on women issues
3. Established gender units in all government organizations, based on NDS
4. Established units to monitor the shelters run by NGOs, based on NAPWA goals and objectives.
5. Set a mechanism to give high priority to women in job opportunities

He also mentioned that government is in the process of increasing numbers of women in all sectors but needs time to promote the awareness of families to allow their daughters to go to higher education and to encourage them to work after graduation. Mr. Shakeb proposed amendment of the Civil Service Law to raise the proportion of women considered in job opportunities.

Concluding the discussion, committee members requested the Ministry of Higher Education to indicate two major projects that the commission should earmark for regular oversight. They also asked the Higher Education Ministry to finalize the policy on numbers of girls in higher education and share the details of its outsourced budget with the commission by the end of the week.

The committee further rejected the budget bill, saying gender allocations are not clear, so the ministries must clarify this in the next document. They also asked the Ministry of Finance to remove the Kabul Bank loan issue from the national budget, saying Kabul Bank and Bakhter Bank charge the government 500 million Afs per year for government salaries. They proposed that the salaries be processed through national banks. The committee said the Ministry of Education must indicate the numbers of female and male teachers in each district and the Ministry of Health must establish an additional hospital for women in all provinces.