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Preface

Wolesi Jirga (the Lower House of the Afghan Parliament) unprecedentedly summoned 17 ministers and sack 7 of them. The National Unity Government (NUG) challenged Wolesi Jirga's decision and seeking the remedy sent the case of ministers' impeachment to the Supreme Court. Since many ministers did not come to the Jirga's session and some ministers received vote of confidence while some others received vote of no confidence; Wolesi Jirga is accused of dual approach in this regard. In the first part of the Weekly Analysis of the Center for Strategic and Regional Studies (CSRS), you would read analysis about the above issue.

In the second part of the analysis, you would read analysis of the report released about the war crimes of the US forces in Afghanistan. In a preliminary examination report, International Criminal Court (ICC) based in Netherlands has revealed the war crimes of US soldiers in Afghanistan, but this report, to most part, indicated the torture of prisoners as an example while these forces are involved in many activities against humanity.

In the last part of the weekly analysis, you would read the center's interview with the former President Hamid Karzai's Chief of Staff Abdul Karim Khuram on United States' Afghan policy, the Afghan National Unity Government and the peace deal with Hezb-e-Islami.

Confrontation of Wolesi Jirga with the government



Wolesi Jirga (the Lower House of the Afghan Parliament) summoned 16 ministers last week, 7 of whom were dismissed while 9 others received vote of confidence.

The process of impeachment of these ministers was not only reflected in domestic and international media, but also sparked the harsh response of the National Unity Government (NUG). These ministers are being impeached and dismissed at a time when, besides the fight with the Taliban, the Afghan government confronts many challenges in areas of economy, politics and public confidence.

The stages of the NUG-Parliament mistrust and confrontations in the past two years, the process of impeachment, and the probable future situation are analyzed here.

Confrontations of executive and legislative branches

Since ever the beginning, there were disagreements between the NUG and the Afghan Parliament and tensions between them passed through the following stages:

First, Wolesi Jirga highly criticized NUG's foreign policy, particularly in the first six months of the NUG, Kabul's rapprochement policy towards Pakistan, giving privileges to Pakistan and the NUG's peace policy.

Second, Wolesi Jirga approved 8 out of 18 ministers that the government had nominated and the remaining 16 ministers received vote of confidence from the Parliament after three months.

Third, some Parliament Members accused the NUG of supporting ISIS.

Forth, tensions raised between Wolesi Jirga and the NUG over the Parliamentary and district councils elections. Announcing the schedule of elections and extending Parliament's term, the Afghan government, to some extents, put an end to these tensions.

Fifth, Wolesi Jirga consecutively rejected the Afghan President's decrees on electoral reforms and finally the President sent the issue to the Supreme Court.

Now, once again, Wolesi Jirga dismissed 7 ministers.

The process of impeachment

From 12 to 18 November 2016, Wolesi Jirga impeached 17 ministers of the Afghan cabinet, who had spent only less than 70% of their respective ministries' development budget. The Afghan Minister of Information and Culture resigned before the process of impeachment; therefore, the Parliament only summoned and impeached 16 ministers.

Although, previously the Afghan President had said that he will dismiss those ministers who were unable to spend their development budgets properly; but in the first day of impeachment, dismissal of three ministers provoked Ghani and he said that the reasons for summoning ministers were "unjustified"¹. The Afghan

¹ Read more here:

<http://president.gov.af/ps/news/228209>

President asked the Afghan Parliament to postpone the hearing process and demanded from ministers not to participate in hearings; but contrary to President's demands, the process of impeachment was completed last week and 7 ministers, including Minister of Foreign Affairs, were sacked.

