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Preface

Speaking in the National Conference of Supporting the Human Rights Defenders, the Afghan President said that law enforcement begins from him and no one can be spared. He said that protecting human rights is the government's duty and no one can absolve the violators of human rights.

President's remarks come at a time that recently news about human rights violations was released through media, which triggered internal and external reactions. Among these cases is the case of tribal leader and former governor of Jawzjan Ahmad Ishchi who has accused the Afghan Vice President General Dostum of torturing and imprisoning him. In this regard you would read in the first part of the analysis.

In the second part of the analysis, we would discuss those aspects of corruption, where foreigners particularly Americans are involved. In a recent interview, head of SIGAR has accepted that, besides Afghans, foreigners also play a key role in increasing corruption in Afghanistan. Besides some instances of corruption by foreigners are also indicated. Here you would read about level of foreigners' involvement in corruption in Afghanistan and measures taken against their corruption so far.

Human Rights during National Unity Government



Since the past few days, Ahmad Ishchi's accusations against Dostum and a man forcefully marrying two sisters in Nangerhar were widely covered by the media.

Ahmad Ishchi, who was the former governor of Jawzjan province and the former deputy of the Junbish party as well as a former friend of General Dostum, has accused the Vice President for imprisoning him in his private prison for five days and has said that after beating and torturing him Dostum and his men have tried to rape him and have acted as raping him and have filmed it.¹

These horrific incidents are only the recent two examples of human rights violation in the country. Human rights situation in regards to women, migrants, and law enforcement and reasons behind it are issues that are analyzed here.

¹ For further information read BBC's report here:
<http://www.bbc.com/pashto/afghanistan-38308098>

The situation of Human Rights

Since the formation of the National Unity Government (NUG), the human rights situation is worsened, which you would read here in details:

Violence against women:

During the first year of the NUG, violence against women increased by 5%, approximately 5132 incidents of violence had been documented. In this year, Farkhunda's incident occurred, where a young woman was beaten for the alleged disrespect to the Holy Quran and then was crushed by car and burned by hundreds of angry people in the nearby of the Presidential Palace. In addition, a man cut off his wife's nose in Faryab province and other similar incidents occurred in all over the country. Although, complete statistics of violence against women in 1395 (2016-2017) is not released, but according to the Afghanistan Independent Human Rights Commission (AIHRC), during the first four months of this year, 1218 incidents of violence are recorded, most of which (371 incidents) are physical violence².

Ahmad Ishchi's accusations against General Dostum:

In recent years but also during Hamid Karzai's presidency, governmental officials have taken advantages of their positions and hence violated human rights. A few days ago, Ahmad Ishchi accused the Afghan Vice President of imprisoning him in his private prison, rape him personally and then ordered his guards to do the same.

Ahmad Ishchi's widely reflected remarks defamed the country and also sparked international community's reaction. Releasing a statement, the Afghan Presidential Palace promised that it would seriously pursue the issue through legal institutions. Moreover, in regards to Ishchi's case, members of Junbish (Dostum's party), supporters of Ahmad Ishchi and Ambassadors of twelve western countries met President Ashraf Ghani. In the meanwhile, in order to discuss

² See online:

<http://khabarnama.net/blog/2016/08/03/raise-of-discrimination-and-violence-against-women-in-afghanistan/>

Ishchi's case, the Afghan President also convened consulting meetings with Jihadi leaders and religious scholars.

Although, the Afghan Attorney General had summoned General Dostum, but Dostum's office termed it illegal and rejected it. Besides that, there are rumors that this issue would be resolved through Jirga (traditional gathering of elders in order to resolve an issue). The same might happen with the man in Nangarhar who married the two sisters. Given the current situation, influencing the Jirga or corruption in judicial organs, is greatly possible and these these two accused people might save themselves. Committing such heinous crimes at such a high levels is not only disgrace to the country but it is not suitable for the accused to occupy such a high rank in the government.

