Afghanistan Research and Evaluation Unit
Case Study Series

LEGACIES OF CONFLICT

Healing Complexes and Moving Forwards in Ghazni Province

Emily Winterbotham

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About the Author

Emily Winterbotham researches transitional justice at AREU. She has previously conducted research on the issue in Bosnia-Herzegovina and has an MSc in Global Politics from the London School of Economics.

About the Afghanistan Research and Evaluation Unit

The Afghanistan Research and Evaluation Unit (AREU) is an independent research institute based in Kabul. AREU's mission is to inform and influence policy and practice through conducting high-quality, policy-relevant research and actively disseminating the results, and to promote a culture of research and learning. To achieve its mission AREU engages with policymakers, civil society, researchers and students to promote their use of AREU's research and its library, to strengthen their research capacity, and to create opportunities for analysis, reflection and debate.

AREU was established in 2002 by the assistance community working in Afghanistan and has a board of directors with representation from donors, the United Nations and other multilateral agencies, and non-governmental organisations. AREU currently receives core funds from the governments of Denmark, Finland, Norway, Sweden and Switzerland. Specific projects in 2011 have been funded by the European Commission (EC), the International Development Research Centre (IDRC), the Humanitarian Aid Department of the European Commission (ECHO), the UK Department for International Development (DFID), and UN Women.

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Acronyms

APRP	Afghanistan Peace and Reintegration Programme
AREU	Afghanistan Research and Evaluation Unit
AIHRC	Afghanistan Independent Human Rights Commission
CBDR	community-based dispute resolution
CSO	civil society organisation
FGD	focus group discussion
ICTJ	International Centre for Transitional Justice
NSP	National Solidarity Programme
NGO	nongovernmental organisation
PDPA	People's Democratic Party of Afghanistan
PTS	Program Takhim-e Solh ("strengthening peace" initiative)
OSDR	Organization for Sustainable Development Research
WHO	World Health Organisation

Glossary

Terms are Dari unless otherwise specified

aram	calm
ashti	reconciliation
bakhshesh (Pashto)	forgive
dard-i-dell	pain in one's heart
dell-i-shan ra yakh kona	to make people's hearts cool; conveys a sense of closure
dard dell-i-shan ra aram kuna	to calm a heart's pain; conveys a sense of closure
dell-i-shan ra yak kuna	make a heart whole; conveys a sense of closure
gozasht	to ignore or forgive transgressions for the sake of harmony
huqooq-ul-ibad	rights of God's servant (or the individual) in criminal matters
hoqumat	government/executive part of the state
inqelab	revolution
islah	Islamic conflict resolution principle, in which peace and social cohesion are pursued through a process of negotiation and reconciliation
jerib	unit of measurement; one jerib is equal to 2,000 square metres
jirga	council that meets to solve problems as they arise
kalanha	elders and respected people in the community

khoms	payments made by Shia Muslims to poor people or to Sayeds
mahram	male chaperone, always a close relative
mohr	soil from Karbala city in Iraq where Imam Hussain's grave lies; Shiites put their foreheads on this while saying prayers
oqda/kina	can be translated as "complex" and is used in this case to indicate hatred, hostility or obsessive feelings stemming from conflict
qawm	form of solidarity group that is flexible in scope; defined by tribe, clan, ethnicity, locality or other characteristics as determined by the group
Qizilbash	a minority ethnic group of Shia Muslims living in different parts of Afghanistan; believed to be descendants of King Afshar
Sayed	a qawm believed to be descendants of Prophet Mohammad
sazesh	to make up; reconciliation
shura	council; sometimes equivalent to the term jirga, but sometimes with a more persistent membership and ongoing governance roles rather than being for ad hoc problem solving
sola (Pashto)	peace
tahkim-i-sulah	consolidate peace

1. Introduction

This case study is part of the "Legacies of Conflict: Justice, Reconciliation and Ways Forward" research project, which aims to deepen understanding of the impact of past and present war crimes and human rights violations on Afghan communities, and of what community members want in terms of "justice," "peace" and "reconciliation." This research by the Afghanistan Research and Evaluation Unit (AREU) began at the end of 2009 and was conducted in Kabul, Bamiyan and Ghazni Provinces. It is funded by the Royal Norwegian Embassy in Kabul and was developed in cooperation with the International Centre for Transitional Justice (ICTJ). This case study focuses on qualitative data collected from one urban community in Ghazni City and one rural community in Qarabagh District of Ghazni Province between March and October 2010.

The study provinces and districts were chosen to reflect a degree of ethnic diversity and to encompass as far as possible the different phases and intensities of conflict that people suffered in a particular place. Security issues as well as physical and social access were also taken into consideration. Ghazni Province was selected as an area of ongoing conflict that has suffered during each phase of Afghanistan's wars. It was also selected as a province with a substantial Pashtun population to capture this ethnic group's perceptions. The succeeding two sections in this introductory chapter explain the overall research focus and the conceptualisation of specific research themes. These are uniform in all the provincial case studies and will be followed when synthesising the findings across all the locations.

1.1 Overall research focus and issues explored

Despite the scale and length of conflict in Afghanistan, the country's victims have never experienced systematic justice. Since the signing of the Bonn Agreement in 2001 there has been limited action by the Afghan government and its international partners to address the culture of impunity in Afghanistan, and alleged perpetrators of some of the worst human rights abuses have retained positions of power. However, interest and engagement in promoting transitional justice by Afghan civil society and the media is growing and becoming increasingly diversified. This project is inspired by these ongoing efforts to promote transitional justice in Afghanistan. It seeks to contribute to the fragile process by developing qualitative,[1] in-depth knowledge about the impact of conflict and what justice in the wake of war crimes and human rights violations means to Afghans in local communities.

Previous AREU research demonstrated that transitional justice in Afghanistan is often misunderstood and conflated to mean addressing questions of criminal responsibility only.[2] By adopting an open-ended and responsive approach, this research aims to allow Afghans themselves to describe what they mean by "justice," "reconciliation" and "peace" in Afghanistan, and create the space for previously unexplored ideas—perhaps including locally-based initiatives—for achieving this. This includes exploring transitional justice

1 Qualitative research aims to gather a holistic understanding of complex realities and processes. The possibility of objectivity is questioned and instead the aim is to understand differing and often competing subjectivities in terms of very different accounts of "facts," different meanings and different perceptions. See Linda Mayoux, "Quantitative, Qualitative or Participatory? Which Method, for What and When?" in *Doing Development Research*, eds. Vandana Desai and Robert B. Potter (London: Sage Publications, 2006).

2 This finding is based on research by the author. See Emily Winterbotham, "The State of Transitional Justice in Afghanistan: Actors, Approaches and Challenges" (Kabul: AREU, 2010).

mechanisms in an Afghan context, taking into account the role an Islamic framework and community-based justice mechanisms[3] may play in these. As Fletcher and Weinstein assert, often little attention is paid to the role of the rule of law in different cultures and how popular expectations of justice may differ.[4] AREU's research hopes to go some way toward addressing this dearth of information.

The research is intended to complement previous and ongoing efforts by other organisations. It collected in-depth information from a number of individuals within a select number of communities about the legacies of conflict, ultimately to build a picture of what different communities' desire in terms of justice, peace and reconciliation. Earlier research has included the Afghanistan Independent Human Rights Commission (AIHRC)'s "A Call for Justice" and the Afghanistan Justice Project's "Casting Shadows," both conducted in 2004.[5] Since then the situation has changed and it is meaningful to again ask what these terms mean in Afghanistan nearly ten years after the overthrow of the Taliban and in an environment of escalating conflict and continuing impunity. In doing so, the research aims to identify strategies and mechanisms that could allow communities to move forward. The project aims to ensure that policymakers are aware and informed of the desires and demands of different communities in Afghanistan in relation to transitional justice, reconciliation and peace. Specifically, it hopes to inform them of the most appropriate accountability and reconciliation processes to address crimes committed during the conflicts. As such, it aims to contribute to processes that ensure that those who have been most affected by Afghanistan's conflicts are the key actors in future accountability and reconciliation activities.

Four major themes and accompanying questions have structured this study:

- ***Experience of conflict***: how have individuals and communities experienced the different phases of conflict and its accompanying violations? How do these experiences affect perceptions of Afghanistan's wars?
- ***Dealing with the legacy of conflict***: how have people coped with the violations suffered and what processes do they perceive would help address the legacies of war?
- ***Addressing victims' suffering and dealing with the perpetrators of war crimes***: what does the demand for justice for war crimes mean at the local level? What are the most appropriate mechanisms of recourse and resolve to deal with the perpetrators of war crimes and to satisfy victims' demands?

3 "Community-based dispute resolution refers to the processes used for resolving disputes within the community in which the dispute has taken place." See Deborah Smith with Shelly Manalan, "Community-Based Dispute Resolution Processes in Bamiyan Province" (Kabul: AREU, 2009), 1.

4 Laurel E. Fletcher and Harvey M. Weinstein, "Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation," *Human Rights Quarterly* 24, no. 3 (2002): 573-639.

5 The Afghanistan Independent Human Rights Commission's (AIHRC) consultations about Afghan perceptions of war crimes and gross human rights violations were published in "A Call for Justice: National Consultation on Past Human Rights Violations in Afghanistan" (Kabul: AIHRC, 2005). The report can be downloaded at http://www.aihrc.org.af/rep_Eng_29_01_05.htm (accessed 25 January 2009). It was primarily quantitative in nature with a survey being conducted with 4,151 respondents. Two hundred focus group discussions were also conducted, although much of the data was presented in a quantitative manner in the report, and it did not provide detailed information about the impact past (and present) violations have on Afghan lives today. The Afghanistan Justice Project (AJP)'s "Casting Shadows: War Crimes and Crimes Against Humanity: 1978-2001" (http://www.afghanistanjusticeproject.org/warcrimesandcrimesagainsthumanity19782001.pdf, accessed 23 August 2011) is largely a documentation exercise, although it does provide policy recommendations. AIHRC's more recent conflict mapping exercise is also essentially a documentation project, collecting factual evidence rather than investigating perceptions and desires as this project aims to do.

- ***Ways forward***: how can Afghanistan achieve peace and reconciliation and move forward? How can different demands for justice and recompense be reconciled with demands for peace and reconciliation?

1.2 Conceptualising transitional justice: Justice, forgiveness, peace and reconciliation

The concept of "transitional justice" is central to this project. Transitional justice is an umbrella term used to describe measures associated with a society's attempts to come to terms with a legacy of large-scale abuses to ensure accountability, serve justice, reconcile former enemies and achieve peace. The practical experience of the United Nations in countries from Cambodia to El Salvador reinforced the clear message that transitions would lack sustainability if they were not founded upon accountability and the rule of law, and would lack legitimacy if they were not grounded in justice.[6] In essence, justice must not be bargained away. The creation by the UN of ad hoc war crimes tribunals, the establishment of an international criminal court, and the disposition of the judiciaries of some countries to act extraterritorially by applying universal jurisdiction all reflect a growing international consensus that individual human rights be upheld and that genocide, war crimes and crimes against humanity do not go unpunished.

One of the most recognisable approaches to dealing with the complex legacy of wartime atrocity has been criminal trials. One of the central normative arguments for trials in the contemporary period of criminal justice is that punishment can play a role in highlighting society's transition to a democratic, law-abiding state, and underlining the difference from the previous regime.[7] As Kritz explains, a public forum revealing the horrors of individual crimes can demonstrate that individuals will be held accountable in future.[8] There is also the argument that criminal trials play a role in truth-seeking by creating historical records, reconciliation processes and in satisfying victims' demands for retribution and accountability.

Much has been written in opposition to the purported effects of this legalist approach. As Bass writes, legalists can be criticised for setting a mass of "lofty objectives" for war tribunals.[9] Instead, Hamber argues that dealing with the past needs to be approached as creatively as possible, including as many voices as possible.[10] Fletcher and Weinstein support this and advocate the adoption of an ecological model that is designed to focus on multiple levels of society and adopt multiple processes of social repair. This requires a variety of interventions: state-level criminal trials, commissions of historical record (truth commissions), individual or family psychosocial support, and community-based responses.[11]

6 Rama Mani, "Ending Impunity and Building Justice in Afghanistan" (Kabul: AREU, 2003); Neil Kritz, "Coming to Terms with Atrocities: A Review of Accountability Mechanisms for Mass Violations of Human Rights," in *Law and Contemporary Problems* 59, no. 127 (1996): 127.

7 Neil Kritz, "The Rule of the Law in the Post Conflict Phase: Building a Stable Peace," in *Turbulent Peace: The Challenges of Managing International Conflict,* eds. C. Crocker, Fen Hampson and Pamela Aall (Washington, DC: United States Institute of Peace, 2001).

8 Kritz, "Coming to Terms with Atrocities."

9 Gary John Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (Princeton, NJ: Princeton University Press, 2000), 284.

10 Brandon Hamber, "How Should We Remember? Issues to Consider When Establishing Commissions and Structures for Dealing with the Past," paper presented at *Dealing with the Past: Reconciliation Processes and Peace-Building* (Belfast, Northern Ireland: 1998).