As in the case of rejection of decrees on electoral reforms, the Afghan government has sent ministers' impeachment case to the Supreme Court and has demanded from this court to decide in this regard, in the light of the "Afghan constitution, the country's current situation and particularly taking in consideration the 1394 financial problems and the suspended and revoked promises of the international community".²

Dual approach of Wolesi Jirga

In the first impeachment session of Wolesi Jirga, three ministers were dismissed; but in other sessions, the summoned ministers did not attend the session and impeachment was held in their absence. Four of the absent ministers were dismissed while the others received vote of confidence. Therefore, on the one hand, Wolesi Jirga was accused of dual approach³, and on the other hand, some believes that "impeachment in the absence of ministers is not in accordance to the provisions of the constitution".

In a meeting with Parliament members and in the extraordinary meeting of the cabinet⁴, the Afghan government stressed on the followings as the reasons behind the failure of ministries to spend their national development budget:

- According to the President and other senior government officials, the main reason behind the expenditure of less than 70% of development budget was the fact that most of the cabinet ministers started their work after the second half of 1394.

² For further details click on the link bellow:

<http://president.gov.af/ps/news/228219>

³ Read more by clicking on this link:

<http://www.salamwatandar.com/Article.aspx?a=27950>

And Mandagar's Wednesday edition, "Why did the ministers faced dual approach"

⁴ Read the full report of the cabinet meeting here:

<http://president.gov.af/ps/news/228219>

- According to the Afghan President and Chief Executive, insecurity was another reason behind it; because, due to insecurities, the government failed to complete projects and spend its budget.
- The government believes that, delay in deliverance of aids from international community to the Afghan government is the other reason for it.
- Another reason that the Afghan government stressed upon was old projects, which were in halt in 1393.

Evaluation of the government's claims

If we evaluate the first reason of the government for failing to spend development budget, we will find out that the government is not right in this regard; because on the one hand, the government can be blamed for delay in nominating ministers and on the other hand, most of the ministers had been approved by Wolesi Jirga before 1394. The NUG was formed on 29 September 2014 and the President officially presented the new cabinet to Wolesi Jirga on 20 January 2015. On 28 January 2015, Wolesi Jirga approved 8 out of 18 ministers and later on 18 April 2014, 16 other ministers were approved.

The government is sincere to some extents in its second and third reason; because the current security situation of the country is evident and during 1393, the afghan government dealt with a sort of political crisis; but still, old projects, delay in delivering aids by international community and security situation cannot be presumed as the reason for failure in spending development budget by all the ministries, the ministers are also to blame.

The Afghan ministries were also unable to expend development budget in years after 1381, when large sums of foreign money infused in Afghanistan, and the country was in better security situation than the present time. The Second Vice President Sarwar Danesh has the same criticism, he says that: "problem behind failing to expend budget is not any individual's fault but the fault of administrations' structures; therefore, instead of focusing on individuals we should rather focus on budgetary system, projects, method of work and the process of procurement."⁵

⁵ Ibad

What happens next?

Summoning and impeachment of the ministers in current critical situation in the country is a new challenge. Although, in the short run, the problem is resolved to some extents and according to the President's decree, the dismissed ministers will continue with their jobs; but tensions and mistrust between the executive and legislative branches would increase. And Wolesi Jirga would assume this situation as limitation of legislative branch's authorities; because, in both the case of legislative decrees and ministers' impeachment, the government did not accept the decision of Wolesi Jirga.

If the Supreme Court backed Wolesi Jirga's decision regarding the dismissal of the ministers, once again, disputes between the two leaders of the NUG would emerge over appointing new ministers.

In addition, there are rumors as well that the Presidential palace is behind the impeachment of ministers, because it wants to evacuate some posts for its opposition council (Protection and Stability Council) and Hezb-e-Islami (Hekmatyar), something the Presidential Palace denied. If the new ministers of the cabinet were appointed from these circles then these rumors would turn out to be true; and in short run it will decrease the level of oppositions by these councils.

War crimes by the vanguards of human rights



International Criminal Court (ICC) in Hague has said that torturing the detainees, the United States has committed war crimes in Afghanistan. This is the first time that ICC opens an investigation about the perpetrators of war crimes in Afghanistan, which includes the crimes committed by US forces as well.

