

Afghanistan: war crimes amnesty prepares further atrocities

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The US-backed political elite in Kabul have recently made a series of judicial rulings with grave implications for democratic rights that has received little comment in the international media.

In February, both houses of the Afghan parliament in February approved an amnesty law granting immunity from prosecution for all those accused of war crimes committed during the past 30 years. Described as a measure to aid national “reconciliation,” the United Nations’ top representative in Afghanistan, Tom Koenigs, said the “initiative was welcome,” so long as “the right of individuals to seek justice with respect to individual crimes was not affected.”

In truth, the bill is a further assault on the democratic rights and aspirations of the Afghan people and a precursor to even greater atrocities against the population.

The implications of the measure can be seen in the composition of political forces on which the US puppet government relies.

When US-led forces invaded Afghanistan in 2001 and backed the militia of the Northern Alliance (United Islamic Front), it brought back into political prominence many figures from the country’s brutal civil war of the 1990s—some with even a bloodier past than the Taliban leaders they replaced.

The parliamentary elections in September 2005 were utilised by the US, and its puppet regime in Kabul, to politically rehabilitate many of these former warlords and mujahedin leaders.

With the close “assistance” of Zalmay Khalilzad—who went on to become US ambassador in Iraq—the Afghan parliament was made up of a 249-seat lower house (Wolose Jirga) and 102-member upper house (Mishrano Jirga). The lower house seats were determined by an election conducted under the shadow of foreign occupation armies, in which many token “independents” and women candidates were fielded as proxies by powerful warlord and drug baron interests, and the whole process compounded by an intentionally confusing single non-transferable vote system. A full two thirds (or 68 members) of the upper house are chosen from the provincial councils by the council members themselves, and the remaining one third (or 34 members) are named by the president.

In December 2005, Hamid Karzai announced his selection for the 34 seats in the upper house. The following are some of the individuals that he—with US guidance—chose to be part of the new “democratic” Afghanistan:

* Sebghatullah Mujaddedi: former mujahedin president-in-exile, and the current chairman of the peace and reconciliation commission—the very organisation that has overseen the whitewashing of the civil war period and the exoneration of known war criminals;

* Marshal Mohammad Qasim Fahim: a former defence minister and Northern Alliance leader. On September 12, 2003, Miloon Kothari, appointed by the United Nations Commission on Human Rights to investigate abuses in Afghanistan, announced that various government ministers including Fahim and Education Minister Yunis Qanuni were illegally occupying land and should be removed from their posts. Three

days later, Kothari sent a letter to the head of the UN in Afghanistan, saying he had gone too far in naming the ministers.

* Mawlawi Arsala Rahmani: the former deputy minister of religious affairs in the Taliban administration.

* Sher Mohammad Akhundzada: made governor of the volatile poppy-growing southern Helmand province. According to Wikipedia, “The appointment of Sher Mohammed to Parliament was reportedly influenced by NATO forces, who believe Sher Mohammed to be a major opium smuggler. In early 2005, Sher Mohammed’s offices were raided by counter-narcotics agents who found 9 metric tons of opium. As of summer 2006, Sher Mohammed has formed a paramilitary group, ostensibly to fight insurgents in Helmand province.”

* Sayed Hamid Gailani: head of Mahaz-i-Milli-Islami (National Islamic Front), a strong supporter of the former Afghan king Mohammad Zahir.

* Abdul Saboor Farid: perhaps the most controversial appointment of all, a factional leader from the Hizbe Islami (Party of Islam) of warlord Gulbuddin Hekmatyar, currently an ally of Mullah Mohammed Omar. Hekmatyar nominated Farid as prime minister in the mujahedin government of the early 1990s. He was recently assassinated by unknown assailants.

The war crimes amnesty has outraged many Afghans. Many of those living in the capital can recall how, during the 1990s, the US-backed mujahedin factions, having gained control of Kabul, turned upon each other. During the ensuing four-year civil war, thousands of civilians were killed. According to the UN, between May and August of 1992 alone, 1,800 civilians died in rocket attacks, and 500,000 people fled Kabul as it was reduced to rubble.

In addition, Afghans are constantly reminded of the power, wealth and privilege of the warlords on a daily basis, whether it be in the country’s huge drugs and arms trade, which is largely controlled by them; the grandiose mansions they inhabit neighbouring some of Kabul’s slums; or the taxes they extort from the local population.

In April, truck drivers in eastern Afghanistan took strike action in protest at government taxes—increased more than 11 times in the past year—and roadside extortion by warlord guards.

Landlocked Afghanistan receives most of its imports via the Pakistani seaport of Karachi. Most supplies are driven to Kabul and northern Afghanistan through Peshawar and over the Khyber Pass. This is also the route taken by supplies for NATO/US forces. More than 350 trucks carry an average of 7,000 tonnes of goods over the Khyber Pass to Kabul every day, including up to 50 tankers taking oil for the Western coalition forces in Afghanistan. Sawab Khan, a spokesman for the truckers’ union, said every truck pays about 400,000 Pakistani rupees (more than US\$6,500) annually in taxes and bribes. “This is too much for our transporters, who are mostly poor and hard-pressed to make both ends meet,” he said.