11 Fletcher and Weinstein, "Violence and Social Repair."

In contrast to the legalist approach, the creation of South Africa's Truth and Reconciliation Commission saw the reconciliation model gain resonance with practitioners. Consequently, the therapeutic moral order has become another dominant framework within which states attempt to deal with a legacy of violent conflict. The basis of this model is the need to heal victims and the nation as a whole, which often negated the retributive model on the grounds that it threatens a return to violence. The rise of the post-conflict therapeutic framework was tied to the global proliferation of amnesty agreements.[12] Notably, over 66 amnesty laws came into being in between 2001 and 2005.[13]

However, the enactment of the Rome Statute in 2002, and the growing acceptance of this by a number of countries,[14] has gradually changed many of the assumptions of earlier peace versus justice debates, at least for States Parties. Although there will at times be short-term tensions between negotiators and prosecutors, if one seeks to obtain sustainable peace then peace and justice are mutually reinforcing. The Statute has lent significant momentum to the trend against amnesties although this is not always universally followed.[15]

The key for this project is to investigate how Afghanistan's victims frame the issue and what their underlying goals and demands are. To effectively deal with the legacy of a violent past it is necessary to deconstruct what "justice" means to people in the aftermath of mass violations. Exploring what people mean by justice, and what processes are involved, is a central component of this project. In context, criminal justice is just one of many possible interpretations;[16] justice can mean having a job and an income, returning home, testifying in a trial, revenge, receiving an apology or learning the truth about missing relatives and receiving bodies for a proper burial. Indeed, the Nuremberg Declaration—an intergovernmental document dealing with peace and justice—states that justice contains elements of criminal justice, truth-seeking, reparations and institutional reform as well as the fair distribution of, and access to, public goods and equity within society at large.[17]

In countries such as Afghanistan which have been torn apart by civil conflict, the pursuit of justice is often linked with healing processes. Hence the demand at communal and political levels is often not just for "justice" but for as much justice as possible or as much justice as is constructive. Keen suggests there are dangers in a rigid policy of punishing abuses. He argues it is doubtful whether South Africa's security services would have accepted the end of apartheid without the prospect of some kind of amnesty.[18] This raises questions such as how much justice is needed and what type of justice is required to secure peace while upholding international law. In post-conflict environments,

12 Claire Moon, "Healing Past Violence: Traumatic Assumptions and Therapeutic Interventions in War and Reconciliation," *Journal of Human Rights* 8, no. 1 (2009), 71-91.

13 Louise Mallinder, "Can Amnesties and International Justice be Reconciled?" *The International Journal of Transitional Justice* 1, no. 2 (2007): 208-230, in Moon, "Healing Past Violence."

14 As of June 2011, 114 countries are members of the court.

15 David Tolbert and Marieke Wierda, "ICTJ briefing: The Rome Statute Review Conference," June 2010, Kampala, http://ictj.org/sites/default/files/ICTJ-RSRC-Global-Peace-Briefing-2010-English.pdf (accessed 9 July 2011).

16 Laurel E. Fletcher and Harvey, M. Weinstein, "A World Unto Itself? The Application of International Justice in the Former Yugoslavia," in *My Neighbour, My Enemy: Justice and Community in the Aftermath of Mass Atrocity*, eds. Eric Stover and Harvey M. Weinstein (Cambridge: Cambridge University Press, 2004), 4.

17 "Nuremberg Declaration on Peace and Justice: Definitions," 19 June 2008, http://www.peace-justice-conference.info/download/Nuremberg%20Declaration%20A-62-885%20eng.pdf (accessed 9 July 2011).

18 David Keen, "War and Peace: What's the Difference?" in *Managing Armed Conflicts in the 21st Century,* eds. A. Adebajo, C. L. Sriram and F. Cass, 1-22 (London: Routlege, 2001).

particularly in the case of civil wars, there is often a limit to how far criminal justice can be pursued when the aim is oriented toward the larger goal of healing relationships. This is not to ignore, as Moon argues, that in some cases[19] healing is contingent upon first achieving justice.[20]

This reading brings us to the question of what exactly peace is. At one level, Keen says this question can be quickly dispensed with: "war is violent and peace is, well, peaceful; in other words, peace is the antithesis of war."[21] However, Keen goes on to challenges this juxtaposing of "peace" and "war." Instead, he argues that if wars—particularly more recent civil conflicts—can involve elements of cooperation and collusion, of limiting violence, and of the consolidation of various kinds of order, then it is also important to note that peace can be quite violent.

Galtung explains the presence of violence in peace in his conceptualisation of negative and positive peace. In this interpretation, negative peace is the "absence of personal violence" whereas positive peace encompasses the "absence of structural violence."[22] Structural violence here includes processes of exploitation and marginalisation, anything that limits human well-being to levels below what is possible.[23] He consequently suggests that genuine, long-lasting peace entails more than an end of violence and conflict.

If genuine peace is to be achieved in the aftermath of civil conflict, one must inevitably turn to the concept of "reconciliation." As previously stated, the idea of reconciliation as a model in post-conflict societies has gained particular resonance in academic, humanitarian and political circles. However, the concept is controversial, since it can be conceived in a moral, quasi-religious way, involving individual acts of confession and forgiveness, and for the prioritising of therapeutic moral order over the punitive. Critics highlight that this type of behaviour is rare in post-conflict situations and there is something inherently patronising in the idea that international actors should seek to promote it.[24]

It is also acknowledged that this term is fraught with ambiguity.[25] In its broadest terms, reconciliation involves: developing a shared vision of an interdependent and fair society that values different opinions and political beliefs; acknowledging and dealing with the past through providing the mechanisms for justice, healing, restitution and reparation; building positive relationships; significant changes in culture and attitudes; and substantial social, economic and political change. It is both an outcome and a process and requires, in the best circumstances, a cognitive change—in beliefs, ideology and emotions.[26]

19 Moon bases this on the work of Chris Gilligan, "Traumatised by peace? A critique of five assumptions in the theory and practice of conflict-related trauma policy in Northern Ireland," *Policy and Politics* 34, no. 2 (2006), in Moon, "Healing Past Violence."

20 Moon, "Healing Past Violence."

21 Keen, "War and Peace: What's the Difference?"

22 Johan Galtung, "Violence, Peace, and Peace Research," *Journal of Peace Research* 6, no. 3 (1969): 167–191.

23 Galtung, "Violence, Peace, and Peace Research."

24 Observation based on author's interviews conducted in Bosnia-Herzegovina for MSc dissertation: "Can International Criminal Trials Pave the Way towards Reconciliation in the Aftermath of 'New Wars'?: Coming to terms with the past in Bosnia-Herzegovina," MSc thesis at London School of Economic and Political Science, September 2006.

25 See the works of John Paul Lederach, Jean Bethke Elshtain, Andrew Rigby, Joseph Montville and Johan Galtung, among others.

26 Y. Bar Siman Tov, "Israel-Egypt Peace: Stable Peace?" in *Stable Peace Among Nations*, eds. A. M.

John Paul Lederach describes reconciliation as the shared space interdependently occupied by four social energies: "Truth, Mercy, Justice, and Peace."[27] Rigby reiterates the importance of these components, stressing the importance of healing and closure for both victims and perpetrators. He notes that "imperfect reconciliation occurs when the new political leaders can settle for an imperfect process lowering their aim for achieving social harmony but victims are expected to forfeit their claim to restitution."[28] In this view, pitting justice and peace against each other as alternatives is, as Volf terms it, "cheap reconciliation." He argues that to pursue cheap reconciliation means "to give up on the struggle for freedom, to renounce the pursuit of justice, to put up with oppression."[29] He concludes that "far from standing in contrast to justice, for such a notion of reconciliation justice is an integral element." [30] The United Nations Secretary-General's seminal Rule of Law report supports this view: "Peace and justice, if properly pursued, promote and sustain one another. The question can never be whether to pursue justice, but rather when and how."[31]

In the context of this work, a narrower understanding of reconciliation should be explained, known as "political reconciliation." This involves processes through which an inclusive political platform is created for formerly hostile parties, particularly political institutions and actors. As Sajjad argued, in the context of Afghanistan, the term "reconciliation" when articulated and applied by policymakers follows more the parameters of political reconciliation; it alludes to political negotiations between antagonistic parties, rather than involving communities in the processes of healing, truth-telling and transformation of relationships between previously antagonistic parties.[32]

Also relevant is the concept of reintegration, which is often used interchangeably in Afghanistan with reconciliation (most people interviewed largely drew no distinctions between reconciliation and reintegration). However, Sajjad's research for AREU on reintegration and reconciliation in Afghanistan challenged the assumption that they are mutually reinforcing and that success in one will automatically lead to success in other.[33] Reintegration is the last stage of the Disarmament, Demobilisation and Reintegration process and describes how ex-combatants gain civilian status and sustainable employment. Reintegration is essentially a social and economic process with an open timeframe, primarily taking place in communities at the local level.[34] In reality, Sajjad

Kacowicz, Y. Bar Siman Tov, O. Elgstrom, and M. Jerneck, 220-38 (Boulder, CO: Rowman Publishers, 2000).

27 John Paul Lederach, "Building Peace and Reconciliation," in *Turbulent Peace: The Challenges of Managing International Conflict*.

28 See Andrew Rigby, *Justice and Reconciliation: After the Violence* (Boulder, CO: Lynne Rienner Publishers, 2001).

29 Miroslav Volf, "Forgiveness, Reconciliation, and Justice: A Theological Contribution to a More Peaceful Social Environment," *Millennium: Journal of International Studies* 29, no. 3 (2000): 867-877. Though it must also be acknowledged that Volf's conception of reconciliation is derived from a theological perspective, many of his arguments hold relevance to the author's reading of reconciliation.

30 Volf, "Forgiveness, Reconciliation, and Justice."

31 "The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies," Report of the Secretary-General, August 24, 2004, UND Doc. S/2004/616, para. 21. In David Tolbert and Marieke Wierda, "ICTJ briefing: The Rome Statute Review Conference" (Kampala: June 2010), http://ictj.org/sites/default/files/ICTJ-RSRC-Global-Peace-Briefing-2010-English.pdf (accessed 9 July 2011).

32 Tazreena Sajjad, "Peace at All Costs: Reconciliation and Reintegration in Afghanistan" (Kabul: AREU, 2010).

33 Sajjad, "Peace at All Costs."

34 Sajjad, "Peace at All Costs," referencing Nicole Ball, "Disarmament, Demobilization and Reintegration: Mapping Issues, Dilemmas and Guiding Principles" (The Hague: Centre for International Policy, Netherlands Institute of International Relations, 2006), http://www.reliefweb.int/rw/lib.nsf/db900sid/HVAN-6UFKQR/$file/cling-ddr-aug2006.pdf?openelement (accessed 23 August 2011).

argues that reintegration alone cannot fully prevent a return to conflict, ensure the good faith of the parties involved, and be a substitute for other peace enforcement mechanisms, such as strengthening the rule of law, security sector reform, or effective implementation of the conditions of a peace agreement.[35]

The terms "justice," "peace" and "reconciliation" were used constantly throughout this project by the people interviewed. This section has briefly reflected on what these terms entail in an academic sense, and the rest of the paper aims to demonstrate what they mean to people in the research communities. If we are to understand how to best approach these processes it is vital to explore the meaning they hold at the community level.

Finally, while transitional justice theory formed the theoretical backdrop to the research, one of the aims of this research is to locate transitional justice in the specific Afghan context. As discussed, the term "transitional justice" can imply certain connotations. In Afghanistan, it is often misunderstood and conflated to mean addressing questions of criminal responsibility only, which can prompt suspicion. Consequently, to avoid confusion about the aims of the project, the research team preferred to view and explain the project simply as exploring the legacies of conflict and legitimate ways to heal "*oqda*" or "*kina,*" which can be translated as "complexes" and is used in this case to indicate hatred, hostility or obsessive feelings stemming from conflict, and to "*dell-i-shan ra yakh kona*" (to make people's hearts cool) or "*dard dell-i-shan ra aram kona*" (to calm their hearts' pain).[36] These concepts of "having *oqda/kina*" or "*dard-i-dell*" (pain in one's heart) and the notion of needing to "calm" or "cool people's hearts" were adopted because these were the terms used by respondents to refer to their unresolved pains and issues.

It should be recognised that the notion of a "complex" is also a concept in Western psychology based largely on Jung's theory of the personal unconscious. According to this, complexes are emotionally charged contents around a highly emotional nucleus based on an experience which at the given time was incompatible with the person. They are apparently formed due to a person's life experiences so are individual and unique, part of the personal unconscious. Complexes often operate autonomously and interfere with the intentions of the will, disturbing the memory and conscious performance. In Jung's opinion, complexes are not negative in themselves but their effects can be.[37] This is a similar interpretation to the one adopted by Afghans, who argued that complexes needed to be healed.

This desire to adopt the terminology closest to those used by respondents was also reflected in word selection. The author tries to avoid the use of the terms "war criminal" or "war crimes" in the paper; these terms are imbued with legal connotations under international law, which was not a point of reference for most of the people interviewed.[38]

35 Sajjad, "Peace at all Costs," referencing Nicole Ball, "Disarmament, Demobilization and Reintegration."

36 It should be noted these are Dari phrases and Pashtun respondents did not explain their feelings in exactly the same way.

37 C. G. Jung, *Psychiatric Studies. The Collected Works of C. G. Jung Vol. 1,* ed. Michael Fordham (London: Routledge, 1967).

38 What constitutes a war criminal or war crime in international law is clearly outlined. However, some people identified as perpetrators of crimes relevant to respondents in this research may not fall under this legal classification. Therefore, the decision was taken to refer in more general terms to "violators" or "perpetrators of crimes during the war," etc.

1.3 Structure of the case study

Section 2 provides an overview of the methodology used for both the collection and analysis of the data, ethical considerations and details regarding the selection of the research sites, including an overview of their social, economic and geographical contexts. This provides an important background to the rest of the report, explaining why the research team was able to access and understand certain phenomena. Section 3 discusses the violations and experiences of suffering that have occurred in each community and the perceptions of the different phases of the conflicts among respondents in these areas. Section 4 explores how people have coped with the legacy of these conflicts and how they feel these should be addressed to heal victims' suffering. Section 5 examines desires and demands in relation to dealing with the perpetrators of crimes and human rights violations during war. Section 6 explores more widely how to achieve peace and reconciliation in Afghanistan. The conclusion then reviews the answers to the research questions raised in Section 1.

2. Methodology and Site Selection

This section introduces the research methods used for this study. It also covers site selection processes, information about how trust was built in the communities, sampling and the provincial and community contexts of the study sites.

2.1 Research methods

The methods used for this research were semi-structured individual interviews, focus group discussions (FGDs) and informal conversations. Individual interviews allowed people to feel comfortable about speaking, while FGDs helped explore communities' perspectives of the past conflicts and, particularly, their ideas about addressing issues of justice, peace and reconciliation in relation to specific wartime experiences. These methods adopted an open-ended, flexible approach to give respondents the opportunity to define the most important issues for them.

The research team conducted a pilot study in an urban area in Kabul to develop and refine the research tools before fieldwork started. Research was conducted in two areas in Ghazni Province, an urban area in the capital city and a rural village in the southwest, between March and October of 2010.