Even though the United States is not a member of the ICC, Americans could still face prosecution at its headquarters in Hague if they commit crimes in a country that is a member. Since Afghanistan is a member country of ICC, therefore, investigation of crimes committed by the US forces in Afghanistan is in this court's jurisdiction.

The United States has committed war crimes in Afghanistan while this country believes itself to be the supporter of human rights worldwide and criticizes other countries for human rights violations.

The US senate's report

After the US attack on Afghanistan in 2001 until 2013, there have been no report about the US war crimes in this country, but in the past three years, two reports were released in this regard, the first of which was by the US senate and the second is the current report of ICC.

The US senate's report about torturing detainees in Guantanamo released at the end of 2014 was the confession of the highest legislative institution of the United States about the human rights violation by this country.

A glimpse to the US senate's report shows that compared to what really happened in Guantanamo, this report has covered some more insignificant cases in order to hide the other horrific crimes that occurred in this prison. In this report, confessing to some cases of tortures such as slapping, humiliating, slamming prisoners to walls, keeping prisoners naked in the cold, sleep deprivation and waterboarding, efforts are made to conceal other cases of horrific tortures.

In the report no indications have been made about the prisoners that had attempted suicide; until 2012, at least 7 prisoners committed suicide in Guantanamo prison. The last prisoner that committed suicide was 23-year-old Yemini Adnan Abdul Latif. One of the prisoners in Guantanamo Juma Mohammad-Adsari in a letter published through media, had written that they "faced the worst oppression and physical torture" in that prison.

In addition, sometimes small parts of these tortures were heard from those who had been released from Guantanamo and even photos and videos of torture were released. Two Afghan Guantanamo prisoners Abdul Rahim Muslimdost and Mullah Abdul Salam Zaeef have published their memoirs after their release from this prison. Mullah Abdul Salam Zaeef a former prisoner in Guantanamo prison has published a book (a glimpse to Guantanamo) about the physical and psychological tortures in this prison.

The recent report of ICC

In its recent report released on 14 November 2016, ICC has looked into war crimes in different countries and has pointed out the war crimes committed in Afghanistan as well.

The report states that from January 2007 to December 2015, the armed opposition groups of the Afghan government has killed 17 thousand civilians in this country and have carried out attacks on protected places such as schools, civilian government offices, hospitals, mosques, and charities.

The report has as well as pointed out torture, rape, mistreatment of prisoners and other crimes committed by the Afghan National Directorate of Security, National Police, Border Police and Local Police. At present, an estimated 35-50% of conflict related detainees might be subject to mistreatment and torture in Afghan detention facilities.

About the crimes of the US forces in Afghanistan, the report states that the US military forces and members of the US Central Intelligence Agency (CIA) has tortured at least 88 persons (61 by US armed forces and 27 by CIA).

This preliminary examination report states that these crimes have been committed during the presidency of George W. Bosh, and the US army has cruelly treated these prisoners and has violated their dignity.

Conceal of more horrific crimes

Recently after rise of tensions in the US-Russia relations, criticizing the United States, Russia said that those US soldiers that have committed war crimes in Afghanistan have not been prosecuted and Afghanistan should try them in its internal trials.

Although, ICC has not presented specific statistics about the war crimes during the years of war and later during the presence of foreign forces in Afghanistan but in its recent report, this institution has indicated to some limited patterns of war crimes committed by the US forces against innocent prisoners.

The fact is that arresting and torturing innocent prisoners is not the only crimes of the US forces, but in the past one and half decade, these forces have killed and wounded thousands of innocent Afghans including old people, children and women in their airstrikes, night raids and other operations and have detained and imprisoned many innocent individuals, many of which have lost their lives under torture. All these killings are carried out deliberately and are war crimes. The best example is bombardment of the MSF's hospital in Kunduz; the hospital officials had given the exact coordinate of the hospital to the US troops and during the bombardment they had contacted the coalition forces and had told them that they are "destroying the hospital".