Refugees' situation:

Currently there are a great number of Afghan refugees in neighboring and European countries and a huge numbers of internally displaced people within the country. During the NUG's rule, their fundamental rights were also vastly trampled. In December 2014, a group of insurgents attacked on a military school in Pakistan and in the aftermath of this incident, Afghan refugees' situation worsened in Pakistan. Many Afghan refugees were arrested and were forcefully deported to Afghanistan. Due to this situation and after the Turkham incident, repatriation of Afghan refugees hastened. However, now, cold winter and halting \$400 of aid to each refugee by United Nations High Commissioner for Refugees (UNHCR) have affected this process.

In the meanwhile, the Afghan refugees in Iran also faced the same problems, but it also violated human rights by influencing afghan refugees to fight in Syria.

On the other hand, the Afghan refugees also faced discriminatory approach) in Europe and they were returned to their own country against their wills.

There are 1.2 million internally displace people in the country as well, most of whom are displaced due to recent insecurities and are living in worst conditions while the winter has just begun it needs more assistance.

Civilian casualties:

From 2007 to 2015, civilian casualties in Afghanistan were rising annually. Between 2007 and 2015, a total number of 58736 civilians were killed and injured. According to UNAMA's report, in the first nine months of 2016, 2560 civilians are killed and more than 5830 other are wounded and an overall 8390 civilian casualties is recorded which marks 1% increase compared to 2015³.

The main reasons behind the rise in civilian casualties in this year were war, explosions, ISIL's activities, military operations of the government and collapse of the districts.

Foreigners' role:

Foreign troops are also seriously involved in violating human rights. For instance, during the first and second collapse of Kunduz city, many civilians were killed in US airstrikes. In October 2015, American military aircrafts repeatedly bombarded MSF's hospital in Kunduz killing dozens of innocent people. The incident took place at a time that this hospital had already informed the Afghan government and foreigners about the coordinate of this hospital. During the second collapse of Kunduz, Americans carried out a similar operation, which killed a number of innocent children.

This is not the sole incident, but the US forces have been engaged in numerous such incidents during the past one and half decades. In this regard, courts have also been convened, but the culprits were not punished.

Reasons behind human rights violations

The main reasons behind human rights violation during the NUG's rule are as follows:

- **Insecurity and war:** Generally, many human rights are trampled during war and insecurity situations. Compared to the past years, in recent several years, general situation of security in the country is worsened. According to

³ in this regard, read tolonews' report here:

<http://www.tolonews.com/pa/afghanistan/27886-un-release-new-report-over-civilians-casualties-calls-for-protection>

the statistics of the United Nations, 22634 security incidents have occurred in Afghanistan in 2015, which was the highest number of security incidents since 2001 (except for 2011). 49% of these incidents had occurred in Helmand, Kandahar, Ghazni, Kunar, and Nangarhar⁴. In addition, from January to 15 August 2016, 16132 security incidents have occurred in Afghanistan. Armed clashes accounted for 61.3% of these incidents followed by explosions at 17.96%⁵.

- **Weak government rule:** Due to the ongoing war, the government controlled areas decreased and the government has failed to expand its sovereignty in all over the country. The more government loses control over its territories, the more the chances increase for human rights violations. According to Special Inspector General for Afghanistan Reconstruction (SIGAR), until June 2016, 65.6% of the regions in the country were under government control, which showed a 5% decrease compared to the beginning of the year⁶.
- **Lack of law enforcement:** due to existence of powerful people in the government, the government fails to fight against crimes and because of these powerful people, criminals are either not arrested or in case of being arrested are released very soon.
- **Corruption;** corruption in the government in general and in judicial organs in particular have further facilitated violation of human rights; because, from the time the criminal is arrested till the end of their prosecution, all the process can be influenced by corruption, that is why serious steps against criminals are not held and this urges others to commit crimes with lesser reluctance.