Due to the local security situation and the fact that AREU had no presence in Ghazni Province, the research was conducted in collaboration with the Organization for Sustainable Development Research (OSDR). The organisation was selected because of its research background, its knowledge of and previous work in the province, and its consequent ability to recruit a research team from the area. AREU provided extensive training to OSDR and the research team used the same methods and interview guides as AREU's research teams used in Bamiyan and Kabul Provinces. AREU worked closely with OSDR to ensure data quality.

Prior to the start of the research, the team obtained permission from the municipality and district head of police to be introduced to the district officials as well as to each community's representatives. Community leaders were integral in introducing the team to the community and in overcoming any resistance to the research. Expectations were managed from the beginning by providing clear information about the research and making a distinction between AREU and OSDR as research organisations and other welfare or service-delivery NGOs. Additionally, prior to starting data collection, the research team spent several weeks conducting informal conversations—gaining contextual information about the area as well as building the trust of the community.

Respondents and FGD participants were selected based on the following sampling criteria.

1. Age: This was designed to gain the knowledge and opinions of different generations who have experienced the conflict in varying ways. In the sampling, younger respondents included those aged between 18 and 29; middle-aged included respondents between 30 and 48; and older aged from 49 upwards. The oldest respondent was around 75 years old.
2. Ethnicity: Respondents were selected to reflect, as far as possible, the composition of the area.
    a. Urban area: The urban site is composed of mixed ethnicities, namely Tajik, Pashtun and Hazara.

b. Rural area: The rural site is homogenous and all informants selected were from the Pashtun ethnic group.

3. Sex:

c. Urban area: Both men and women were equally represented in the categories mentioned in the sampling.

d. Rural area: Fewer women than men were interviewed in the rural area due to the difficulties in obtaining interviews with women in such a conservative society and one with a solid Taliban presence. This is reflected in the table in the appendix and explained in the research challenges section.

4. Experience of conflict: The sampling criteria included respondents who had been directly affected by conflict and had stories to tell but also included people less affected who might have different views about how to move forward.

All the informants underwent two rounds of semi-structured interviews. The first round focused on the stories of individuals and their experiences of different phases of conflict. The aim was to understand what experiences people had suffered at different times, how people dealt with different violations under the different regimes and which regime or period was the worst for them and for the community.

Based on the first round of interviews, second round interview guides were drawn. Their main focus was to obtain knowledge and understanding about what processes and mechanisms could help individuals deal with the past violations they had experienced. Specifically, this included how perpetrators of violations should be dealt with and what should happen to ease the suffering of victims and their families to enable them to deal with the legacy of the conflicts and move forward. Ultimately, this was designed to collect ideas about the appropriate ways to provide recourse and resolve in the aftermath of conflict in Afghanistan. On a conceptual level, both rounds of interviews were designed to collect respondents' feelings on the concepts of justice, peace and reconciliation.

Two rounds of FGDs were also held. The aim was to include the same respondents in the first and second round of FGDs but due to unavailability or sometimes unwillingness of the respondents, this was not always possible.

Across both urban and rural research sites, including first and second rounds, 59 individual interviews with women and 66 individual interviews with men, and 14 FGDs with women and 16 FGDs with men were conducted. The tables in the appendix show the distribution of the first and second round of interviews in the urban and rural areas with the different categories of respondents based on sex, age and ethnic group.

Interviews were conducted by a gender, age and ethnically-balanced research team (Pashtun, Hazara and Tajik). Two international senior researchers were responsible for overall management of the research. Given the sensitive nature of the research, building trust and overcoming confidentiality concerns was vital, as was maintaining an open environment. In this regard, the interviewer was the same ethnicity as the interviewee wherever possible. In the rural area, only Pashtun researchers operated due to security concerns. Interviews were conducted in Dari or Pashto and recorded in written notes.

Determining the reliability of data was managed by triangulating data collected from different sources and by asking researchers to record their own observations and reactions to interviews in daily field notes. Interview and FGD transcripts were coded

using ATLAS.ti qualitative analysis software to help extract themes and sub-themes across the data as a whole.

2.2 Site selection

For the overall research, provinces were selected to reflect a degree of ethnic diversity and to encompass the different phases and intensities of conflict over the past 30 years. Security considerations were paramount and some provinces were consequently ruled out as unsafe. Physical and social access was also taken into consideration. Ghazni Province was selected as an area with a substantial Pashtun population and as a province where there is ongoing conflict between the Taliban and the government and allied international forces. The interaction between the different ethnic groups and the impact of the other conflicts, in particular the communist and Taliban eras, were also key factors in selecting this province.

The major considerations for site selection were: 1) security of the area and safety for researchers, 2) openness and willingness of community members to participate in the study, 3) ethnic composition of the community and 4) experience of the conflicts.

In each province an urban and rural site was selected. This created an opportunity to compare a range of different communities' perspectives in different contexts. It is likely that the communities in the rural areas have experienced conflict as a group and as such may have witnessed similar events, even if they were experienced and are remembered in different ways. In urban areas by contrast, patterns of migration mean that different people may have moved in from different areas at different times, and are thus likely to have had more varying experiences of conflict.

In Ghazni City, the research site was composed of mixed ethnic groups, largely Pashtun, Tajik and Hazara. This urban site met all the criteria listed above. In all three mentioned periods, people in this area suffered many human rights violations including death, injury, forced expulsion, unwanted migration, disappearance, discrimination and looting, particularly during the Taliban era. The area was also selected to reflect the heterogeneous composition of Ghazni City. Finally, in terms of security the area was assessed as safe for the team to conduct the research.

A village in the southwest of Qarabagh District was selected as the rural site. The primary reason for selecting this area was to capture the opinions and perceptions of people from a homogenous Pashtun area, which faces violations and ongoing conflict during the current phase of fighting. While this area currently experiences high levels of violence and there is a heavy Taliban presence, it was still deemed safe to work in, largely due to OSDR's understanding of the context of the area. The security considerations that were involved in working in this type of environment are expanded on in the research challenges section.

2.3 Ethical considerations

The research consistently adhered to the principle of "do no harm." Permission was sought before beginning work and as many members of the community as possible were invited to the introductory meeting so the team could explain the objectives of the study and manage expectations. Respondents and participants were also assured of their anonymity and the confidentiality of their answers. Informed verbal consent was sought before conducting any in-depth interview or FGD.

It is standard practice at AREU to use pseudonyms for districts or villages to protect the confidentiality of the respondents. Given the sensitivity and ongoing conflict in Ghazni Province, the author has decided to withhold the identity of both the urban and rural research sites. The historical and socioeconomic contexts of these sites are outlined in the context section, but confidentiality has been maintained by omitting specific personal details of respondents and their names have been changed throughout the report. Despite security concerns, it was also decided that easily identifiable figures, including alleged perpetrators, would also be included when named by respondents. The logic was that these people were easily identifiable and providing them with pseudonyms would be largely redundant. It should, however, be recognised that it was interviewees who named any individuals identified in this report and their inclusion does not represent a view of AREU or the author or indicate an allegation.

2.4 Research challenges and solutions

This section covers the challenges the research team faced when conducting the research. These are classified into three categories: security, sensitivity of the research subject, and ensuring research quality. These are discussed here to clearly highlight the limitations of the research in view of its highly sensitive nature.

Security

The original aim was to conduct legacies of conflict research in Kandahar to fulfill AREU's primary intention to study a largely Pashtun, southern province with ongoing conflict. However, the decision was made to instead conduct research in Ghazni Province because of the international troop surge taking place at the time research was being planned and escalating tensions in Kandahar Province generally. This was done to not only protect the research teams but also the communities in which research might have taken place.

Even in Ghazni Province, security concerns were paramount. AREU and OSDR constantly discussed the fluctuating security situation in the province and research was delayed when necessary. Moreover, the research team was encouraged to not carry anything that could identify them as working for a research organisation, which could be perceived as having links with the international community.

Conducting research in the rural site presented the greatest challenge due to the heavy Taliban presence in the area and the outbursts of violence between the Taliban and coalition forces. The researchers faced security concerns when they travelled with the data to and from Qarabagh District since the Taliban have established checkpoints and, at times, stop cars to search them. On one occasion, a male researcher travelling from Qarabagh District to Ghazni City was forced to quickly dispose of his research notes before reaching a Taliban checkpoint.

Moreover, a proportion of the residents of the rural area support the Taliban, including having male relatives who are part of the insurgency. This presented a challenge given that the research included questions about Taliban violations. It was important for the researchers to be as sensitive as possible about these questions and at times a line of questioning was stopped in order to protect them. This is discussed further in the research quality section. The selection of Pashtun male and female researchers who were familiar with the village helped to ensure that research could be conducted.

The parliamentary elections in September 2010 delayed research in both sites. Given the sensitivity of the period, respondents were reluctant to be interviewed and the decision

was made to temporarily halt the research until the atmosphere was more conducive. It should be noted that although the urban research site was generally deemed safe to conduct research in, a security challenge arose during the election period. Since the research guide includes questions about the current period, including perceptions of the government and parliament, one female researcher claimed that she had been verbally threatened by a member of parliament for asking such sensitive questions. The situation was monitored by AREU and OSDR and no security incident resulted from this event.

Sensitivity of the research

The sensitive subject of the research was the biggest challenge to confront. Exploring issues of war crimes, human rights violations or issues of community and ethnic relations are difficult topics to address, especially given the environment of impunity in Afghanistan, the current ongoing violence and the role of the Taliban in Ghazni Province. It was also often hard for some respondents to talk about the past because it forced them to recall distressing incidents.

Addressing these challenges, the team tried to be as clear as possible on the objectives and goals of the research, including how AREU planned to use the research findings from the research areas after the data was processed. Building trust and overcoming confidentiality concerns was therefore vital. Throughout the course of the research, the team maintained a constant presence in the area to maintain relations and build that trust. The team received psychosocial trauma training in order to help them monitor respondent reactions and to guide interviews in the most sensitive manner. This included temporarily suspending interviews where necessary. Moreover, the research team found that sharing their experiences of conflict assisted building rapport during the research. In this respect, holding informal discussions in both communities prior to starting the research was also beneficial.

However, in both sites it was a challenge to build enough trust to enable people to talk about such sensitive issues. This was particularly true of the rural area where respondents hesitated when talking about past and current issues, largely because of the Taliban presence. In both areas it was also vital to ensure that respondents were aware that AREU's research is confidential and that there were no links between AREU, OSDR and the Taliban.

Ensuring research quality

As mentioned above, respondents occasionally seemed to avoid talking about certain issues due to the sensitivity of the research topic and the current social context. This issue was most apparent in the rural area where a proportion of community inhabitants were reluctant to discuss anything in relation the Taliban, either past or present. This was most obvious among older male and female respondents, particularly those who had lived in the area for a long period. Newer arrivals to the area expressed more open criticism. Where community inhabitants appeared reluctant to discuss the Taliban, researchers noted this and it forms part of the analysis of this paper.

In the urban site, the parliamentary elections affected respondents' willingness to talk openly. Despite delaying the research, there were some limited impacts on people's openness and some of the data relating to perceptions of government and parliamentary figures might be lacking in some areas. Where relevant this is noted in the analysis of the paper.

Initially, there were concerns about interviewing women in the rural area due to the presence of the Taliban and the conservative nature of this research site. In order to ensure this was completed in the best manner possible, fewer interviews were conducted with women in this area as opposed to women in the urban site. This is reflected in the table in the appendix. Female researchers who were familiar and known in the area were also employed to avoid raising suspicion about the presence of newcomers to the area. It should also be noted that interviewing younger women in the community was extremely difficult and only a couple of younger female respondents were interviewed; this is also shown in the table. Women in the rural area in general were very reluctant to disclose much information about the past or current conflicts and opinions on political issues generally. A couple of women interviewed told us that their male relatives said they should not talk about political issues. Moreover, the majority of female interviewees were uneducated and were often shy about expressing their opinions. In fact, a few elderly female respondents tried to stress that their community had remained isolated from the violence, which was clearly not true. Data from women in the rural area was consequently slightly lacking in some areas, which is acknowledged throughout the paper.

Certain topics such as rape, forced marriage and sexual assault were also difficult to explore. This was not specific to Ghazni; culturally, rape is a highly sensitive issue for women and girls in all parts of Afghanistan. Rape is not criminalised under Afghan law, but it is prosecuted under adultery provisions of the Penal Code of 1976.[39] No respondent discussed first-hand knowledge of sexual assault or rape in their community or within their family. Instead, stories of rape were often based on hearsay. In some cases, people who spoke in more general terms might have had more direct knowledge or experiences, but were reluctant to disclose it.

Field notes and observation notes were essential ways of noting the environment in the community, any possible bias of the respondent, and any information that they appeared unwilling to discuss or provide. While extensive efforts have been made to triangulate the information in respondent's stories, it should be noted that this was not a documentation project. At times some of the stories could not be verified; where this data is used, any uncertainty surrounding its veracity is acknowledged.

2.5 Context

Afghanistan has experienced over three decades of conflict since the communist revolution in 1978. The conflicts can be divided into four major phases: the communist revolution and People's Democratic Party of Afghanistan (PDPA) government (1978-9) and the resultant Soviet invasion and rule of Afghanistan (1979-89); the fall of the Najibullah government and the civil war period (1989-96); the Taliban regime (1996-2001); and the post-Taliban period (2001-present). This breakdown of the conflict was found to be in keeping with how the people interviewed perceived the different phases of war.[40]

Provincial context

Ghazni is a quite large province consisting of 19 districts and is located toward the southeastern part of the country, about 125 kilometres from Kabul. It has a strategic

39 Fatima Ayub, Sari Kouvo and Yasmin Sooka, "Addressing Gender-specific Violations in Afghanistan" (New York: ICTJ, 2009), in Emily Winterbotham, "Legacies of Conflict: Healing Complexes and Moving Forwards in Kabul Province" (Kabul: AREU, 2011).

40 It should be acknowledged that while these were the periods most frequently identified by respondents, they were also externally imposed by the research team. From the beginning of the research the decision was taken to explore these four key periods, which could have imposed a somewhat artificial structure on the study.