Hiding all these crimes and releasing this brief report to restore the dignity of this institution, ICC is on the one hand trying to ignore the crimes that foreign troops have committed in the past several years and on the other hand portrays itself as observer of the situations.

The consequences of tortures and mistreatments

Information that has come from the tortured detainees is often incomplete or incorrect, but mostly after their release, these prisoners become extremists. For instance, before being imprisoned, Abdul Rahim Mulimdost did not have connections with the Taliban or Al-Qaeda. He was a small businessman who traded soap in Peshawar in Pakistan and spent his free time writing and translating books and essays. But after his release from Guantanamo he was, once again, chased by the United States, because two years earlier, he was a significant member of ISIS under the leadership of Abu Bakr-al Baghdadi in South Asia. Although due to various oppositions, he left this group.

In 2013 and 2014, the former Afghan President Hamid Karzai had also opposed the Bagram Prison to the factory that produces the Taliban and had said that humiliation and insult in Bagram prison urges the prisoners to stand against this country.

Khuram: Trump would not cross the redlines of the US foreign policy/interview



Introduction

In the past several years, the US policy in Afghanistan passed through several stages and was somehow unstable. The US President changed his policy of troops' withdrawal from Afghanistan for several times and particularly in the last year; besides amplifying airstrikes; the United States has increased the role of its soldiers in the Afghan battlefield. Several months ago, 100 US soldiers were deployed in Helmand and recently these forces have suffered casualties in Helmand and Kunduz.

After the formation of the National Unity Government (NUG), the US troops carried out a number of attacks that killed and wounded many Afghan security forces and civilians in the light of the day. Since a week, the US troops had killed more than 30 civilians including many children in an airstrike in Kunduz; but the reason behind this attack is not clear yet and nor has the NUG reacted seriously against it.

Not only the NUG does not question the arbitrary raids of the foreign troops, it is dealing with many challenges in other areas as well. On the other hand, the NUG signed peace agreement with Hezb-e-Islami, something that, despite many efforts, the previous government had failed to fulfill.

Ziaul Islam Shirani, from the CSRS media group, has interviewed the former President Hamid Karzai's Chief of Staff **Abdul Karim Khuram**, and the details of interview are:

My first question is about the US military policy in Afghanistan, in general, how do you evaluate the US military policy in Afghanistan and why is it unstable?

Answer: I think that the main and fundamental policies of the United States towards Afghanistan are not changed and nor is it unstable. The details and insignificant things may have changed; but the US policy in general, its significant elements and its main and basic lines have never changed. Whatever the Americans wanted in the beginning, they want it now and they will move forward based on the same policy. Although, the US presence in Afghanistan was due to an incident (the 9/11 attack) but later they pursued other objectives, that is why, some people are doubtful that even before the 9/11 incident, the US wanted to have presence in Afghanistan.

What do you think, now that Donald Trump has come to power in the United States, would the US's Afghan policy change?

Answer: it is a reality that Trump is a different politician; even to an extent, he does not properly represent the republicans, because some republican leaders are against him. You can assume he (Trump) himself is a separate party. Therefore, I think that the US's policy would change; but it should not be

forgotten that, the institutions and administrations that are in charge of the US foreign policy would explain to Trump the issues that are fundamental and redline for the United States. If the US war in Afghanistan is to achieve a major purpose, these administrations may describe it to Trump and he would accept this war. Hence, I think some changes may occur, but in cases that are in the vital interests of the United States, he will adjust himself.

What do the return of the US soldiers in the Afghan battleground, augmentation of their airstrikes and night raids, targeting Afghan forces and civilians by them signify? In your opinion, what does the United States want in Afghanistan?

