

In the Name of God, the Most Merciful, the Most Kind



June 02, 2016

## Kidnapping of Innocent Civilians Continues

Afghan civilians have been suffering from the negative impacts of growing terrorism in the country to a large extent. They are victimized during the clashes and become the target of suicide and road-side bombings that are carried out by Taliban. The United Nations Assistance Mission in Afghanistan (UNAMA) announced last month that during the first quarter of 2016, 600 civilians were killed and 1,343 were wounded, representing 1,943 victims (610 children) or 2 percent more than in the first quarter of 2015. On many occasions civilians are compelled to leave their houses and move to other places where they search security and tranquility but mostly face further misery. And, when Taliban insurgents want to show their strength, they target the civilians by kidnapping them and even killing them mercilessly.

In one of such acts, Taliban stopped a number of buses along the Kunduz-Baghlan highway, in Arzaq Angor Bagh locality in the early hours of Tuesday morning and kidnapped over 200 passengers. Later, most of the kidnapped were released but 40 were held by Taliban, out of whom, 13 were killed and the rest released except 10. These 10 passengers are still believed to be kept by Taliban. There are worries that they may be harmed by them, as well.

According to the statements of the concerned officials a military operation to rescue the 10 passengers is still ongoing. According to police, 190 hostages have been freed in the past 24 hours. Acting police chief for Kunduz, Mohammad Massoum Hashimi said in a statement, "We are doing everything possible to free the [remaining] passengers and recently three kidnappers were arrested, three of them killed and investigations are underway to find the remaining passengers."

The relatives of those who are still under the control of Taliban are really worried. Moreover, the people who travel through the highway have also showed their concerns regarding the kidnapping. They emphatically criticize the loose control of the government on the highway, where Taliban were able to create their own check-post and kidnapped such a large number of people with such convenience. They fear that such activities will be continued by the culprits if strong measures are not taken against them.

Last year as well seven innocent civilians belonging to Zabul province were kidnapped on a highway and later killed brutally, which included the 9-year old girl Shukria, whose throat was slashed by the kidnappers.

This act of Taliban is really cowardly; however, they keep on repeating it on the main highways throughout the country to show their strength. As the government authorities are not able to keep consistent look over the long routes, the Taliban insurgents create their own check-posts, stop the vehicles, search the passengers and even loot them on various occasions. They mostly target the ones whom they believe to be working for the government, Afghan and international forces or the international organizations.

With such a situation prevailing, it is really tragic to find the government authorities unconcerned. They mostly claim that they make efforts to ensure the security of the civilians but different incidents, every now and then, show that they either do not have the capability to do so or they lack the motivation. Their efforts are mostly observed after the incidents take place and the poor civilians are killed. Even last time the government ensured the safety of the kidnappers but their assurance bore no fruit.

Afghan president Ashraf Ghani has condemned the kidnapping of the civilians by Taliban and on Wednesday June 01, 2016 he blasted the new Taliban leadership for their inhuman act. He said that the newly-appointed Taliban leader Mullah Haibatullah in deed had no knowledge of religion. His lack of religious knowledge was disturbingly highlighted by the kidnapping and killing of innocent people. A statement from the Presidential Palace quoted Ghani as saying that Afghan security forces had been authorized to use all resources at their disposal to protect the people and defend the motherland. President Ghani also directed the Ministry of Interior (MoI) and transport officials to work together to improve the security of highways across the country. He asked Ulema and civil society to raise their voice against the abduction and killing of innocent people.

It is, however, to be seen whether these condemnations and directions would have any tangible result. Earlier as well promises were made to protect the civilians on the main highways but they ended up in smoke. People want to see tangible results and they can only be satisfied of the performance of the relevant authorities if they find changes in their circumstances and see their lives secured and free from different sorts of threats. They also deserve that because it is a part of their basic rights and the government has the responsibility to fulfill those rights.