Map 1: Research sites in Ghazni Province

location since the Kabul-Kandahar highway cuts through it. Its population consists of Pashtun, Hazara, Tajiks, Qizilbash,[41] Sayeds,[42] Bayats[43] and Sikhs. Pashtuns and Hazaras are the largest ethnic groups, while the Sikh community is the smallest and resides only in the capital city. The total population of Ghazni Province estimated to be 1,130,300.[44]

Ghazni Province has had a precarious security situation during each of Afghanistan's conflicts and is still facing ongoing and escalating violence in the current period. During the communist government's rule, the people of Ghazni were caught up in heavy fighting between the government and mujahiddin forces. At the same time, Ghazni was also affected by factional fighting between different mujahiddin parties, such as Hizb-i-Islami (a largely Pashtun party led by Gulbuddin Hekmatyar); Mahaz-i-Mili (a Pashtun-dominated party led by Sufi leader Pir Sayed Ahmed Gailani, which was was a minor party within the Northern Alliance in the 1990s); Jamiat-i-Islami (a largely Tajik party whose official leader was Burhanaddin Rabbani until his killing in September 2011); Harakat (a Shia party led by Ayatollah Muhammad Asif Mohseni); Harakat-i-Inqilab-i-Islami (led by Mohammed Nabi Mohamadi and operated in southern areas); and later Hizb-i-Wahdat (a mostly Hazara force formed to unify disparate resistance groups). Before the formation of Hizb-i-Wahdat, the sub-groups of Hizb-i-Naser, Hizb-i-Pasdaran-i-Jihad and a few others represented the Hazara and Shiite community during the fighting against the Soviets.

41 The Qizilbash are a minority ethnic group of Shia Muslims.

42 The Sayed are a *qawm* who identify as descendants of Prophet Mohammad.

43 The Bayat are a Shiite group originally from Iran and are often closely linked to the Qizilbash qawm.

44 "Estimated Population of Afghanistan 2010/11" (Kabul: Central Statistics Organisation, 2010).

After the fall of the communist government, the mujahiddin took control of the province and the security situation improved somewhat, although ongoing conflicts over power continued between the different parties. However, this violence did not affect the people in Ghazni Province as greatly as in other areas, such as Kabul City, and this was largely a period of relative calm.

During the Taliban regime, the populations of this province suffered from some of the worst excesses of Taliban rule. Large-scale human rights violations, such as arrests, torture, disappearance and massacres took place. People, especially women, were deprived of their rights to education, freedom of movement and employment. Across the country, girls' schools were closed and women lost their jobs and could not move around without a male chaperone, always a close relative, known as a *mahram*. Certain groups were specifically targeted, such as members of the mujahiddin, former employees of the communist government and Hazara communities.

Ghazni Province is continuing to face increasing conflict and insecurity in the current period, particularly in the rural areas, stemming from the conflict between the Taliban insurgency and international and government forces. Though some areas of the province remain under the control of the government, rural districts, particularly those further away from Ghazni City, are largely controlled—directly or indirectly—through fear and intimidation by the Taliban. American troops are based in Ghazni Province.

Urban context

Ghazni City is crossed by the Kabul-Kandahar highway, making it an important transit point. It is one of the most historically significant cities in Afghanistan and was the capital of famous empires of the past, such as the Ghaznavid and Ghorid dynasties. These empires built a number of historic sites and the province is also famous for the historic, literary and religious people who lived and are buried there. The most famous of these are Sanai Ghaznavi, who was a poet and scholar during Sultan Mahmud's rule, and Sayed Ali Hajveri, proclaimed to be a descendent of Prophet Mohammad. Due to this important historical and cultural status, especially in the world of Islam, Ghazni is going to be the Islamic cultural capital in 2013, awarded by the Islamic Educational, Scientific and Cultural Organization.

Ghazni City is populated with different ethnicities and *qawms*[45] and has experienced considerable waves of migration of people into the city during different regimes. Some of the inhabitants of the area work in government offices and nongovernmental organisations (NGOs), while others are employed in trade and transportation. There is less focus on agricultural work in the urban site in comparison to other districts of Ghazni Province, which are trying to develop agricultural activities. Women from this area also work in government offices and NGOs, as teachers or in tailoring and embroidery.

There are around 800-1,000 households living in the urban study area. During the time of King Zahir Shah[46] many government staff received land settlements there. The area is moderately wealthy by Afghan standards and there are enough resources for public use. There are 18 Sunni mosques and seven Shiite mosques in the area. Both male and female children are generally able to attend school from primary to high school level. There are reportedly five government schools and two private schools. There is one hospital and

45 A *qawm* is a form of solidarity group that is flexible in scope; defined by tribe, clan, ethnicity, locality or other characteristics as determined by the group.

46 Mohammed Zahir Shah was the last King of Afghanistan, reigning for four decades from 1933 until he was ousted by a coup in 1973.

people of the area have access to clean water. Most governmental and nongovernmental offices are located in this area.

The area does not have a Community Development Council under the National Solidarity Programme (NSP) but instead has public *shuras* (councils), which exist in mosques and serve the local community. NSP has planned to establish a *shura* in the area but this was not established at the time of research. Currently, all political and social problems and disputes are solved by these public *shuras* and they largely act as a bridge between people and the government. There has been considerable migration in and out of the community, including in the current period, and a significant number of respondents had experienced Afghanistan's conflicts in other parts of the country.

Historical Background

At the time of the Soviet-supported communist regime, the area experienced casualties and material damage due to direct assaults on the area or rocket attacks and bombings. Many intellectuals and elders from the community were taken and either murdered or disappeared. The area formed a solid resistance to the Soviet-backed communist government and many people from the community actively participated in the resistance. In response, Soviet and Afghan troops bombarded the area and killed many people including men, women and children. Hizb-i-Islami had a strong presence in the area and many people joined this party.

After the collapse of the regime of Dr Najibullah (the last communist president of Afghanistan) in 1992, civil war spread to Ghazni Province. The violence was largely along factional and ethnic lines as different political parties fought against each other for power and influence. Conflict largely happened between Hizb-i-Islami and Jamiat-i-Islami, although other parties were involved. This fighting caused some limited damage and death, prompting small-scale, temporary migration from the area.

After the civil war, the Taliban captured the whole of Ghazni Province. As time progressed, schools closed and Taliban behaviour became more repressive and aggressive. Their policy also took on an ethnic dimension since the Taliban were perceived as a largely Pashtun organisation and Hazara communities were reportedly targeted. As Hazaras tried to escape the area, the Taliban blocked road routes to the Hazarajat (principally Bamiyan Province) and prevented food and materials from entering Hazara areas in the province.

While the urban research site is calmer than the rural site in the current period, deteriorating security and escalating violence continues to disrupt residents' lives. Suicide attacks, direct fighting and night raids conducted by the government, the coalition forces and the Taliban do occur. Since a proportion of the inhabitants of this area work for government or NGOs, cases of Taliban intimidation and disappearance have been reported in the current period.

Rural context

Qarabagh District dates back to the creation of Ghazni Province. It also lies along the Kabul to Kandahar highway. The population of Qarabagh is composed of two ethnicities, Hazara and Pashtun, with Pashtuns slightly more populous. The Pashtun population consists of different tribes such as Ander, Taraki, Kharoti, Daftani, Durrani, Musakheal, Loni, Hotak, Wardak, Wazir and Merani. In the whole district there is one hospital, five clinics and 50 schools for boys and girls. During the time the research was conducted, schools were mostly only active in Hazara areas since Pashtun areas were largely controlled by the

Taliban. However, some schools reportedly reopened in 2011 and in some areas girls and boys can attend schools. Most NGO activities are concentrated in the Hazara parts of Qarabagh District. One NGO claims to serve the Pashtun areas, although its operations appear limited.

There is a government-appointed district governor, but the research showed that the government does not have complete control over the district. Pashtun areas are largely under the control of the Taliban and most people take their concerns, complaints and legal disputes to the Taliban commanders rather than to the state for resolution.

The village selected in Qarabagh District is located near to the centre of the district. Different Pashtun tribes live in the village, such as Daftani, Ander and Kharoti. Most people earn an income from agriculture and raising livestock. Some people have shops and others are employed in transportation. As the area is near the district centre it is nominally under control of the government, but the Taliban maintains a strong presence in the area. There is minimal NGO activity because of this insecurity. Elders in the community act as representatives and solve community problems while maintaining contact with the government and the Taliban.

There is only one school in the community but while the research was conducted it was used by the Taliban for religious studies and only boys had the right to attend. However, it was reported by the OSDR research team that recently the government has gained greater control over this village and girls have consequently been able to attend the school. There are no hospitals or clinics in the rural area.

Historical background

This district was controlled by the mujahiddin resistance during the time of the communist regime. Pashtun areas in Qarabagh District were largely under control of Jamiat-i Islami, Hizb-i-Islami, Mahaz-i-Milli and Harakat-i-Inqillab. The study area was largely under control of Hizb-i-Islami and many in the community actively participated in the resistance against the Soviet-backed communist government. Consequently, the community faced heavy repression from communist forces. From one side there was fighting between the communist government and mujahiddin, and from another side there was conflict between the different mujahiddin commanders present in the area. Innocent people were directly caught up in this fighting and cases of death, disappearance, injury, damage and destruction to property occurred.

During the “mujahiddin government” or civil war period, each party established during the communist era had control over a specific area. However, some violence and fighting occurred between Hizb-i-Islami and Hizb-i-Wahdat, which caused a limited number of human casualties and physical and material damage. The Taliban era was a period of stability for this community since the Taliban achieved total control over the area and faced no visible resistance from the Pashtun population. However, while the security situation was good, people struggled financially and access to education, hospitals and other resources was limited.

The rural site is continuing to face insecurity in the current period, either from the Taliban or from the government and international forces. Although the Taliban is supported by a considerable proportion of the population, it continues to use fear and intimidation against others. There have been instances of disappearance and murder by the Taliban in retribution for someone working for the government, either in the current period or previously for the communist government. The population is occasionally

caught in attacks between coalition forces and the Taliban. Night raids and arrests by the government and international troops were commonly reported and have resulted in considerable tension and hostility to the government and its international partners. Currently, there is no political party and only Hizb-i-Islami is active, but operates under the banner of the Taliban.

3. War Stories: Violations during Afghanistan's Conflicts and Who Committed Them

This section of the paper is based on an exploration of the residents of each community's "war stories" and analyses people's perceptions of the conflicts. It explores, firstly, the intensity with which the different phases were experienced in the two research sites, and secondly, who were identified as the perpetrators[47] of the conflicts and their accompanying violations and who were perceived to be the victims. Finally, it concludes with an assessment of how the conflicts in Afghanistan have been experienced—whether as a "long seamless period of uninterrupted violations" or as distinct periods.[48] In doing so, it outlines any differences in perceptions between the communities or between people of different ethnicities, sex or ages.

3.1 Reflections on the different phases of the conflicts

The communities in Ghazni City and Qarabagh District experienced each phase of Afghanistan's conflicts in varying intensities. Broadly speaking, respondents from the rural site felt they suffered most during the communist and current eras and identified these as the "worst" conflicts. In comparison, residents of the urban community spoke about violations committed during the communist period and, in particular, the Taliban era. For more detailed information on violations experienced by both communities, see the accompanying paper addressing patterns of wartime violations in Afghanistan.[49] The conclusion drawn out in the ensuing discussion is that where people lived at a particular period in time had the biggest influence on how they experienced a particular phase of conflict and whom they identified to be perpetrators at that time.

This section addresses perceptions of the regimes chronologically, starting with the communist regime and ending with an assessment of the current phase of Afghanistan's conflict. In each section, the differing experiences of the rural and urban communities are explored. The chapter also compares and contrasts how different groups in each community experienced and perceived the different periods of conflict. This is done to bring a more nuanced understanding of conflicts and violations as perceived by the communities, and informs the following chapters of this paper.

Perceptions of the communist era

Older respondents from both research sites reported proudly how their communities or they themselves were heavily involved in the resistance to Soviet forces and the Soviet-backed regime in Afghanistan. Respondents typically referred to this era as the "Russian" or "Khalqi" period. Many men actively joined the mujahiddin and other community members supported them by providing food and shelter when needed. While both communities provided similar support to the resistance and expressed similar opposition to Soviet rule, the two research sites had slightly different experiences of this conflict. The rural area in Qarabagh District witnessed far more intense and regular direct fighting

47 Well-known, alleged perpetrators remain in the paper because they are often easily identifiable, which makes it redundant to change the name. However, less well-known or more "local" perpetrators have their names changed to protect their identity and those of the respondents.

48 AIHRC in "A Call for Justice" concluded that many victims experienced conflict as long and seamless, irrespective of who was actually in power at the time, whereas previous research by AREU (the Family Dynamics and Family Violence Project) found that when people talked about "the war" this meant different things in different provinces.

49 Emily Winterbotham, "Wartime Suffering: Patterns of Violations in Afghanistan" (Kabul: AREU, 2011).

and aerial bombardments due to its proximity to the fighting. This community became an area from which the mujahiddin launched attacks against the communist forces. In response, the Soviets attacked the area with rockets and aerial attacks, in which people died and property and livelihoods were destroyed.

Many men of fighting age from the urban site in Ghazni City joined the resistance and the area also suffered from some bombardments. Stories of the arrest of men of fighting age and their consequent death, disappearance or imprisonment were also collected. It should also be noted that a number of stories from male respondents in Ghazni City about their role in the resistance took place in other parts of Afghanistan or in other parts of Ghazni Province.

The vast majority of inhabitants of the rural area, even the younger generation who were not alive during this period, identified this period as the worst. In the urban site, nearly every middle-aged and older respondent also identified this as a period of particular suffering. However, it is harder to gain a clearer picture of the overall community perception of this era and the extent of suffering experienced because at least one third of the interviewees were living in other parts of the province or Afghanistan at this time. It is possible, however, to tentatively suggest that the area was not as frequently nor as directly targeted at this time in comparison to the rural site.