⁴ United Nations, General Assembly, The situation in Afghanistan and its implications for international peace and security, A/70.775-S/2016/218 (7 March 2016), p: 4

⁵ United Nations, General Assembly, The situation in Afghanistan and its implications for international peace and security, A/70/1033/-S/2016/768 (7 Sep 2016), p: 4-7

⁶ Shereena Qazi and Yarno Ritzen, Afghanistan: Who controls what, Aljazeera English, 15 Sep 2016, see it online: <<http://www.aljazeera.com/indepth/interactive/2016/08/afghanistan-controls-160823083528213.html>>

The role of Foreigners in Afghan Corruption



Corruption is one of the major challenges faced by the Afghan government and people. The Afghans themselves and international community have also criticized the government due to the failure to tackle corruption in the past one and half decade, however, Afghanistan remains as one of the most corrupt country in the world

In an interview with BBC, head of SIGAR John Sopko has said that corruption is not confined to Afghans but people who work for American government are also involved in it and until now, they have tried hundreds of them in trial. Confirming SIGAR's reports head of High Office of Oversight and Anti-Corruption has also announced that foreigners are involved in promoting and expanding corruption in Afghanistan.

It comes at a time that Afghanistan is under immense pressure by international community to put serious efforts to fight against corruption, even in the recent meeting of NATO's foreign ministers in Brussels, NATO's Secretary General

announced that this organization's support from Afghanistan is linked to the Afghan government's fight against corruption.

Here we will study foreigners' involvement in corruption in Afghanistan and the efforts to prevent this aspect of corruption.

Why we are the most corrupt country?

One and a half decades ago when foreign troops came to Afghanistan and a new government was formed, international community's aid for Afghanistan's reconstruction was also injected into the economy. Injection of billions of dollars without accountability and transparency promoted and expanded corruption in Afghanistan and gradually corruption reached to a rate that, in the reports of international institutions, this country was called to be the most corrupt country in the world.

Afghanistan ranked the first most corrupt country in the world while several anti-corruption institutions were active in Afghanistan and the Afghan government and international community spent millions of dollars in fight against this phenomenon but these efforts did not have desirable outcomes.

The main reasons that, despite anti-corruption efforts, corruption is increasing annually, are: poor management, lack of political will to eradicate corruption, mafia and powerful peoples' support from corrupt officials, supporting corrupt officials on the basis of tribe, language and region, lack of transparent accountability, lack of coordination between anti-corruption institutions, impunity of the perpetrators of corruption and corruption in anti-corruption institutions particularly in judicial system. In addition, foreigners have also played a significant role in corruption, while international community paid lesser attention to this aspect.

Foreigners and corruption in Afghanistan

There are domestic and foreign factors behind the rise of corruption in Afghanistan; however, foreign factors overwhelm the domestic factors.. Though, it is often the western countries, particularly the donors, who raises corruption issue, but these countries themselves plays a facilitator role in expanding corruption by directly spending financial aids and giving major contracts without Afghan government's consent. These major contracts were given either to government officials or to their relatives.

Even from the beginning, people believed that foreigners particularly the Americans plays a key role in corruption in Afghanistan, but it was during Karzai's second term that the former Afghan President officially accepted foreigners' involvement in corruption and criticized them for it. Karzai had directly criticized Americans for the rise of corruption in Afghanistan.

In Jawza 1392 (2013-2014), governor of Balkh province Atta Mohammad Noor said that the President's remarks about foreigners' involvement in corruption were accurate and that only in Balk province their corruption exceeds ten and hundred millions of dollars. He added that he had some example of these corruptions.

Based on the statistics of the United States, Washington has spent more than hundred billion dollars for Afghanistan's reconstruction, but the Americans are criticized for spending the large bulk of money by themselves and spending it on non-infrastructural projects.

After 2012, SIGAR have released shocking reports about US's aids being spent for personal purposes, but recently in an interview with BBC, John Sopko has accepted that foreigners particularly Americans are involved in corruption in Afghanistan. He has said that his administration have been able to regain \$2bn dollars that were spent for individuals' interests during the reconstruction of Afghanistan and added that SIGAR have introduced more than hundred Americans, who were involved in corruption in Afghanistan, to judicial organs and most of them are convicted ⁷.

⁷ Read BBC's report on foreigners' involvement in corruption in Afghanistan here:

Although there is no study about the level of foreigners involvement in corruption in Afghanistan but they are certainly involved in corruption.

