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CONTACT

Suzana Grego
Director of Communications
TEL +1 917 438 9331
E-MAIL sgrego@ictj.org



20 Exchange Place 33rd fl.
New York, NY 10005
tel +1 917 438 9300
fax +1 212 509 6036
www.ictj.org

Afghan Government Must Commit to Justice Strategy *National Public Consultation Shows Afghans' Strong Desire for Justice*

NEW YORK, January 28, 2005—The new government of Afghanistan must commit to a transitional justice strategy encompassing official acknowledgement of victims, vetting, criminal justice, reparations, and other measures, asserts a groundbreaking new study, to be released tomorrow by the Afghan Independent Human Rights Commission (AIHRC). The study shows that the Afghan people welcome such measures and believe that they are essential to move Afghanistan toward peace, stability, and the rule of law after 23 years of war.

Titled “A Call for Justice,” the study will be available on the AIHRC’s website (<http://www.aihrc.org.af/>) tomorrow, Saturday, 29 January, 2005, at 9:00 A.M. GMT.

Based on interviews and focus groups with more than 6000 Afghan people, it is the first national public consultation conducted in Afghanistan for decades. Among the study’s most striking findings are that 70% of those consulted have personally suffered loss or injury due to crimes inflicted on them in the course of the 23-year civil war. Such broad-ranging impact is exceptional, even by comparison with other societies that have endured protracted violent conflict.

Study participants showed a profound lack of trust for government and public servants, as well as the international community, and reported that serious abuses are continuing in the context of an entrenched culture of impunity. Not surprisingly, those consulted stressed the urgent need for a break with the past, for an end to ongoing abuses, and for measures designed to bring about justice and the rule of law in Afghanistan.

Survey respondents showed a rich and comprehensive understanding of justice. More than 90% supported removing criminals from positions of power (vetting); establishing the truth about human rights violations (truth-seeking); and compensating victims for their suffering (reparations), in addition to prosecuting human rights violators (criminal justice), which was strongly desired and perceived by many as indispensable to a transitional justice strategy. Other measures supported by participants include the reform of national institutions, particularly the judiciary.

According to the study, Afghans want an approach to justice that encompasses a variety of measures, but that is controlled by the Afghan people, with support from the

international community, and rooted in Afghan traditions. Those surveyed also expressed the importance of responding to the particular needs of victims.

In its recommendations, the AIHRC stresses the importance of accountability as the basis for peace and justice. Remarkably, President Karzai has already excluded many known human rights violators from his cabinet. The Commission urges that the President follow through with the implementation of a comprehensive transitional justice strategy.

In addition to proposing a short-term vetting plan, the study recommends the establishment of a Special Prosecutor's Office to investigate and prosecute mass atrocities and systematic violations of human rights, such as crimes against humanity and war crimes. Throughout the report, the AIHRC urges the United Nations, the International Criminal Court, and national governments to provide support, technical assistance, and political pressure to ensure the implementation of an appropriate transitional justice strategy in Afghanistan.

“As the first broad public consultation on transitional justice initiatives in Afghanistan, this groundbreaking study deserves serious attention at both the national and international levels,” said Marieke Wierda, a Senior Associate at the International Center for Transitional Justice (ICTJ), who has worked extensively with the AIHRC.

“Despite enduring serious and widespread violations of human rights for more than 20 years, the Afghan people still look to their government and the international community to provide justice,” Ms. Wierda stated. “If Afghanistan is to become a peaceful society based on justice and the rule of law, their aspirations must be fulfilled.”

Conducted by AIHRC personnel between January and August 2004, the study involved the administration of a survey to more than 4000 respondents, along with focus groups involving over 2000 individuals. People from 32 of Afghanistan's 34 provinces participated in the consultation, as well as Afghan refugees in Pakistan and Iran.

The AIHRC was established by the Bonn Agreement, signed by prominent Afghans in December 2001 at a United Nations-sponsored conference in Bonn, Germany. The Commission was mandated specifically to consider the use of transitional justice approaches to address Afghanistan's past.

The ICTJ in Afghanistan

ICTJ Senior Associate Marieke Wierda worked closely with the AIHRC in preparing for the national public consultation and report. Ms. Wierda conducted a transitional justice workshop with AIHRC field office staff, engaged a consultant to assist with the survey, and contributed to the drafting of the report. The ICTJ also sought to build international support for the report's recommendations by organizing a seminar in Berlin in early 2004, at which 50 experts developed strategies for advancing justice and reconciliation in Afghanistan.

About the ICTJ

The ICTJ assists countries pursuing accountability for past mass atrocity or human rights abuse. The Center works in societies emerging from repressive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuse remain unresolved. It provides comparative information, legal and policy analysis, documentation, and strategic research to justice and truth-seeking institutions, nongovernmental organizations, governments, and others.

The ICTJ assists in the development of strategies for transitional justice comprising five key elements: prosecuting perpetrators, documenting violations through nonjudicial means such as truth commissions, reforming abusive institutions, providing reparations to victims, and advancing reconciliation. The Center is committed to building local capacity and generally strengthening the emerging field of transitional justice, and works closely with organizations and experts around the world to do so.

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