Two key reasons were provided as to why this was considered such a period of suffering: Firstly, the extent of casualties, disappearances, imprisonment and torture that occurred during this period, either at the hands of the government or the mujahiddin, and secondly, the unpopular policies of the communist government.

Box 1: Cases of death, disappearance and arrests under the communist regime

They murdered nearly 18 people, including young children, elderly people, men and women, by bombing our village in Qarabagh District. There were a lot of mujahiddin in our village so they bombarded it. That bad and painful event happened in 1367 [1988]. Also, they arrested civilians and innocent people and murdered many of them. The worst time for me over the last 30 years of war was the communist time because they murdered my brother and I had to collect his body.

Qari Abdul, older male Pashtun respondent, Ghazni City (lived in Qarabagh during this era)

When the Russians entered our area they harmed people and when they knew that a family member was with the mujahiddin they searched their house. When they found a mujahid, they took him away. The Russians took many youths away who disappeared and their families are still waiting for them to return.

Gull Maki, older female FGD participant, Qarabagh

The foremost way in which older residents of both areas reported to have suffered during this era was through the arrest, torture, imprisonment, killing and disappearance of groups of men suspected of being mujahiddin. In addition, members of the religious community were reportedly targeted. In both areas, well over half the people interviewed described losing a family member through death or disappearance during this time. Particularly resented were the indiscriminate aerial bombardments launched on Qarabagh District and on Ghazni City, although this was more frequently reported in the Qarabagh village. These attacks caused significant casualties and damage to property and land. Community members particularly resented the deaths of women, children and elderly inhabitants, perceived to be innocent civilian casualties. Elderly respondents in both sites, but most frequently in the Qarabagh village, also described how Soviet and

communist forces entered their community and harassed, beat and injured people to find out information about the mujahiddin.

While the emphasis was on the abuses people suffered at the hands of both the Soviet and Afghan forces, there were also a few reports of abuses committed by the mujahiddin toward those who worked for the Soviet backed government. Several middle-aged and older respondents from the Ghazni City community explained how the mujahiddin threatened people, in some cases forcing them to resign from their positions, or how people were murdered or taken from their homes in retaliation for working for the communist government. Qambar, an older Hazara male respondent from Ghazni City, described this situation:

> *During the communist and Russian government, pains and problems came from both sides. The government arrested people under the name of mujahid while the mujahiddin arrested people under the name of Khalqi or Parchami.*[50]

Moreover, older respondents in both research sites also mentioned how tensions between mujahiddin commanders during the communist period led to clashes in which innocent people died. Abdullah, an older male Hazara respondent, described one power struggle that happened when he was living in a Jaghato District of Ghazni Province, in which his brother was killed.

Other mujahiddin policies that respondents sometimes resented were the demands placed on their communities in terms of finance, food and other amenities. While many people were happy to provide material and financial support to the mujahiddin, a small number of older male and female respondents complained about the burden this placed on them. It should be noted that this was largely only mentioned in the urban site and respondents in the rural area were more reluctant to criticise mujahiddin activity.

The devastation this period caused is reflected in the high levels of migration that occurred from both research sites, particularly from the rural community where the vast majority left, compared to about a quarter of people from the urban site. Significantly, most of these undertook long-term migration, largely to Pakistan, but also to other parts of Afghanistan and in a few cases to Iran, and described returning after the Soviets had left or, in several cases, once the Karzai government was established.

A number of respondents from both areas explained that they were forced to migrate to escape the policies of the communist government. Older male respondents resented compulsory military service and two described migrating to avoid it. Another policy that was opposed in both research sites was that the communist government's outlawing of bride-price—a traditional practice in which the groom must make a substantial payment to the bride's family before a wedding. The implementation of a land reform policy in early 1979 by Mohammad Gul Taraki (the first communist president of Afghanistan and leader of the Khalqi faction of the PDPA) also proved to be highly unpopular. These reforms led to a popular backlash, which initiated the violent resistance. The communist government was also widely resented as anti-Islamic and older respondents in both communities often complained that Islam was not respected and that people partook in anti-Islamic activities, such as drinking alcohol or gambling.

Before turning to analysing the mujahiddin period, it should be emphasised that a tiny fraction of people interviewed emphasised some advantages of the communist regime. They pointed to economic benefits, especially the cheapness of basic goods,

50 Khalqi and Parchami were the two communist factions that formed the PDPA.

and improvements to education. These people, however, either had family members working for the communist government and so received benefits in terms of employment or were living in Kabul at the time. Kabul City was largely unaffected by violence during this period and benefitted from many of the policies launched.[51]

Perceptions of the civil war period

Despite factional violence, the civil war was a period of relative calm in Ghazni Province. In fact, only four people identified this as the worst period and they were all living in Kabul at this time. Their stories are consequently not addressed here since the focus is on the experience of Ghazni (see the Kabul case study for stories from there). Some key differences can be drawn between the urban and the rural sites and between the different ethnic groups in terms of respondent perceptions of this period. In the research site in Ghazni City, people more frequently discussed the factional conflict occurring during this time, describing suffering economic hardships and experiencing certain violations such as commanders stealing land. However, as a group, Pashtun respondents from the area were less likely to criticise mujahiddin actions and were more positive in their reflections of this era. This was also true of respondents in the rural area.

One reason for the lack of criticism of this period is the respect that a significant proportion of respondents, particularly Pashtuns in Ghazni City and those from the rural area, held for the mujahiddin for trying to protect people during the Soviet time. Typical responses were that the mujahiddin were the "saviours" of Afghanistan and that they implemented law according to the rules of Islam. In the view of a majority of people interviewed, any criticism demonstrated disrespect for the "holy war" the mujahiddin had fought against the Soviet forces. Moreover, where people did criticise the mujahiddin they largely blamed foreign powers, particularly Pakistan and Iran, rather than seeing the mujahiddin as primarily responsible for any violations.

However, respondents in Ghazni City did discuss some of the negative impacts of this era and the impact the factional war between Hizb-i-Islami, Hizb-i-Wahdat and Harakat had on the area. The flares of violence affected Ghazni City more than the rural areas as the various factions fought for control of the city. Respondents who lived in the city during this time talked about how areas were divided between the different parties and how the conflict took on an ethnic dimension, turning Pashtuns, Tajiks and Hazaras against each other. Some limited stories were collected from respondents in the urban site of temporary migration to escape violence and in a few cases people were reported to be killed in the fighting.

Other groups of respondents who expressed more critical opinions of the mujahiddin had previously worked for the communist government or had individual experiences of abuse. Several middle-aged and older Tajik male and female respondents described how they migrated from their respective communities, either to Kabul or Ghazni City, due to fear of arrest and murder by the mujahiddin in retaliation for their working for the previous government.

A tiny minority of people in both communities described how certain individuals took advantage of their affiliation to a particular mujahiddin faction to steal land or possessions. Respondents in Ghazni City also complained about the mujahiddin taking money from them—either through stealing or, specifically in relation to Hazaras, through

51 For more information on the experience of Kabul, see Emily Winterbotham, "Legacies of Conflict: Healing Complexes and Moving Forwards in Kabul Province" (Kabul: AREU, 2011).

a practice known as *khoms*. This involved paying or giving a proportion of their land production to the mujahiddin, and if people refused this was taken by force. Given that paying *khoms* is restricted to Shiites only, it is likely that only Hazaras were forced to pay it. This was a clear manipulation of the practice, which has two parts in Shariat Islam—one part is allocated to the poor and the second can only be given to Sayeds.

Box 2: Criticisms of the mujahiddin

Although most of our people were poor, the mujahiddin who belonged to Harakat-i-Islami collected khoms. The mujahiddin entered into people's homes and forced people to pay money to them. They even they took the khoms from our flour box.

Muhammad Musa, middle-aged Hazara male respondent, Ghazni City

In the period of the mujahiddin, I fought with a person who was with Hizb-i-Harakat who said, "this land is mine." Then the commander of Hizb-i-Harakat told me that the land did not belong to me. When I told him that I had the documents of ownership of the land, he beat me.

Karim, middle-aged male respondent, Qarabagh

Perceptions of the Taliban regime

Perceptions regarding the nature of the Taliban regime were vastly different in the urban site in comparison to the rural area. For the majority of people interviewed in Ghazni City the Taliban was one of, if not the worst, period they experienced. This was particularly true of younger male and female respondents and members of the Hazara community, who faced considerable discrimination during this era. In contrast, only a couple of male and female inhabitants from the village in Qarabagh identified this as a period of suffering. Instead, while there were some complaints about the Taliban's inability to run a government, discrimination against women and the lack of access to education, the overwhelming majority stated this was a period of security, calm and the upholding of Islamic law and justice. Frequent comparisons were drawn between the stability of the Taliban era and the violence and lawlessness of the current period. Although respondents did not regularly discuss this, it was clear that a proportion of male inhabitants of the Qarabagh village had joined the Taliban, while the rest of the community was largely supportive of this regime. It should also be noted that the few respondents who did criticise the Taliban were also reluctant to expand on these opinions. It is possible that perceptions of the Taliban period may not be so positive in the rural area, but due to the current situation people were less likely to feel comfortable discussing this era in negative terms. This was clearly demonstrated in an interview with a middle-aged male respondent, Ahmad Shah, who said, "That period was bad even though it was according to the religion of Islam. I can't say more about this time and please don't ask me any more about it."

The data presented below regarding the reasons why people felt this was a particularly bad conflict is consequently largely from the urban research site. Several key reasons were provided why people felt this was a particularly bad conflict: cruel and extreme acts of violence, including harsh justice measures; discrimination and violations against women; the perceived targeting of certain ethnic groups; lack of support to education and general development; and, finally, the Taliban's lack of experience in running a government.

Excessive violence and harsh justice

Firstly, the Taliban's employment of excessive violence was strongly criticised by the majority of male and female inhabitants of the urban site. Respondents widely

described the Taliban arresting people and subsequently murdering or torturing them and a significant number of people disappeared at this time. Certain groups felt more threatened during this period: members of the Hazara community, women, and people who had worked for the communist government or actively participated in a mujahiddin party. For example, Abdul Wahed, a younger man from Ghazni City, described how his father was forced to migrate because he had worked for the communist government. Inhabitants of this site strongly challenged the notion that the Taliban restored security to Afghanistan, highlighting the movement's dictatorial rule of fear and intimidation, which did not make people in this community feel secure.

One particular dimension of the Taliban's rule that should be emphasised was their implementation of justice according to their interpretations of Islamic law. It is clear from the data that regular public executions, lashings and stonings took place at Ghazni stadium or in specific parks, and other forms of publically shaming criminals, such as painting their faces black, took place. The majority of younger male and female respondents interviewed in the urban site consequently expressed horror and shock at some of the punishments the Taliban administered.

However, it should be acknowledged that many more people, particularly from the rural site, but also older respondents from Ghazni City generally, credited the Taliban for reducing crimes, such as robbery, through this harsh system of justice. In doing so, people drew favourable comparisons between this and the lawlessness, corruption and collapse of the justice system experienced during the civil war period and particularly in the current era. These men and women also praised the decrease in corruption and un-Islamic practices, such as gambling and drinking alcohol. This quote from Naghma, an older female respondent from the rural site, reflected the opinions of this group:

> *Justice existed during the Islamic [Taliban] government because they implemented Islamic law. If someone committed a crime they were punished according to their crime. For example, the Taliban chopped off the hands of robbers and because of that no one committed crimes during that time.*

Discrimination and violations against women

Discrimination against women in terms of preventing their access to education and limiting their freedom of movement—preventing them from travelling outside the house without a *mahram*—was a key reason why over half the women interviewed in the Ghazni City research site identified the Taliban as the worst regime. Although slightly fewer men in the area focused on this, a significant proportion of men of all ages still complained about this aspect of the regime, in comparison to the rural area where no man mentioned it. Moreover, despite being generally content with the Taliban era, all middle-aged female respondents in the rural site did express objection to these particular restrictions. One explanation why fewer women objected to this gender discrimination in the rural village was that the community is conservative and so were less concerned with these policies. Shayeesta, a middle-aged Pashtun female respondent from the community, explained this:

> *There was no war during the Taliban time and they were good for the people in rural areas because girls' schools were closed willingly and women willingly observed the veil. But in the city the situation was different and the Taliban forced people to implement their laws and they closed girls' schools by force.*

Men also criticised the impact of the Taliban regime on education in Afghanistan and both sexes blamed this era for the high illiteracy in Ghazni Province. Men from Ghazni City most frequently described the Taliban's restriction of certain topics at school and the

general feeling that they were opposed to literacy. It was widely reported in the urban community that the Taliban attacked schools with bombs or put pressure on teachers to teach certain subjects only, in particular religious studies.

A few men and women from Ghazni City also discussed the Taliban's policy of forced marriage. This was not discussed in the Qarabagh village at all. One younger Pashtun woman from the urban site was actually the victim of forced marriage and described how she was made to marry a foreign Talib. Although he disappeared after the collapse of the Taliban regime in 2001, she remains in fear that he will return and take her children from her.

Discrimination against other ethnicities in favour of Pashtuns

The Taliban were also reported to have an ethnic bias and it was widely perceived by Hazara respondents, but also by Tajik interviewees, that the Taliban were largely Pashtun and were opposed to other ethnicities. In particular, the majority of Hazara respondents interviewed in Ghazni City claimed they were discriminated against and treated more harshly than other ethnicities, which was a key reason why they identified this as worse than the communist era. It was generally believed that Hazaras were singled out because of their Shiite and Hazara identity and in retaliation for Hazara resistance in places such as Bamiyan.

People in the Ghazni City research site generally reported several different aspects to the discrimination against the Hazara community. Firstly, it was widely perceived that the Taliban killed more Hazara people than from other ethnic groups. Secondly, Hazara areas faced economic blockades. Men of all ethnicities frequently discussed the Taliban preventing them from carrying food and other essential materials to Hazara areas and revealed that if people were caught in this act they faced torture or imprisonment. This caused considerable suffering in Hazara communities in Ghazni City and the province. Thirdly, not only were material goods prevented from entering Hazara areas but a number of Hazara respondents described facing great difficulties in trying to migrate from Afghanistan. This could be one reason why fewer people appeared to have migrated at this time in comparison to the communist period. It should also be acknowledged that several Pashtun respondents from the urban site also supported the perception that Hazara communities were specifically singled out for abuse.

