



Legislative Newsletter

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NEWS:

Meshrano Jirga Mourns Senator Maulawee Arsalan Rahmani

Members of the Meshrano Jirga (MJ) on 13 May mourned Senator Maulawee Arsalan Rahmani who was shot and killed by unknown assailants on his way to the Upper House plenary session. The late Senator was Reforms and Justice Parliamentary Group Chairman and High Peace Council Member.

Addressing the plenary, MJ Speaker Fazel Hadi Muslimyar (Nangarhar) said; “Mr. Rahmani was shot dead when he was heading to the MJ session this morning. Some Senators and I will go and make arrangements for his funeral.” Mr. Muslimyar further paid his condolences to the deceased’s family.

Mr. Mahmood Danishjo (Balkh) said the assassination of Mr. Rahmani had created a huge void in the National Assembly and among the people of Afghanistan. “Mr. Rahmani was a kind, wise and religious person,” he said.

Mr. Abdul Wahab Irfan (Takhar) said, “I suggest we suspend today’s business to honor one of our own.” Concurring, Mr. Mohammad Alam Izedyar (Panjshir) stated that the day’s agenda be postponed to next Tuesday. “We lost a kind and sympathetic person. His assassination is a big blow to peace talks and government as it comes right on the heels of the assassination of Mr. Rabbani,” said Mr. Izedyar.

Meanwhile, Senators on 15 May expressed disappointment at the security organs’ failure to thoroughly investigate Mr. Rahmani’s assassination. An ad-hoc committee was subsequently tasked with investigating the incident and report back to the plenary. “This is a very sensitive time for the Meshrano Jirga. Mr. Rahmani was assassinated a few days ago. He was a national figure and no one has properly investigated why he was assassinated. His death is important. We do not know if Al-Qaeda or the Taliban killed him. The House should form a joint committee to investigate the assassination of Mr. Rahmani,” said Mr. Mahmood Danishjo (Balkh)

In his contribution, Mr. Hedayatullah Rehayee (Bamyan) appeared to blame Iran for Mr. Rahmani’s assassination. “The assassination of Mr. Rahmani remains a mystery. The security organs did not pay any attention to this issue. We should include the assassination on the agenda. Iran gave the Haqqani Network in Nimroz province hundreds of motorcycles and pistols equipped with silencers,” said Mr. Rehayee.

Later, Mr. Salahuddin Rabbani, Head of the High Peace Council, members of the High Peace Council and Mr. Rahmani’s family entered the plenary gallery for a requiem. Mr. Salahuddin Rabbani said, “The enemies think the peace process will be interrupted by assassination of key figures of Afghanistan. Of course Mr. Rahmani’s assassination is a huge loss for the peace process but our enemies will not be successful in their intention to derail the peace process. The Afghan nation wants peace. The Afghan people will not surrender to terrorism.” He added that the assassinating of key figures actually accelerates the peace efforts. Mr. Rabbani hailed the Senators’ gesture of affording Mr. Rahmani’s family an

opportunity to hold prayers in the gallery.

Mr. Abdul Hakeem Mujahed, Afghanistan's Ambassador to the United Nations during the Taliban era, thanked the MJ for inviting the High Peace Council members to pray for Senators. He said, "Mr. Rahmani was a social, religious and national intellectual. He trained thousands of students and played an active role in the Jihad against the USSR. He worked hard to unite the Jihad groups and end the civil war. He fought for peace. He is a national hero. At the time of his death, he was advocating for the release of political detainees in a bid to bring peace to this country. No-one will ever be able to fill his place."

"The Taliban has denied playing a role in the assassination of Mr. Rahmani. However, a group called Mullah Dadullah claimed responsibility. The Taliban has changed its tactics and now targets civilians. I urge the security organs to monitor our enemies' movements," said Mr. Ali Akbar Jamshedi (Daikundi). He added that the enemy was targeting people like Mr. Rahmani to destroy Afghanistan's political system.

Concluding the discussion, Mr. Muslimyar said; "Unlike the Taliban, we are motivated by desire to promote and improve ourselves, earn better salaries, provide for our children and so on. We should not allow emotions to sway our attention from what we set out to achieve." An ad-hoc committee was subsequently tasked with investigating the incident and report back to the plenary.

