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Afghanistan: President Karzai Must Resist Parliament's Attempt at Self-Amnesty

Resolution Promotes Impunity and Contradicts Promise to Pursue Transitional Justice

NEW YORK, February 3, 2007—A resolution passed by Afghanistan's lower house of Parliament violates international law and will undermine the rights of victims if enacted into law, the International Center for Transitional Justice said today. By offering an amnesty to a broad range of perpetrators, the resolution on "National Stability and Reconciliation" contravenes Afghanistan's obligations to pursue accountability for serious human rights abuses. If approved by President Karzai, the measure will also break his recent promise to pursue justice and fight impunity, explicitly laid out in his 2006 "Action Plan on Peace, Reconciliation, and Justice".

"Though couched in the rhetoric of national unity and reconciliation, this resolution is nothing more than an attempt by certain members of Parliament to grant themselves and others amnesty for past human rights violations," said Marieke Wierda, head of the ICTJ's Afghanistan program. "A genuine desire for peace must be expressed by addressing the needs of victims, not by promoting impunity."

According to reports from Afghanistan, the resolution—passed on January 31, 2007 following a detailed discussion among parliamentarians of the lower house ("the Wolesa Jirga")—must still be voted on by the upper house and gain the President's approval before it becomes a law. However, even as a resolution, the measure contradicts the government's stated commitment to promoting justice and peace after decades of brutal conflict. Afghanistan's war was marked by severe violations—such as indiscriminate bombings, massacres, torture, and rape—which were committed by all sides of the conflict, including the communists, *mujahideen*, and Taliban. No single group is responsible for Afghanistan's tragic legacy of war and civil strife and there should be no reprieve for any individuals alleged to have committed mass human rights violations against civilians.

The people of Afghanistan have spoken out clearly in favor of pursuing justice, a desire strongly articulated in the Afghan Independent Human Rights Commission's 2005 report, *A Call for Justice* , based on its extensive nationwide consultation of ordinary Afghans. The report showed that more than 90% of those interviewed support justice measures, including calls for prosecutions and vetting alleged perpetrators from positions of power. In subsequent consultations, ordinary Afghans have consistently reaffirmed this call for justice and explicitly rejected the notion of using amnesty to promote reconciliation.

The ICTJ believes that transitional justice is essential to building good governance and democracy in Afghanistan and that an amnesty would not only weaken the fragile foundations of that democracy, but also further erode the public's trust in the government. This is a crucial moment in Afghanistan's transition, when trust in the central government is actively being undermined, particularly by the Taliban insurgency in the South and East. To legally endorse impunity at this stage will merely perpetuate cycles of violence and deprive Afghans a chance to work toward the peaceful future they deserve.

“Experiences from around the world show that pursuing accountability is essential to building a durable peace,” said Wierda. “In that light, President Karzai must stand up to the Parliament by rejecting their attempt to pardon themselves and others, and should instead dedicate himself to giving the Afghan people a genuine opportunity to come to terms with their past.”

For more information, please see the Afghanistan page on the ICTJ website.

The ICTJ’s Work in Afghanistan

Since the Bonn Agreement of 2001, the ICTJ has sought to partner with the Afghan Independent Human Rights Commission (AIHRC) and other organizations to ensure that accountability for massive human rights violations in Afghanistan is addressed in a constructive and realistic manner. In particular, the Center has focused on strengthening the voices of Afghans through consultation and encouraging a strategic approach to achieving accountability in the context of a precarious peace.

In 2004, ICTJ staff assisted the AIHRC in producing the report, *A Call for Justice*, which detailed the views of more than 6,000 ordinary Afghans from 32 provinces in the country and from refugee populations in Iran and Pakistan. The consultation showed strong public support for prosecutions and removing war criminals from positions of power. The recommended approach combined the following elements: (1) a political commitment to recognizing the suffering of victims; (2) vetting perpetrators of serious human rights violations; (3) building capacity to conduct criminal investigations; (4) conducting further consultations on truth-seeking and documentation; and (5) reconciliation measures.

In January 2005, the report was presented to President Karzai by the AIHRC and the UN High Commissioner for Human Rights, Louise Arbour. Karzai endorsed the report and committed to implementing its recommendations. He ordered the establishment of a Task Force on Transitional Justice, which then drafted the Action Plan for Peace, Reconciliation and Justice. In late 2005, the Office of the UN High Commissioner for Human Rights held a national conference in Kabul to discuss approaches to truth, justice, and reconciliation. Officials, clerics, and rights activists participated, and Center staff were among those who presented at the conference.

Since then, the ICTJ has continued to partner with the AIHRC, UN Assistance Mission in Afghanistan (UNAMA), and civil society with the goal of implementing a transitional justice strategy in Afghanistan. In December 2006, President Karzai formally launched the Action Plan in Kabul

About the ICTJ

The International Center for Transitional Justice (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.

In order to promote justice, peace, and reconciliation, government officials and nongovernmental advocates are likely to consider a variety of transitional justice approaches including both judicial and non-judicial responses to human rights crimes. The ICTJ assists in the development of integrated, comprehensive, and localized approaches to transitional justice comprising five key elements: prosecuting perpetrators, documenting and acknowledging violations through non-judicial means such as truth commissions, reforming abusive institutions, providing reparations to victims, and facilitating reconciliation processes.

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. By working in the field through local languages, the ICTJ provides comparative information, legal and policy analysis, documentation, and strategic research to justice and truth-seeking institutions, nongovernmental organizations, governments, and others.

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