It is important to note the perception that discrimination took place against all other ethnic groups, albeit to varying degrees, and both Tajik and Hazara respondents complained that the Taliban employed only Pashtuns in government positions.

Box 3: Taliban discrimination against other ethnic groups

Although our people saw a lot of problems and pains during the communist time, in my opinion the Taliban time was the worst and most painful time during the last 30 years of war. At that time Hazara people were treated like animals and the Taliban were very bad to them. For example, Hazara people were forced to obtain government permission to carry food and other essential things. The Taliban arrested anyone caught carrying food to Hazara areas and often tortured and imprisoned them.

Qambar, older male Hazara respondent, Ghazni City

The Taliban discriminated against other qawms. Tajiks and Hazaras were powerless, the Taliban didn't allow them to work in governmental administrations, and all people were unemployed except Pashtun people.

Ahmad Farid, middle-aged male Tajik FGD participant, Ghazni City

Ineffective government

The Taliban also came under attack for failing to govern Afghanistan efficiently. This criticism came from the majority of men in both areas. They blamed the high cost and scarcity of many goods and the lack of employment on ineffective government. Even men in the rural area complained that even if security was restored, little development and progress in the country occurred during this time. While many people pointed to their lack of experience in government as responsible, one older man from the village in Qarabagh blamed this lack of advancement on the fact they "spent all their time in the mosques." A couple of Tajik and Hazara men also singled out the Taliban's system of taxation for particular criticism. This was imposed on trade or levied for religious purposes.

The government was also criticised by a limited number of men in both areas for involving itself too much in people's private lives, particularly in banning wedding parties, games and preventing the playing of music. For example, Karimullah, an older man from the village in Qarabagh, explained about how the Taliban stopped a wedding celebration:

> *During the Taliban one of our villagers was married and he invited all people to his house. After eating dinner the people wanted to celebrate. At 12am, the Taliban besieged the house and arrested everyone celebrating. They then beat and imprisoned the groom with his family. They released the groom and his family from jail after one month.*

Perceptions of the current period

Since 2006, the security situation across the country has deteriorated and violence is now at its highest levels since 2001. Moreover, violence escalated in the province over the course of the research. Over half the men and women interviewed in the rural site identified this period as the worst. In comparison, hardly any respondent in the urban community felt this was the "worst conflict." The analysis shall therefore briefly address why the current period was perceived less negatively in the urban site and then turn to why it was the worst period for many of the inhabitants of the village in Qarabagh.

Positive perceptions of the current period

Overall, people in Ghazni City perceived that a level of normal life had resumed in the city. This is not to ignore their fear of the current violence marked by suicide attacks, air raids by government and international forces, instances of threat and intimidation and night raids. A number of people were reported to have been killed or disappeared during this current phase. However, respondents widely acknowledged that the situation was better inside the city than the rural areas of Ghazni Province and in comparison to previous periods. People, particularly women in Ghazni City, pointed to their increased freedom of movement, greater access to employment, developments in terms of communication facilities—mobile phones, computers, etc—and advancements in education. Male respondents in the village in Qarabagh also pointed to the freedom to attend school as a benefit of the current regime. A younger male respondent, Humayoun, summed up this sentiment, saying "the present time is so good because there has been a lot of work done to the education system." It should be noted that no younger female respondent made a similar comment, which is not surprising given the fact girls schools were not open at the time research was conducted. Hamida, an older female Hazara respondent from Ghazni City, captured these opinions about the improvements obtained:

> *In my opinion the present time is better than the past because many women are working in the different administrations. Also, nearly all children go to school and most of our people have access to computers, mobiles and other facilities. Some of our people are also studying at universities and a lot of them are becoming doctors, engineers and journalists.*

Negative perceptions of the current period

Ghazni Province was selected as a province of ongoing violence with both an international military and Taliban presence. Consequently, for the majority of male and female respondents in the rural site, the current conflict was the most dangerous, or equally as bad as the communist era. There are several key reasons why people in the rural village identified this as the worst period. Firstly, people perceived the conflict, similarly to the communist era, as one where innocent people were attacked from all sides. Secondly, the specific policies employed by each of these actors resulted in considerable suffering. Thirdly, to many the actual presence of the international community itself was abhorrent. Finally, the weakness and ineffectiveness of the Afghan government was widely condemned.

The overwhelming majority of inhabitants of the community in Qarabagh District stressed they felt attacked by all sides of the conflict—from the Taliban on the one hand and the government and international military on the other. Urban respondents reported they were less directly affected and the general perception was that while the government had maintained control over Ghazni City, they had largely lost control over the districts and rural areas in the province, a situation which was exacerbating over time. Despite this, the majority of respondents in both research communities discussed the death of a family member or friend during the current period in operations launched by Afghan and international forces, in insurgent suicide attacks, through fighting for the Taliban or for the Afghan National Army (ANA), or in retaliation for working for the government.

There was also considerable fear of the policies employed by the Taliban, the government and international coalition forces. A significant proportion of male and female respondents in each community discussed Taliban tactics of intimidation. At least three male and female respondents interviewed in Ghazni City had migrated to the city to escape the Taliban because they faced the threat of death for working for the government or an NGO. People in the rural area also constantly mentioned threats and fear of the Taliban, especially during the parliamentary election. Not a single person interviewed in the community in Qarabagh District said they were willing to participate in an election that could result in the Taliban cutting their fingers off or worse. Finally, although they did not identify this as the worst period, women in Ghazni City frequently discussed violent Taliban attempts to try to prevent women from attending school. This was a key cause of concern at focus groups conducted with younger women from all ethnic groups, who discussed the Taliban spraying acid or laying bombs at schools. One younger Pashtun girl, Wagma, described how the Taliban killed a classmate, allegedly in retaliation for attending school (see Box 4).

Two key policies adopted by the government and the international community were most bitterly resented by respondents, particularly those in the rural area, and were a key reason why this era was perceived as so bad: the bombing and killing of innocent civilians and nighttime raids. Nearly half of male and female respondents in the village in Qarabagh District mentioned their distress about air raids. There was also a general perception that when international forces killed innocent people, the government failed to launch proper investigations into the attacks. The current government was also blamed for allowing the international forces to commit these attacks. Perhaps the tactic

that provoked the most hostility was the use of night raids to search for insurgents, which people regarded as illegitimate, unnecessary and responsible for considerable fear and suffering. A couple of respondents directly compared this search policy with the communist era and emphasised that Soviet forces had never adopted this approach.

Box 4: Politics of intimidation by the Taliban

In 1385 [2006] I was attending an English course. After a few days, one of our classmates did not come to class. Her family found her body after several days and when we went to her funeral they said that the Taliban had kidnapped her, beaten her and killed her. After that, my mother didn't let me to go to the course and when we went to school my mother was very worried about us.

Wagma, younger female Pashtun FGD participant, Ghazni City

My father is an employee of government and so now if we return to our area the Taliban will kill my father or tell him not to work with the government.

Abdul Wahed, younger Tajik male respondent, Ghazni City

We know that the Taliban has power in our area and so people are afraid and they can't participate in elections because people are not crazy to accept the risk just for an election. If someone votes on election day, the Taliban will kill him the next day or if someone has color on his finger [from voting], the Taliban will cut off his finger.

Zarlashta, middle-aged female respondent, Qarabagh

Box 5: Government and international troop tactics

When the Taliban attacked a centre, the police reacted and at that time the international forces bombed the centre and murdered all the police who were there. Then the international forces left that area. But the government hasn't investigated that event that happened in 2009.

Abdul Rahman, younger Hazara male respondent, Ghazni City

The present period is the worst for me and for my family because they searched my house three times accusing me of having links to Al Qaeda. In the Russian period, they didn't search my house. I am not a criminal, kidnapper, a member of Al Qaeda, or a Talib but they searched my house three times. They had no proof and they searched my house without any reason.

Karimullah, older male respondent, Qarabagh

Overall, the rural site identified this period as bad due to the presence of international troops or "infidels." It should also be noted that a majority of male respondents and a couple of older women from all ethnic groups from the urban site expressed resentment of the international military. A majority of people considered that the international troops also wanted to attack Islam, as the communists had, and employed policies of conversion. They pointed to the lack of development or improvement in Afghanistan and instead perceived that rather than coming to help Afghans, international forces had their own agendas and displayed little respect for Islam or Afghan culture. This is addressed more thoroughly in the next section on perpetrators. Torpekay, a middle-aged female respondent from the Qarabagh site, reflected the belief of many when she said, "the foreigners who come to Afghanistan want to convert Afghan people."

People in both research sites generally agreed that while the early days of Karzai's regime were peaceful, security has since deteriorated and the government is proving increasingly incapable of administering justice or delivering on the needs of people. While

the current period was being experienced in varying intensities between the urban and rural sites, almost all respondents in both areas declared that the current government was illegitimate. People in both areas blamed it for their inability to maintain security and to defend ordinary people either from the Taliban or from international troops. There was the widespread perception that the Afghan government is controlled by the international community or had acceded the running of a large portion of the country to the Taliban. Frequent comments that were heard was that the current government and, in particular, President Karzai was a "puppet" of the international community. There was a widespread demand from both communities for a government that was able to control the entire country. The general perception was that currently there are two governments: the government of Afghanistan at the central level, controlled by the international community, and the Taliban at the local, largely rural, level.

Box 6: Government versus Taliban control of Ghazni Province

We want a government that can rule all parts of our country. We don't want two different governments like now, where one of them rules the cities and the other rules the villages.

Durkhanai, middle-aged female Pashtun FGD participant, Ghazni City

We don't accept this government because they only have control over cities. The Taliban has control here and we accept that because they are solving all our problems and they are fighting against the infidels.

Torpekay, middle-aged female respondent, Qarabagh

The vast majority of men in both communities singled out corruption as crippling the legitimacy of the Afghan government. In contrast, women rarely discussed this specific issue. There was a perception among these men that while the government was failing to meet the needs of ordinary Afghans, those in positions of power were continuing to profit from the current situation in terms of finances, materials and power. The vast majority of men believed that aid and development were diverted or indeed "stolen" from people who most needed it. Ahmad Farid, a middle-aged Tajik male FGD participant, reflected some of these concerns:

> *After the transitional government, when Karzai was selected as president of Afghanistan, that was a golden time. If they had worked for people, in my mind all the problems would have been solved, people would have found work and we could have built our country. If the government had correctly used the money which the international community gave to us at that time there would be no problem in Afghanistan but unfortunately those people who had power took all the money and used it for their own benefit.*

The unwillingness or inability of the government to deliver justice and uphold security was also perceived to stem from the weak justice system and the ongoing environment of impunity (addressed in Section 5). Other practices that the government was perceived as allowing were the consumption of opium and alcohol. Overall, these practices were seen to reflect that the government was consequently un-Islamic and illegitimate.

3.2 Responsibility for the conflicts: Perpetrators and victims

The vast majority of people in both communities primarily blamed foreign forces and external powers for Afghanistan's past and present conflicts. This was despite acknowledging the weakness of the current Afghan government and the links between government illegitimacy and the strengthening Taliban insurgency, and describing

violations committed by different Afghan groups during the conflicts. Women in Ghazni City were the only group that failed to attribute blame to external powers. In the minds of most respondents, foreign powers were directly responsible for not only Afghanistan's internal conflicts, but were the main "perpetrators" of crimes and were ultimately blamed for atrocities committed by Afghans.

Although most people held foreign powers primarily responsible, respondents from both areas allocated blame to varying degrees to Afghanistan's leaders and different governments. Respondents identified different groups of leaders as playing a role in Afghanistan's conflicts and accompanying violations, namely: the communist government who allowed the invasion of the Soviet forces, leaders of mujahiddin factions who fought for power during the civil war, the Taliban, and the current government. It should be noted from the beginning that there were strong divisions between the rural and urban sites as to which leaders were identified as perpetrators and to blame for Afghanistan's conflicts.

Overall, by identifying foreign and Afghan groups who possessed power as "perpetrators," both communities largely absolved "ordinary" people from any direct blame for any phase of the conflict. While foreign powers and Afghanistan's leaders fought for influence, territory and power, "ordinary" people—those with little money, power or position—were victimised and remained poor. It was widely perceived that people in positions of power during the different conflicts had gained support from ordinary people by capitalising on their illiteracy and personal loyalty.

Foreigners responsible

The vast majority of respondents blamed the international community for every phase of the conflict, stemming from the Soviet invasion in 1979. The underlying perception, particularly among older respondents, was that foreign powers did not want peace in Afghanistan and that they manipulated and divided the Afghan people using money as part of their own power politics and to achieve their strategic aims. There was a perception among many people that Afghanistan's strategic geographical location meant foreign powers desired to control the country. There was also an understanding that conflict in Afghanistan formed part of a wider battle for power in the region between a number of countries, such as Pakistan, Iran, India and the United States. There was therefore a widespread belief that foreign powers—including the foreign forces currently fighting in Afghanistan—wanted to occupy the country to achieve their own political aims. Noorzan, an older female FGD participant from Qarabagh village, captured this general opinion: "Afghanistan has a strategic location as it is a bridge between the North and South of Asia so all countries, whether they are in the east or west, want to control Afghanistan. They therefore continue war for their own benefits."

This understanding can be appreciated to some degree. Older respondents were more sensitive to external involvement in Afghanistan's conflicts having lived through the cold war era when a proxy war was fought between the Soviet Union, propping up and controlling the Afghan government, and America, funding and supporting the mujahiddin resistance. Moreover, a number of older male men in the rural area blamed the invasion of Soviet forces for escalating the civil conflict in Afghanistan, as Mohammad Akbar summed up: "Russian forces caused many problems in the country which the international community now cannot solve. Russian forces started war and destruction in our country." During the civil war period, it is also true that other foreign powers funded the different mujahiddin factions; for example, Iran funded Harakat and Wahdat, while Pakistan was the primary financer of Hizb-i-Islami. Many of these civil war alliances remain today and continue to divide the various factions and the people of Afghanistan.