Instances of foreigners' corruption

- **Corruption in major contracts:** one of the reasons why international community's contributions to Afghanistan were not befittingly spent was corruption in major contracts that were signed by foreigners themselves. For instance, the American soldier Robert Greene who was sentenced to 10 years prison time in December 2015 had given the contract of 40 projects with a value of \$3m to an Afghan businessman (Hekmatullah Shadman) against 140000 dollars in bribe⁸. There may have been dozen other Americans who might have received great amounts of money as bribe, because while being investigated Robert Greene had said that he did it after he was informed that other soldiers had also received money in bribe from this businessman.

In September 2011, the Afghan Minister of Finance Omar Zakhilwal said that from \$57bn financial aids to Afghanistan, only 18% is spent through Afghanistan's National Budget, and Afghanistan cannot be held accountable for the remaining amount of money that are spent by foreigners. In March 2013, Minister of Finance had said that most of the financial aids to Afghanistan make their way out of Afghanistan after being spent by foreigners.

- **Private security companies:** with foreigners' presence in Afghanistan and formation of a new government, dozens of private security companies were also activated in Afghanistan. Apparently, these companies were for the security of foreign trainers of the Afghan forces, Embassies, logistical convoys of foreign forces and internal and foreign private companies. But due to lack of oversight, beside other destructive activities, these companies were involved in corruption as well. For instance, these

<http://www.bbc.com/pashto/afghanistan-38359567>

⁸ "Afghanistan in the past one and a half decades", CSRS's analytical report on the situation of Afghanistan in the past one decade and half. 1395 (2016-2017)

companies paid the government's armed oppositions in order to transport logistical convoys through highways.

Activities of these companies led the Afghan President Hamid Karzai to issue a decree to revoke all the private internal and foreign security companies, Karzai termed them against Afghanistan's national interests. He believed that these companies were the main sources of corruption in the country⁹.

- **Spending money in non-infrastructure projects:** despite the vast amount of international community's aids, Afghanistan is still in worst economic situation and these aids were not spent for infrastructural projects. Americans spent billions of dollars in projects that did not have long term and sustainable benefits to Afghanistan. For instance, a diesel power plant in Kandahar was funded by US's aids to Afghanistan while nothing was done for the construction of Kajaki Dam's turbines. While if they had spent this money on Kajaki Dam, Kandahar and neighboring provinces would have had sustainable electricity for now.

In another example, SIGAR has revealed that \$34m was spent by the US army in Helmand for the construction of a base that there would have been no need for it after 2014 and this base is still under construction.

Struggle against foreigners' corruption

Even from the beginning, foreign troops were involved in corruption in Afghanistan, but the Afghan government did not pay attention to it till the second term of Karzai's presidency. Foreign troops spent exorbitant amounts in remote areas far from the Afghan government's oversight.

For the first time in December 2010, the Afghan President Hamid Karzai accepted that besides Afghan officials, foreigners are also involved in corruption in Afghanistan¹⁰. The Afghan government had suggested foreign aids to be spent by the Afghan government as a solution which was, to some extents, accepted in

⁹ Read this report about Karzai's decree to revoke private security companies in the country:

<http://www.afghanpaper.com/nbody.php?id=13326>

¹⁰ Read Radio Azadi's report on Karzai's stance against corruption here: <http://da.azadiradio.com/a/24806403.html>

2012 Tokyo Conference where the participants decided the 50% of the aids to be spent by the Afghan government.

The Afghan government had also termed private security companies as sources of corruption and had also issued a decree to revoke these companies in order to prevent their illegal activities. However, this step was held with delay and it was not implemented sooner and took a long time.

Another effort in this regard was creation of SIGAR by the United States government. SIGAR was created in 2012 with a motive to prevent corruption and overseas US's financial aids in Afghanistan. Although this institution has revealed major cases of corruption in Afghanistan since its formation, but other political agenda's seems to be in its reports as well. Recently, this institution officially accepted that Americans played a key role in corruption in Afghanistan and some Americans were also tried in courts. SIGAR has also said that \$70m that were stolen from US's contracts in Afghanistan was regained in America and Europe.

Despite all these, the issue of foreigners' involvement in corruption in Afghanistan is yet to be paid attention by the Afghan government and international community. Foreigners have been practically involved in corruption in Afghanistan and this issue requires serious attentions of the Afghan government and international community.

The end

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