Wolesi Jirga Discusses the Internal Rules

The Wolesi Jirga on 14 May discussed amendments to the Lower House's Internal Rules of Procedure. The Legislative Affairs Committee has convened several joint committee sessions to consider proposals on possible amendments to the rules. The rules were presented to a plenary session in March but the Lower House failed to decide due to lack of quorum and disagreements. This prompted Mr. Qadir (Nangahar) to refer the rules back to the Legislative Affairs Committee for further discussion.

Presenting the rules, Legislative Affairs Committee Chairman Mr. Qazi Nazir Ahmad Hanafi (Herat) informed members that a joint committee convened to consider proposed amendments added a paragraph to Article 13 of the rules to give the Speaker powers to award secretariat staff who excelled in their jobs financial incentives.

"The Legislative Affairs Committee also moved for a change of dates of legislative sessions from first of Asad to 15th of Sunbullah (22 July-05 Sep) and first of Dalwa to 15th of Hut (20 January-05 March). This change is necessitated by changes in the fiscal year," said Mr. Hanafi. He added that Disabled, Martyrs and Widows Committee representative in the joint committee, Mr. Ramazan Bashardost (Kabul) insisted on amending Article 8 to allow for a public vote in Speaker elections, when confirming cabinet nominees and or passing a vote of confidence on sitting ministers. "Mr. Bashardost maintained that constituents have a right to know who their representatives vote for in administrative board and public officials' elections. The plenary should decide whether or not to adopt Mr. Bashardost's proposal," said Mr. Hanafi.

Mr. Assadullah Sahadati (Daikundi) expressed skepticism on proposals to amend Article 11 of the rules. The Article provides that members of the Administrative Board can only be removed from their positions "by the proposal of one-third and approval of two-thirds of all the members of the Jirga and after the final decision of a competent court in the following circumstances: 1. Commission of treason, 2. Commission of crimes against humanity, 3. Suffering from an incurable disease that prevents the performance of his/her duties."

Mr. Mohammad Noor Akbari (Daikundi), Ms. Shukria Barakzai (Kabul) and Mr. Sherwali Wardak (Kabul), however, argued that the Speaker is elected for a five-year term and can only be removed on condition of an anticipated removal of the President of Afghanistan to allow for better management of the session.

Concurring, Mr. Mohammad Saleh Saljoqi (Herat) said any Admin Board member who commits treason, crimes against humanity or suffers from an incurable disease that prevents him from executing his duties should not only be removed from the Admin Board but should also lose their membership of Parliament. Mr. Ramazan Bashardost (Kabul) agreed, adding, “Admin Board members should not only be removed after commission of one of the three conditions set out in the rules but also if they fail to manage sessions or execute their duties.”

Mr. Mohammad Muhaqeq (Kabul) cautioned members against relaxing conditions for the removal of the Speaker, saying this would pave the way for the President to remove the Speaker for menial reasons. In his contribution to the discussion, Mr. Sediq Ahmad Usmanee (Parwan) said the Speaker should be removed by the proposal of one-third and approval of the two-thirds of all members based on the three conditions set forth in Article 11.

Mr. Sayed Hussain Alamee Balkhi (Kabul) said; “There is contradiction between Article 106 of the Constitution and Article 67 of the Lower House rules. This issue should be sent to the Independent Commission of Oversight and Implementation of the Constitution (ICOIC) for interpretation.” Mr. Abdul Qayum Sajadee (Ghazni) concurred adding that the two articles should be explained before MPs continue discussing the rules.

On proposals by some members that Wolesi Jirga sessions run from 8am to 12pm, Mr. Bashardost said; “MPs should work from 8:00am to 12:00pm and from 2:00pm to 4:00pm. Civil servants work from 8:00am to 4:00pm and their salaries are just AFN4 000. It is not fair that MPs who only put in two hours of work earn more than the civil servants.”

Members also considered amending Article 25 of the rules to provide for the election of the committee chairpersons at the start of each legislative year in plenary sessions. Currently, the heads are elected on the first sitting of the committee for a year.