The war crimes bill is being accompanied by the erosion of freedom of speech.

In the parliament, Malali Joya is one of just two female MPs to publicly

speak out against the warlords and their increasingly powerful role in Afghan society. According to Joya, 80 percent of the Afghan parliament is made up of militia commanders, warlords, drugs smugglers, former mujahedin leaders and various religious conservatives—many of whom are indicted war criminals.

Her remarks have made her a target for verbal and physical abuse within the parliament building, where she has had water bottles thrown at her, been denounced as a “prostitute” and threatened with rape and murder. Forced to travel under armed guard, she has survived several assassination attempts.

In April, Joya was invited to speak in Los Angeles, where she said, “The US government removed the ultra-reactionary and brutal regime of Taliban, but instead of relying on Afghan people, pushed us from the frying pan into the fire and selected its friends from among the most dirty and infamous criminals of the ‘Northern Alliance,’ which is made up of the sworn enemies of democracy and human rights, and are as dark-minded, evil, and cruel as the Taliban.

“The Western media talks about democracy and the liberation of Afghanistan, but the US and its allies are engaged in the warlordisation, criminalisation and drug-lordisation of our wounded land.”

On May 21, Joya was suspended from the Afghan parliament.

Parliament has also proposed a new law whereby both private and state media will come under greater government control. Proposed changes include an oversight committee that will scrutinise media content.

According to the May 7 *Guardian*, “Under a new mass media law journalists could be forbidden from criticising the state or discussing the relationship between religion and the state. Mohammad Mohaqiq, the head of the parliamentary committee for culture and religion, told a recent international media conference in Kabul there should be no insult to Islam or the state by the media.

“Journalists at the conference [Media is Development], argued for more protection. They demanded that a phrase be inserted in the new law saying ‘there can be no restrictions in the constitutional right of the Afghan people to be informed, and inform.’ But the requests were ignored.”

Journalists at the Intercontinental Hotel, the newspaper said, regularly detail how they are threatened on a daily basis by various groups, “whether it be officials, warlords, rich investors or influential personalities—who demand they toe a certain line.”

A number of “official newspapers” are almost identical in coverage, reporting only on meetings of officials. One title belongs to the former mujahedin leader, Burhan ud-Din Rabbani; another to the speaker of parliament, Yunis Qanooni; a third supports the minister of culture and information. The notorious warlord, General Rashid Dustom, owns one TV station; General Ata owns another.

According to the *Guardian*, the one or two relatively independent outlets are nearing bankruptcy, including the Pazhvak news agency, which provides rare and in-depth coverage of the volatile southern provinces, and the *Kabul Weekly*.

Political pressure was also recently wielded to stop an investigative show hosted by the Afghan journalist Razaq Mamoon. The programme challenged leading officials and warlords with facts and figures about mismanagement, corruption, embezzlement and other crimes. Soon after the launch, according to Razaq, pressure began to mount on him and on the director, Sa’ad Mohseni, who supported his programme. Eventually, Mamoon was asked to leave.

Also in May, the upper house passed a bill calling for talks with the “indigenous Taliban,” a cessation of operations by international troops, a date for their withdrawal, and the request that foreign troops operate only when necessary, or when attacked, and with the approval of the government.

The draft proposals are designed to appease popular anger over the rising civilian death toll from NATO/US operations across the country.

But it is also an admission by significant sections of the present political elite that they are prepared to incorporate elements from the Taliban into the ruling structures as part of their efforts to subjugate an increasingly restive population.

On May 23, Amnesty International published a report stating that all sides—including international forces—in Afghanistan’s occupation and growing conflict have committed “serious breaches” of humanitarian law.

The report said that the violence had forced thousands to flee their homes as “pervasive poverty, food shortages and a lack of safe drinking water exacerbated by drought added to the suffering of people and internal displacement.”

It noted the persistent harassment of human rights activists, corruption among government officials, the burgeoning opium trade and the enormous power of regional militia commanders, all of which it said undermined the rule of law.

A main focus of the report’s assessment was the conflict linked to the insurgency. Security “deteriorated rapidly” in the south and southeast, Amnesty said, noting an escalation of aerial bombardments by military powers and suicide bombings by the insurgents.

“Serious breaches of international humanitarian law were committed by all parties to the conflict, including international and Afghan security forces, and the Taliban.... The continuing inability of the international community and the Afghan government to ensure good governance and the rule of law added to the culture of impunity, further fuelling local resentments,” continued the report.

US forces continued to deny basic rights to some of around 500 detainees at its Bagram base accused of links with the Taliban and Al Qaeda, Amnesty noted, and the Afghan security forces—to whom US/NATO forces routinely hand over detainees—were “accused of illegal detentions and torture and other ill-treatment.” Meanwhile local officials/commanders, some of whom ran their own prisons, were never held accountable for their actions, Amnesty said.

Responding to one call by Human Rights Watch for several members of the government to be tried for war crimes, former warlord turned minister Mohammed Qasim Fahim replied defiantly, “Human Rights Watch should consider the stability of Afghanistan.” He added, in language heard more and more amongst the Kabul elite, “This country we have today was created by the holy war, by the mujahedin, and by their sacrifices.”



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