Even greater numbers of respondents in both communities, aside from women in Ghazni City, blame foreign powers for the current conflict. Many of the mistakes of the Afghan government were blamed on external countries. Moreover, the current conflict was perceived as fuelled by the interference of foreign powers, particularly America, Iran and Pakistan, while the presence of foreign troops was largely held responsible, particularly by the rural community, for the current insecurity and for Taliban violations. Moreover, a few of these men and women from both communities also perceived collusion between the international forces, particularly American troops, and the Taliban. One younger male respondent, Humayoun, even suggested that American forces were supplying weapons and ammunition, including suicide vests, to the Taliban (see Box 7). The impacts of these perceptions are discussed in Section 6 when exploring achieving peacebuilding in the country.

Box 7: Foreign powers fuel and drive the current conflict

When the Taliban uses bombs for the international community then they kill innocent people. Twenty days ago a family wanted to take a pregnant woman to Ghazni hospital. On the road, the Taliban had laid a bomb for American forces and when their car drove over it the woman, her mother-in-law and two other men died. They laid the bomb for American forces because foreign forces came to destroy our religion and the Taliban doesn't want the destruction of their religion.

Firiba, middle-aged female respondent, Qarabagh

One day the Taliban attacked an American convoy and they destroyed many of their cars but they didn't destroy four cars. When they brought those cars, we saw many weapons, suicide vests and many military things in them. If they want to remove Al Qaeda from our country, why have they brought suicide vests?

Humayoun, younger male respondent, Qarabagh

At least a third of women of all ages interviewed in Ghazni City spoke more positively about the international community and emphasised that they did want to bring reconstruction, development and peace to Afghanistan, despite losing their lives in the process. Women probably based these positive views on the understanding that in the current phase women did have more freedom and greater protection of their rights. The words of Risa, a middle-aged female Pashtun respondent, reflected the feelings of this specific group of women:

> *They came to help us: they left their peaceful lives and their families accepted that they are placing themselves in risk and danger to release pain and sorrow from our country. We know that a lot of them have been murdered during the past years and day by day this increases, even the Taliban has taken some of them captive. In my opinion they have served a lot for our people and country and we are happy with them.*

Afghan leaders responsible

As discussed, while interviewees held the international community primarily responsible for the conflicts and for violations committed by Afghans, they also blamed certain Afghan leaders to a lesser degree. Which leaders were most responsible for violations or for fuelling the conflicts was widely contested. The analysis will address the leaders of each regime and demonstrate how different groups attribute blame within each era.

Firstly, the older generation in each community blamed leaders of the communist regime. This group specifically indentified Noor Mohammad Taraki, who was the first communist

leader, as responsible for implementing unpopular policies that triggered the civil war, which paved the way for the Soviet invasion that was supposedly to restore order in the country. Given that Taraki was also the leader of the Khalqi faction of the PDPA, they directed particular resentment at the Khalqis. The words of an older male respondent from the rural site, Shir Ahmad, sum up the views of this group:

> *In the past 30 years of war, the period of Noor Mohammad Taraki was the worst period because our community became backwards and many people were killed. They paved the ground for cruel people to kill innocent people and I think the Khalqis are the most responsible. They also wanted help from the Russians and allowed them into our country and they killed many innocent people.*

However, overall people paid less attention to these individuals in comparison to the leaders of other regimes. The research team felt this was largely due to the length of time that had passed between this era and the current conflict and because those that were most responsible were the Soviets, who had since left the country.

The second group identified were the leaders of the mujahiddin factions for their failure to unite once the communist government collapsed, leading to the subsequent descent into a new civil war in Afghanistan. This identification of the mujahiddin as perpetrators was largely restricted to middle-aged and older respondents in Ghazni City, with women slightly more critical than men. They blamed the mujahiddin for having fought a war for their own benefit and for continuing to capitalise on conflict in the current period. Reflective of this group are the words of a middle-aged female Tajik respondent from Ghazni City, Sayeeda, who explained:

> *If they had all been in one party the people of Afghanistan wouldn't have seen the past pains and problems. The mujahiddin committed unlawful actions and they destroyed Afghanistan during the past war. There were many parties like Hizb-i-Islami and Jamiat-i-Islami. Afghanistan was destroyed because of their bad relations. Also now, Rabbani, Sayyaf and some others that previously fought against infidels are now working with them and are thinking about money or power, not about Islam.*

In contrast, many more people—largely in the rural area—continued to stress the role the mujahiddin had played in defeating the Russian infidels and blamed any divisions during the civil war on outside influences—particularly Pakistan and Iran. Only a couple of male and female respondents in the rural site attributed any blame to the mujahiddin. Even in the urban site, most Pashtun respondents were reluctant to criticise the mujahiddin.

The Taliban were identified as the third group of perpetrators, past and present. Once again, a clear division can be drawn between the research sites, with the urban community blaming the Taliban more than the rural community. In Ghazni City, the vast majority of female respondents blamed the Taliban for their past and present cruelty. A smaller proportion of male respondents in the urban site specifically identified the Taliban as past perpetrators but fewer numbers were willing to hold them responsible for the current conflict. In the rural area, only a few younger men and middle-aged women blamed the Taliban for past and present violations, but the vast majority rejected any culpability of the Taliban. The younger men who were critical of the Taliban resented the restrictions and the insecurity that the Taliban had brought to their area in the current period, as Humayoun explained:

> *They brought a very bad situation in our area and country: they ruined the relations of the people with the government and they warned people that if*

> *someone had any dealings with the government, they would arrest and kill him. They announced, "If we find anyone after nine pm we will arrest him and accuse him of being a spy and we will kill him."*

In contrast, even those inhabitants of the rural community who admitted the guilt of the Taliban blamed them on external powers. For example, one older man from the rural site, Mohammad, blamed the Taliban's murder and torture of Doctor Najibullah in September 1996 on Pakistan, stating that they had adhered to the wishes of this external government.[52]

Moreover, it should be emphasised that once again the line was drawn between leaders and followers, with the majority of people emphasising that "small" or "little" Taliban joined the movement in need of money or because of fear and ignorance. This was also true of the current period and people in the rural community described members of their area joining the Taliban due to a lack of employment and poor economic conditions. This interpretation was also widely supported by people in the urban site.

The final group identified as perpetrators was the current Afghan government for their role in failing to ensure security in Afghanistan and for their lack of power—either in relation to the Taliban or to the international community. The individuals who were singled out as most responsible for prolonging the conflicts were largely those identified to have been part of the mujahiddin and who are now part of the government. It should also be emphasised that the Afghan government as an entity was not generally identified as a body of perpetrators. Instead, the government was blamed for failing to prevent or end conflict and specific individuals within it were singled out.

3.3 Concluding remarks: The nature of war

This section analysed people's perceptions of the different conflicts in Afghanistan and identified whom they hold responsible for them. In concluding, the author argues that the analysis has demonstrated that the two communities in Ghazni City and Qarabagh District have had vastly different experiences of the conflicts.

The rural site in Qarabagh largely experienced conflict as a community and had more unified perceptions of the wars, despite the significant migration in and out of the area. They generally spoke about the communist and current periods as the worst times, with equal emphasis on both. The civil war period received little criticism and the Taliban era was largely only condemned by a few women who resented losing access to education.

The experience of shared conflict was not as strong in the community in Ghazni City, which has experienced greater internal and external migration at different phases and consequently has had more varied experiences of the fighting. In particular, it was clear that a number of the respondents interviewed had only recently moved to the area from rural areas of the province. Consequently, while respondents expressed very similar views about the current period, their varied experiences under the other regimes meant they sometimes had different opinions. Regardless, the majority of respondents in the area generally identified the Taliban as the worst era, followed by the communist era. The civil war period was also identified as a period of some violence and people continued to be affected by the current conflict.

52 Najibullah was at a UN compound in Kabul when Taliban soldiers came for him on 27 September 1996. He was brutally castrated and his fingers broken, before being dragged to death behind a truck in the streets. His blood-soaked body was hung in public in Aryana Square.

In both communities, age played a role in determining how individual respondents viewed each phase of the conflict. Older respondents in both areas more frequently identified the communist era as the period of greatest suffering. In contrast, younger people in the urban area generally identified the Taliban period and younger people in the rural village perceived the current phase as the worst. Gender also played a slight role in determining people's perceptions and middle-aged women in the rural site were less content with the Taliban regime in contrast to their male counterparts. Ethnicity appeared to play a small but limited role, with Pashtun respondents appearing more reluctant to criticise the mujahiddin and civil war period.

The frequency and ease with which both communities identified the "worst" period or worst conflict demonstrates that people view Afghanistan's wars in distinct phases. Moreover, respondents were able to clearly locate the time and date in which violations occurred. Even though people pointed to the ongoing violence, they still separated each cycle in terms of its scale and intensity, which was predicated on their personal experience of each conflict phase.

4. Dealing with the Legacies of Conflict: Addressing Victims' Suffering

The previous section outlined some of the heavy costs that each regime inflicted on the two research communities. To date, there have been no concerted efforts to deal with this complex legacy of wartime events. At best, this has meant that wartime events have been largely ignored in Afghanistan. At worst, revisionist historical interpretations promoted by the perpetrators of crimes have dominated at the political level.[53] In this environment, the experiences and suffering of ordinary people, who make up the bulk of Afghanistan's victims, have been largely ignored. This section explores how the legacies of conflict continue to affect people today and how victims want their suffering to be addressed. As outlined in the theoretical analysis, justice in the aftermath of conflict can mean a variety of things. Addressing criminal responsibility is one interpretation, but there are a number of other processes that can provide resolve for victims.

Section 4.1 focuses on the emotional and psychological impacts of the war. In essence, it explores how people still experience mental suffering as a result of the trauma of conflict. Sections 4.2 to 4.4 then explore processes that people perceive could help heal this suffering: looking at the role of truth-seeking and recording the past, opinions about commemorations, and finally, how to compensate the damage of war. Section 4.5 then presents ideas about how these processes could be implemented.

4.1 Lingering effects of war: Mental, psychological and emotional problems

It was clear that significant numbers of people in both communities are still grappling emotionally with the legacies of the conflicts. This was particularly obvious among respondents who were struggling to deal with the death of a loved one or were haunted by shocking scenes of violence. One group perhaps least able to cope with the past were those who had experienced the disappearance of family members. This is discussed in more detail in Section 4.2. These experiences continued to impact on their emotional and mental health and their ability to cope with everyday life, and the vast majority of people discussed ongoing feelings of insecurity and nervousness. Moreover, it is apparent that these feelings are exacerbated by the ongoing conflict and the fact people currently face threats and risk.

People in both areas discussed suffering from a range of psychological or emotional problems. Common ailments that were often listed were feelings of nervousness, fear, panic and a loss of control. While no psychologist was involved in the research, these appear to be common anxiety symptoms or post-traumatic stress syndrome.[54] Nearly every single woman in the urban community stated they were mentally weakened because of the past and present conflicts. Despite women in the rural site facing more risk and suffering currently, fewer of them discussed mental issues in comparison to women in the city. However, this is perhaps more a reflection of rural women's reluctance to discuss their feelings rather than less psychological suffering. Moreover, the impact

53 Scott Worden and Rachel Ray Steele, "Telling the Story: Lessons for Afghanistan from the Cambodian Experience" (Washington, DC: United States Institute for Peace, 2008), available at: http://www.usip.org/resources/telling-story-documentation-lessons-afghanistan-cambodian-experience.

54 It should be noted that while these findings were discussed with a psycho-social counselor, no medical professional was involved in the diagnosis and instead the text concentrates on what the people themselves defined.

of past conflicts was less of a concern than the current security threats. Men in the city also said they suffered mentally, but only about a quarter interviewed discussed this. Men in the rural area also reported ongoing affects and described this as feelings of nervousness. This is perhaps understandable given the current tensions and fear that exists in the village in Qarabagh District, with the perception that the community is facing threats from all sides of the conflict.

In a few serious cases people reported that their relatives had been driven to what they classified as "madness," largely as a result of a severe wartime experience. For example, in one case, Shir Ahad, an older man from the rural area, described how his brother was "mentally sick" following torture—involving beating and electric shock treatment—that the Soviets had inflicted on him. In another case, a younger female Tajik respondent from the urban area, Zarghona, described how her relative had lost his entire family in a rocket attack during the current era and "now was mad."

Some respondents, largely women in Ghazni City, drew links between mental suffering and physical illness, such as high blood pressure, headaches and even cancer. Several women also blamed the fact that their hair had turned white while they were still young on their wartime experiences. In one example, a middle-aged Tajik respondent, Sherin, blamed her mother's cancer on the traumatic death of her son:

> *My mother cried about my brother every day and after that she became blind and then she got cancer. I looked after my mother for four years but then she died. This is the impact of war...I think this is the main reason that there is a lot of cancer in our country.*

People's awareness of the significant impact conflicts have on their emotional and physical well-being is significant. As The World Health Organisation (WHO) argues, "Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity."[55] Well-being using the WHO guidelines, in the Afghan context, can be defined as an individual's ability to cope with the normal stresses of life, to work productively and fruitfully, while contributing to her or his community. Using this, a number of people argued that they struggled to cope with their daily lives because of their past wartime experiences and not only because they were continuing to struggle.

People in both research sites were generally divided about the impact of time on their ability to forget or deal with the past. While about half the people interviewed in the urban site rejected time as playing healing a role, about a third of people in the rural area suggested it could help them to some degree. The key difference between the two research sites is perhaps that people in the rural area in Qarabagh might link the passing of time with the hope for increased security, which would greatly improve their current well-being. In fact, the notion of the impact of time on healing past violations was perhaps less relevant for people interviewed in both research communities given current violations and concerns. People generally considered that their ability to cope was hinged on an improvement in their lives, and improved security in particular. In fact, one elderly male FGD participant, Raz Mohammad, pointed out that people might have currently forgotten the past because they were concentrating on the present time. In his words, "In my opinion, abuses that happened in the past people have forgotten because the situation is worse than the past."

55 World Health Organisation, "Mental health: a state of well-being," October 2009, http://www.who.int/features/factfiles/mental_health/en/ (accessed 25 July 2011).