Subsequently, Speaker Ibrahimi informed members that the Admin Board would send Article 106 of the Constitution for interpretation but the majority of the members in the gallery opposed the suggestion arguing such a move would undermine the autonomy of the Lower House. Discussion of the rules would continue when two-thirds or more members attend the plenary.

Wolesi Jirga Approves Draft Law on Personal Affairs of Police

The Wolesi Jirga (WJ) this week approved the draft law on Personal Affairs of Police after some slight amendments. According to the new amendments the Police General will be retired upon attaining 65 years of age.

Internal Security Committee chairman Mr. Meerdad Khan Nejrabi (Kapisa) presented the draft law to the plenary. According to him, this law was introduced to Parliament in the 15th term and discussions in several sessions of the Internal Security Committee and joint committee sessions of both Houses continued till the 16th term. “There were several controversial articles that MPs disagreed on but we finally decided to bring this issue to the plenary session,” said Mr. Nejrabi.

Reading the controversial articles, Ms. Nazifa Zaki (Kabul) said that MPs were divided over articles 14, 17 and 53 of the law. While the Women Affairs Committee wanted article 17 amended to allow sergeants' family members, such as grandparents, to access free treatment in police hospitals, the Internal Security Committee's consultations with the relevant authorities revealed that this is not possible due to budgetary constraints. The MPs also debated article 14, which deals with whether rank promotion should be based on the position or not. The Internal Security Committee argued that the promotion should be based on the position, while most of the MPs disagreed. Article 53, which covers the retirement age of the General, was also one of the controversial sections. Some of the MPs were of the view that the retirement age should be 65 years while the internal security committee insisted on 70.

Finally, the WJ approved the law with the amendments that promotion should not be tied to the grade; and the retirement age for Generals should be 65 years instead of 70.

WJ Discusses Law on High Office of Central Audit

Mr. Hafiz Mansoor (Kabul) presented the Law on the High Office of Central Audit to the 16 May Wolesi Jirga (WJ) plenary for approval. This law that has three chapters and 27 articles had been pending before the WJ's Committee on Central Audit and Overseeing the Implementation of the Law since August 2011. Mr. Mansoor informed the House that a joint committee convened to discuss proposed amendments to the law approved all but one article - Article 7, which gives the President the power to appoint the Head of the High Office of Central Audit (HOCA). The Central Audit Committee objected and instead proposed that the President should nominate the HOCA head who should be approved by the Lower House.

Speaking on behalf of the International Affairs Committee, Mr. Abdul Qayum Sajadi (Ghazni) objected to the Central Audit Committee's proposal arguing that it would contravene provisions of paragraph 11 of Article 64 of the Constitution. "Article 64, paragraph 11 of the Constitution clearly states that only the appointments of ministers, Attorney General, head of the Central Bank, the National Security Director as well as the head of the Red Cross should be endorsed by the WJ," said Mr. Sajadi.

Mr. Sediq Ahmad Usmanee (Parwan) disagreed, insisting that Parliament should be given the power to confirm the appointment of the head of HOCA.

Later, Dr. Mujeeb Ul- Rahman Samkanai (Paktia) presented Paragraph 11 of Article 41 of the Labor Law to the plenary. Currently, the law recognizes Fridays, Afghan New Year, Afghan Independence Day, Eid (3 days) Arafa and Eid (4 days), Prophet's birthday, Muharam-ul-Haram, Day of defeat of the former Soviet Union, Mujahedeen's Victory Day, and first day of Ramadan as official Afghan public holidays.

The government proposed inclusion of the 18th of Sunbullah (8 September) in the public holidays schedule to mark the day of the assassination of Ahmad Shah Masoud. "Martyr Ahmad Shah Masoud is a national hero . . . nine committees approved the government proposal. The National Economy, Internal Security, and Defense Affairs Committees proposed that this day be instead declared 'Martyrs day'," said Dr. Samkanai.

The amendment was subsequently put to a vote and passed by the majority of the members present. Members also voted to amend Article 7 of the High Office of Audit Law to give the Lower House authority to confirm the appointment of the head of HOCA. However, the majority of the MPs left the gallery soon after casting their votes before a final poll on the Law on High Office of Central Audit could be held.