Answer: the United States has its own objectives and these objectives lie outside the borders of Afghanistan and are at regional levels. In order to achieve these goals, the United States believes in the necessity of the continuation of war in Afghanistan and has, therefore, kept the Afghan forces and the armed oppositions in balanced and equal state, so that one party may not overcome the other. I believe that the US troops had never actually pulled out from the Afghan battleground. It is only that the former government had placed restrictions on some of their operations such as night raids, bombings and etc. But unfortunately, the US Secretary of Defense, once again, gave these authorities back to US soldiers and unluckily the Afghan government is in a passive state and no one may have asked the Afghan government whether it is in favor or against this decision? And even if the Afghan government was asked it may not have had its own opinion; whatever the United States has said the Afghan government has confirmed. Nevertheless, we can generally say that the war is not actually stopped, only some restrictions were imposed in some areas, which are now revoked and the United States still wants this war to continue.

You said that the United States has its own objectives in the region, specifically what are these objectives?

Answer: eight years ago, when Obama came to power he said that the US's relation with China is an issue of one century. China is rapidly developing and is a country out of the western civilization. Restricting China and creating situations where China could not further develop is a vital issue for the United States. The

United States believes that if it did not pay attention to this issue, China would develop very much and would get ahead of the United States; and thus would challenge the United States current position in international politics as the only super power in the world.

On the other hand, with Putin coming to power, the United States is also concerned of the Russian progress; because Russia has also gained a special place, voice and power at international level and hence the United States wants to restrict the rise of Russia as well. In the meanwhile, Iran, our neighbor, is also located in this region. India is also a country that if continues to develop at the current rate; may become a super power. Therefore, the main purpose of the US presence in the region is to eliminate threats to the US hegemony and this country tries to control the developing powers in the region.

What will be the impacts of the increased US soldiers' role in the Afghan combat zone on peace and war?

Answer: making statements about the return of foreign soldiers to the Afghan battleground, is a rhetoric game with the minds of Afghans. When the former Afghan government denied signing the Bilateral Security Agreement (BSA) with the United States, they started a long series of propaganda at that time; sometimes they would say that they would completely withdraw from Afghanistan and then they would say that they would decrease the number of their soldiers in Afghanistan, and other similar statements. Actually, they have never brought their troops in a state that would delay or create obstacles on the way of their specified objectives. However, if we accept the idea of their return to the battlefield, their increased role in the battlefield would unquestionably undermine the peace process.

Over all, I have to say that the United States never wanted peace in Afghanistan. It has neither allowed peace in Afghanistan in the past and nor has it now gotten close to the stage where it wants peace in this country. At present, they want the continuation of war.

In your opinion, how did Afghanistan benefit from the BSA signed with the United States? And until now what were its impacts on the country?

Answer: until now, the signing of BSA had no positive impacts in the country but it had many negative consequences. The former Afghan government did not sign this agreement due to no guarantees in this deal. We had evaluated the future and the outcomes of this agreement very bad, and it happened as we had predicted and we can see its consequences today.

If we now pass to the peace process, how would peace between the Afghan government and Hezb-e-Islami (Hekmatyar) influence other armed oppositions and the current situation in the country?

Answer: every step held towards peace is a good deed and we have to welcome it. Peace with Hezb-e-Islami is a very good step; but I think that its impacts would not be to an extent to stop this war. We see that Hezb-e-Islami has signed the peace deal and has seized fire; but war is going on, the best example is the war in Kunduz that further intensified just after the peace deal. Hence, I think it has not had any impact on existing situation.

The NUG succeeded to reach a peace deal with Hezb-e-Islami; since you were a senior official of the previous government, in your opinion, why in this regard did not the former government succeed?