## Imbalanced Powers

By Hujjatullah Zia

Afghanistan constitutionally supports the civil rights of the public based on democratic view and modern law. Men's dignity, human rights and freedom are deemed natural and beyond transgression. Violence and discrimination on the grounds of one's race, sex, beliefs, etc. are against law and the "United Nations Charter" and the "Universal Declaration of Human Rights" are recognized in the constitution and will be strengthened by the government unless being in conflict with Islamic tenets or the society's ethical code and social values.

Afghan government is committed to protect citizens' rights and liberty, form a civil community void of violence and atrocity, uphold democracy and national unity and eliminate any kinds of discrimination and distinction, which may befall the country. Violating people's fundamental rights is a highly punishable act and any warring parties who violate the nation's rights or revolt against the government will be convicted of a serious crime.

Similarly, persecuting or curtailing others' freedom is not in the field of the individuals' authority; however, restriction is imposed on their rights and liberty on the basis of law by the state. The constitution states, "No one shall be punished without the decision of an authoritative court taken in accordance with the provisions of the law..."

Regarding prisoners' rights, torture and persecution, confession obtained by means of compulsion, punishment contrary to human dignity and humiliation are forbidden with serious tone. Prisoners are entitled not to confess their crimes and to have defense attorney - their secret conversations and communications are considered to be immune to any kind of violation from the state. In other words, torturing prisoners, making them confess their acts or letting their legal period of sentence exceed are all against the law. Therefore, since police, court and prosecuting attorney are supposed to have an eye on enforcing law, they will have to act upon the same law strictly.

The judicial system plays a highly crucial role in our society vis-à-vis resolving criminal and civil cases and must remain impartial. It is believed that when the judicial machinery, in a society, tends towards corruption, enforcing law will be next to impossible. As a society is in need of constructive law, which is supposed to be based on social values, moral standards and cultural norms, it also should have independent and transparent judicial machinery. For instance, every citizen is equal in the eye of law, in our country, regardless of his/her racial, religious or sexual backgrounds, but is s/he treated equally in the judicial system?

Ill-fatedly, all three institutions i.e. legislative, executive and judicial powers do not move in parallel lines to one

another. Our law is perfect and considers the citizens' fundamental rights - the rights to life, liberty and property - in accordance with international law and society's values; however, it is still in the top list of corrupt countries. Law is enforced only on the poor, even their legal periods of sentence exceed, they are tortured and being imprisoned without knowing the reasons or having committed a crime, humiliated and discriminated in one way or another. But their voice falls on deaf ears.

Human's dignity, natural rights and equality, for being human, are also emphasized in the Universal Declaration of Human Rights (UDHR) - which is recognized in Afghanistan's constitution. Based on this, people are born with a set of natural and inviolable rights and have to be held in respect. It further underlines men's equality before the law, the immunity of one's privacy, respecting their honor and reputation, etc. Despite all the mentioned facts, people's rights are widely violated which reflects lack of law enforcement. As a result, it is said, "The accused shall be innocent until proven guilty by the order of an authoritative court." However, s/he is treated as criminal before being proved by the court. After all, women, who frequently fall the victim of domestic and social violence, hardly dare filing petition against the violators of their rights. They are misbehaved by all, including police and it is deemed inappropriate mainly in traditional customs. A woman was called "prosti-tute" for complaining against a man in a court and this is a clear example of being treated negatively.

Moreover, women are treated as pariah and stoned to death in tribal belts and in Taliban-dominated areas. Members of the Taliban radicals flagellated women in desert court - which is a flagrant violation of human rights and lawbreaking. In suicide bombings, the lifeless bodies of women, as drops of boiling blood trickle down their wounds, fill one with a strong sense of sorrow and disgust and they bear the brunt of lawlessness.

It is believed that violating man's rights and dignity will continue unabated unless we listen to the call of our conscience and uphold law and order and code of ethics in individual and social life. In the same way, men's natural dignity should be considered seriously regardless of people's ethnic backgrounds. Additionally, the state has to put its peremptory law into practice transparently so as to prevent from flagrant violations. Since "disregard and contempt for human rights have resulted in barbarous acts" people have to hold one another in high esteem and "act in spirit of brotherhood" - this will be the only way to remedy the chronic problems of human societies.

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## No Quick Fix for Syria

By Manish Rai

Exclusive for the Daily Outlook

Syrian peace talks are heading in direction of another failed process, or have already been failed, depending on how grim a view we take of the events unfolding in Geneva. The Syrian opposition has called a 'pause' to negotiations which we can conclude as an equivalent to a walkout from the talks. Even UN's Syria envoy Staffan de Mistura says there will not be a new round of peace talks for at least another two to three weeks. Escalation in fighting and difficulties delivering humanitarian aid have ruined the hopes for an earlier start of the peace process. Moreover opposition's chief peace negotiator, Mohammad Alloush, has resigned over the failure of peace talks to deliver any concrete results on ground. These all signs clearly indicate that recent peace talks in Geneva turned out to be a futile exercise. Since from the beginning of these peace talks there was lack of good signs or goodwill gestures. The first casualty of the Geneva peace talks was the cessation of hostilities or truce which was brokered by the United States and Russia to pave the way for the first peace talks attended by the warring parties. The opposition has already declared that the Syrian truce is over, which means full resumption of fighting. The cessation of hostilities agreement was never implemented completely. There were numerous cases of sporadic fighting from the start, which gradually intensified. But it surely helped in the delivery of much needed humanitarian aid to needy Syrians and brought a relief from intense fighting to large numbers of civilians trapped between government forces and rebels. But Syrians will now be exposed anytime to the full fury of the war which will be turned out to be very ugly this time. Even now the foreign backers of warring parties in Syria which were promoting talks once are now taking sides. The High Negotiations Committee, Syria's main opposition umbrella group had said it was not willing to return to any talks without a full ceasefire and access for humanitarian aid. Russia, which has shown solidarity with Syrian President Bashar al-Assad since beginning retaliated back, with foreign minister Sergei Lavrov criticizing opposition for setting preconditions to their participation. Even some analysts are suggesting that just as the US provided cover for Israel, Russia is protecting Assad. Even a renewed peace talks are launched there is no hope of its success because there are major bottlenecks between the Syrian government and opposition. One of the major bottleneck is that while opposi-

tion maintains its stand that President Assad has no role to play in future of Syria and even in the transitional government. On the other hand government's delegation refused to even discuss the possibility that President Bashar al-Assad would step down and a transitional governing body would be formed. Even the global and regional powers are also divided about this core issue. Moscow and Tehran main backers of Assad believe that any agreement between the opposition and Syrian government should support central government of Damascus, even if this means supporting President Assad. They argue that if President Assad leaves power while no strong leader to replace him Syria will turn into a failed state just like Libya. United States and its allies oppose Assad's stay in power, arguing that government of Syria should continue to be led by President Assad, it would be next to impossible to assume that armed groups put their weapons down and negotiate and cooperate with Syrian central government.

After taking all these equations in account it is very hard to believe that any peace talks will improve the situations on the ground and bring peace. In these current circumstances the best hope for halting Syria's destruction is the acceptance of agreed zones that take into account ethno-sectarian divisions and current battle lines while devolving significant power to local communities. While some level of international military presence like- United Nation's Monitoring Force will likely be necessary to monitor and ensure maintenance of the ceasefire. For success of any new round of talks a solid ground work has to be done first otherwise it is bound to fail again. As we draw on the lessons of the mistakes in the peace building processes in Iraq, Yemen and Libya, where half-baked measures, the lack of stabilisation plans and flawed security arrangements came back to explode in the face of those to hurried in launching the peace process. After a stable ceasefire is achieved then a fresh round of negotiations should be launched in that more workable solutions for resolution of the Syrian war can be discussed in detail like creating a federal structure with greater autonomy to every region, a decentralised system of governance or even the division of Syria on sectarian lines. It all up to Syrian to decide what political system they want for their country. But inter-national community has to facilitate the Syrian people to reach to a peaceful solution to this civil war and then to reconstruct their country.

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