Answer: I will tell you a story and you may conclude yourself. In 1391, a delegation of Hezb-e-Islami had come to Kabul, we were engaged in talks with them and our opinions had come closer to each other. Coincidentally, a suicide attack was carried out in the Airport Street and several foreign employees of a foreign company were killed. Later, it was reported that the attack was carried out by a young woman and a spokesman of Hezb-e-Islami, someone called Haroon Zarghon, claimed responsibility for the attack. The former President told me to go and tell the Hezb's delegation that here, we are conducting peace talks and you have brought the message of peace, efforts are being made for peace, in the middle of such talks an incident occurs and Hezb-e-Islami claims responsibility for it? The delegation said that, in this regard, they would gather information and

when they gathered information, they told me that they have not carried out this attack. Then we demanded them to deny the responsibility for the attack, but due to their some limitations which I do not want to comment here, they did not deny it. The important issue is that peace talks with Hezb-e-Islami was carrying on that a suicide attack occurred and its responsibility was thrown on the shoulders of the Hezb. The attack was carried out by those foreigners who did not want these talks to succeed. Today the foreigners wanted this peace; that is why you could see that in the ceremony which was organized in Presidential Palace to sign peace deal with the Hezb, those leaders and politicians that extremely opposed Hikmatyar were silently sitting while he spoke 45 to 50 minutes. I absolutely believe that they have been told to do so; otherwise, every one of them would have raised the opposition voices. I can briefly say that, the foreigners did not wanted the peace to succeed at that time, but now they wanted it to triumph and told everyone to accept it; I still doubt that they have some plans behind it as well, but I do not want to talk about it right now.

What do you think when Mr. Hekmatyar came, would other groups that had been separated from Hezb rejoin the party?

Answer: In my understanding, when Hekmatyar came to Kabul, all the separated fragments of Hezb-e-Islami would gather around him. Because I do not see any group among them that strongly oppose Hekmatyar.

What challenges would Gulbuddin Hekmatyar confront after coming to political scene at the present time?

Answer: first, I hope that international community would not do something that alters this peace to a conflict. Now if we would assume that this peace occurred and Hekmatyar came to Kabul. I believe that he would face several main challenges. Compared to the time that he was a Jihadi leader or when he was the Prime Minister of the Mujahidin government, now relations with the world is altered. Hekmatyar must understand these transformations and should adjust the Hezb and himself with them. Secondly; many changes have occurred in the Afghan society and he must adjust himself with these challenges as well; for instance, freedom of expression, civil societies and etc. Changes have also

occurred at international levels, which also could be a challenge for him. Another important task in his way is and he can fulfill it very well is maintenance of National Unity in the country; because Hezb-e-Islami was a party that included all Afghanistan and had members from all over Afghanistan. The most important issue is that it has to be careful with the conspiracies of the United States so that it does not alter this peace to a conflict.

Given the current challenges of the NUG, how do you evaluate its future?

Answer: I think that the NUG must first fulfill its promises that it had pledged, the most important of which was to call the Loya Jirga to amend the constitution in order to find a remedy for the internal contradictions and to the situation that is against the Afghan constitution. First, it must define that what system of government is this, because such a government is neither stated in the Afghan constitution and nor it is in our political custom; it is only a new structure that is not in the law. Therefore, this issue must be solved then other important issues of the government such as Security, National Unity have to be addressed. Generally, about the fate of the government, we can say that if the government carried on as it does now, the upcoming three years would pass in the same way; but the country and Afghans may suffer much harm.

As the last question, in your opinion what is the most important step that must be held to resolve the current political, security and other issues in Afghanistan?

Answer: I think, in order to get rid of the current situation, first we have to come to a conclusion with the United States, because the current situation is brought upon us by this country. But unfortunately our politicians, since they are connected to the United States and do not want to upset it, cannot speak against the US and seek other reasons for the current situation, for instance, in relation to insecurities they say that it is due to lack of coordination, emergence of ISIS and some other non-realistic factors. But all these problems are created by the United States and we have to speak with this country. I think we should tell Americans: if you cannot bring peace, stop war, eliminate terrorism, which means defeat; if you are defeated; then you have to work together with Afghan leaders to find a solution; but if you say that you have succeeded and we see, on the other hand,

that a new armed group is added to the formers every day, insecurity and poverty is further increasing; then we would assume that current situation and worse condition is what you want intentionally.

The end

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