Most people also emphasised the positive role that religion played in their ability to cope with their experiences. Typically, people explained that patience and tolerance were hallmarks of being a Muslim, that they were compelled to bear the injustices they had suffered, and that God would reward them for their tolerance.

4.2 Investigate and record the past

To date, there has been no official enquiry released into either specific violations or the general consequences of Afghanistan's wars. Consequently, a key demand frequently voiced by respondents in both areas was that wartime events be investigated to build an accurate picture of the different phases of conflict. Not only did people believe they had the right to know the truth, but they wanted this information to be disseminated and acknowledged, in order to contribute toward goals such as reconciliation and social reconstruction.

Building a picture of the past and truth-seeking

Questions about the significance of investigating the truth about the past received varying responses and it is difficult to draw any concrete conclusions. Overall, women in Ghazni City and men in Qarabagh District were the most supportive of truth-seeking and recording processes. Men in Ghazni City were sometimes more confused and although they largely supported truth-seeking and documentation processes, a few younger male respondents rejected investigations into the past. However, some of these later supported recording processes—reflecting the difficulties involved in deciding how to address the past among those interviewed and the challenges involved in analysing this kind of data. As a group, women in the rural area in Qarabagh were less able to express opinions about these types of approaches.

Those in favour of truth-seeking based this on the understanding that they had a personal "right to know" about past events and that an accurate picture of the conflicts was required, particularly the total number of war dead, how many people had disappeared, and accurate information about what had happened in these cases. Underlying this was the desire to preserve history. This was reflected by the words of a middle-aged man from the rural Qarabagh village, Mohammad Salim, who said, "Those things that have happened in the community can never be hidden and need looking into because this is part of history and we must never trample on history." However, for the vast majority of people, these desires were driven by personal motivations. People saw inquiries into the extent of damage in their areas as fundamental to reparation processes that so many of them desired (see Section 4.3). In particular, they also wanted to know who was responsible for the deaths of their relatives or how they had died. Perhaps the strongest demand for investigations came from those whose family members had disappeared.

Disappearance and investigating the past

Given the high proportion of all people interviewed who had experienced the disappearance of a relative or friend, especially during the communist era, investigations into disappearance were strongly supported by the vast majority of respondents in both communities. Uncertainty over the fate of a loved one is often an obstacle in coming to terms with the past. In contrast to the stark finality of death, grieving processes are often delayed in cases of disappearance because without bodies and funerals relatives are often unable to accept the reality of their loss. People also discussed the solace that grave sites provided, which were absent when people had disappeared. People in both areas appeared reluctant to accept that their relatives were likely dead and were living in limbo waiting for their return. For example, in the words of Khatima, an

elderly female Hazara respondent from the urban site, "My brother disappeared during the Taliban time and we still don't know if he is alive or dead; all of our family are still looking and waiting for him."

Cases of disappearance leave many unanswered questions in the minds of loved ones that need to be resolved to assist healing processes. Even respondents who were prepared to accept that their relatives had died wanted answers to difficult questions, such as how they died, whether they suffered and who was responsible. Zarghona, a younger female Tajik respondent from Ghazni City, voiced these concerns stating, "We are hopeful that he is alive and we will see each other again but on the other hand we now have thousands of ideas in our mind about how they murdered him and if the people buried him or animals ate his flesh." According to the vast majority of those affected by disappearance, unanswered fears and concerns can be worse than brutal truths.

It should also be noted that cases of disappearance also present practical implications for women since it is difficult to remarry without proof of death, which often leaves women financially vulnerable. For example, Mina, a younger female Pashtun respondent in Ghazni City, explained how her mother had prevented her from remarrying despite the disappearance of her foreign Talib husband a decade ago. However, a couple of people described cases where a woman had remarried only for their husband to return many years later. Mohammad Musa, a middle-aged Hazara man, described one example of this:

> *During the communist time there was a person [here] and he had a wife. He disappeared during the government of Hafizullah Amin [in 1979] and after 14 or 15 years he came back but by that time his wife was engaged to another person. It was very bad event and he finally divorced his wife and went to Iran.*

People therefore argued that offices and commissions should be created to investigate disappearance issues. The media was also perceived to play a vital role in broadcasting inquiries about people. For example, several men and women in both communities felt that programmes about disappearance, such as that broadcast on Azadi radio, were helpful initiatives. There was also a feeling among many that the government should ask people in government who were employed in positions of power during the various conflicts, particularly the communist and Taliban times when most people disappeared, what had happened.

Also relevant to cases of disappearance is the issue of mass grave sites. There was widespread knowledge of the existence of mass graves across Afghanistan and in Ghazni Province among older respondents in both communities. Once basic forensic processes involved in exhuming mass graves were explained, the majority of people in both communities supported the exhumation of graves. This was based on several key desires. Firstly, relatives could be identified and their deaths confirmed. Secondly, there was a strong hope that once bodies were identified they could be returned to their relatives for reburial, providing family members with a grave site at which to mourn, which was perceived as playing a role in healing processes. Durkhai, an older Pashtun male FGD participant from Ghazni City, summed up this widespread perception: "When a person wants to gain solace he goes to the grave site, but when their family member doesn't have a grave, I think they can't find solace and it is very hard." Thirdly, uncovering and identifying grave sites could help build historical knowledge. Finally, a substantial proportion of people interviewed, especially men and particularly those from the rural site, strongly linked this with identifying the culpability of certain individuals or regimes. Fulfilling "the right to know" was not sufficient in the eyes of this group, who wanted exhumation and forensic analysis processes to form the basis of criminal prosecutions.

Box 8: Uncovering mass grave sites

Well, it is certain the bodies must be identified and the government must find out how they were murdered and who was really guilty of these actions. We know that many families are waiting for their relatives and they must get information whether their relatives are alive or not. Then their identification is very important and their bodies must be buried separately.

Farida, older Tajik female respondent, Ghazni City

In my mind, mass graves must be dug up until people get information about how and when criminals murdered those people. Then they must put the perpetrators on trial.

Shir Ahmad, older male respondent, Qarabagh

Only a very few people in either research site felt that mass graves should be left untouched. This small group had largely not directly experienced the disappearance of a relative or friend. Instead, these people argued that opening gravesites could "reopen wounds" and that the past should be left behind. Another objection from two older female respondents from Qarabagh District was that it was un-Islamic to open graves.

Acknowledge and record the suffering of ordinary people

A large part of people's support for truth-seeking processes was based on a desire for recognition of their suffering. There was a real demand for victims' voices to be heard and for many this could itself represent a form of justice. In particular, people wanted the government to demonstrate its concern by exploring what had happened in their communities. This desire for government recognition of suffering is a common theme throughout this section and is addressed in more detail in Section 4.4. At times, people merely wanted someone to care enough to ask what had happened to ordinary people over the past 30 years. This prompted a substantial majority of people interviewed to support AREU/OSDR's research. Abdullah, a younger male respondent from the village in Qarabagh, reflected on its benefits:

> *In my opinion, this project, where you want to hear people's sorrows, must not be in only part of Qarabagh, but must be taken to all parts of Afghanistan... When they know about your project and its aims they will support you.*

The overwhelming majority of women and nearly half the male interviewees in Ghazni City supported recording processes. Over half the men interviewed in the Qarabagh village also came out in favour. In contrast, women from the area rarely reflected on the benefits of recording processes in individual interviews. This could be a reflection of their general unwillingness and inability to reflect on many of the issues addressed in the interviews. A few middle aged and older women expressed their concern about questions concerning past and present conflicts, including AREU's research. They suggested that questions about the past could "refresh" or "reopen" wounds. Moreover, there was an obvious fear among these women (shared by other respondents in both areas) that people in the community or even the researchers were reporting to either the Taliban or allied international forces. However, they did support recording processes when attending FGDs, which might suggest that this research method created a more conducive environment for these women to express their opinions.

Respondents supporting this process often perceived it as a form of justice for victims based on the hope that it could fulfill several goals. Firstly, simply documenting crimes and victims' experiences would, as one younger Pashtun FGD participant phrased it, "raise the voices of the oppressed." Secondly, this group recognised the benefits of

recording in facilitating Afghanistan's ability to learn from past mistakes. There was a demand that people's suffering would be registered and form part of Afghanistan's history, which would ensure that the next generation and people globally would learn about their experiences.

Thirdly, there was a widespread hope among male respondents and a few women in the rural area that this would lead to the identification and recording of those who were guilty. There was a clear demand to draw a line between people who fought jihad and those who used conflict in order to profit for themselves or commit violations. Recording processes could therefore highlight the primary responsibility of certain individuals and distinguish between them and a larger circle of bystanders and collaborators. This underlying desire can perhaps be understood, given the strong support of both communities' male inhabitants to the mujahiddin resistance and members of the rural sites' participation with the Taliban past and present. This fits with the overall perception of the clear divide between perpetrators and victims that was outlined in Section 3. Summing up the feelings of the majority of men interviewed, Dawad, a younger male FGD participant from the village in Qarabagh, said: "People must define who the mujahiddin are and who the criminals are because some people fight for their country and their people and others fight to kill innocent people."

It was felt that people's crimes and names should be widely disseminated as a form of punishment. However, the vast majority, particularly men in the rural site, actually supported documentation processes as the basis for criminal prosecutions, which were their ultimate desire (discussed in Section 5). Karime, a middle-aged Pashtun FGD participant from Ghazni City, spoke for the men attending this discussion and for many others when he said:

> *We must register crimes committed during the wars and we must use these documents to put people on trial. In the future, when we want to put the perpetrators on trial, they will deny that they committed actions in the past and so their crimes must be registered.*

An appropriate process frequently mentioned by many respondents was recording in books, particularly history books. However, given the demand for wide dissemination of wartime information, a number of female Hazara respondents of all ages in Ghazni City emphasised the role the media could play in reaching greater numbers of people in Afghanistan and abroad. The underlying desire was that this would teach people about the dangers of conflicts and could foster the development of peace. Rokshana, a middle-aged female Hazara respondent, represented this view: "The government must broadcast past pains and sorrows using television and other media so that people remember these problems and then they will support peace and never allow someone to cause war in our country again."

Dangers of investigating and recording

For a small minority of male and female respondents in both areas, recording processes carried potential risks. These concerns largely came out during FGDs as opposed to individual interviews as people interacted and discussed the issue further. Consequently, participants of several FGDs conducted in both areas with all groups were divided in their support for or against documenting wartime violations. In some cases, individuals felt that investigating, recording and widely disseminating information about the conflicts would force people to remember the past, could refresh their pains and reignite their hatred, with possible negative consequences for security. One younger male Pashtun FGD participant, Abdullah, feared that this would lead to revenge killings, expressing the

concerns of the discussion he was attending: "Mentioning past wars increases hostility between people. It causes people to remember their past pains and sorrows and they will perhaps decide to take revenge."

Consequently, a topic of discussion at a couple of FGDs in the urban area was the timing of investigations into the past. While there was no clear outcome, it is worth highlighting that several men attending FGDs with older Pashtuns and younger Hazaras raised concerns about investigating and recording processes in the current period. They pointed to the personal risks involved with people telling their stories in an environment of insecurity. Since people often linked documentation processes with criminal trials, these men attending FGDs argued that in the absence of a government or justice system willing or able to prosecute people, recording the past could be dangerous for the individuals involved. Instead, they felt investigations and recording processes should be implemented when there was a government that was able to address the perpetrators of crimes. Abdul Karim, an older male Pashtun FGD participant from Ghazni City, summed up some of the discussions of these FGDs:

> *First, we need security so that people can talk about the sorrows that they experienced in the past. In a secure environment, the government can then announce that if anyone has a complaint about people who were powerful during the past wars they can come and register their complaints in court.*

For others in both research sites, these processes were simply futile because there was no prospect of punishing those responsible. Gulbrasha, a middle-aged female Pashtun FGD participant from the rural site, reflected this viewpoint: "In my mind recording doesn't have any benefit in Afghanistan because now everyone has information about past criminals but there is no one who is able to arrest them."

A final concern about recording processes is based on the author's own reading of the data. As discussed, most people in both communities were proud of the mujahiddin's history of defeating the Soviets. Consequently, there was a demand, especially among men, that recording processes be used to preserve these achievements. This focus on glorifying mujahiddin figures could be obstructive to people who identified them as perpetrators, either in Ghazni or elsewhere in Afghanistan.[56] A few individuals also desired that recording processes deflect responsibility for the conflicts from Afghans onto external and foreign forces. Wagma, a younger Pashtun female FGD participant from the city site, argued:

> *The crimes of the past must be registered so people can be given information, such as all the communists belonged to Russia, the mujahiddin belonged to Pakistan and the Taliban belonged to America. Everyone who committed crimes, these can be blamed on foreign forces and this must be registered. It must be obvious to people that Afghans are not cruel and Afghans are good people.*

While this view was in the minority, this type of impartial process would do little to assist victims' healing processes in Afghanistan or to address underlying reasons for conflict and would consequently work against peacebuilding processes in the country. This issue will be explored further in the project's synthesis paper.

4.3 Commemorate the past

Memorialisation processes are typically designed to recall and demonstrate respect for things that have happened in the past. They are intended to assist healing processes, and

56 On this issue, see Winterbotham, "Healing Complexes and Moving Forwards in Kabul Province."

also frequently to demonstrate a commitment that these events should never happen again. Memorialisation was widely supported in Ghazni Province, in particular in Ghazni City and by women generally.

The overwhelming view of those supporting memorialisation was that this would allow people space to remember, reflect and pray for the martyrs of the conflicts. There was a strong demand from both communities that the victims did not remain ignored. However, as previously discussed, there was also support for the commemoration of mujahiddin figures perceived as heroes for their resistance to the Soviets. In fact, memorialisation in Ghazni, in comparison to Kabul and Bamiyan provinces, was largely not as contentious in terms of who to commemorate. For example, a younger Pashtun woman interviewed in Ghazni City, Fauzia, said that the government should establish shrines at the graves of everyone, whether they were a mujahid or "martyr."

Only one middle-aged Pashtun man from the research site in Ghazni City expressed any great objection to memorialisation. Abdul Wakil questioned the impact of visibly reminding people about difficult memories. In his words, "In my view each kind of visible remembrance causes people to remember past memories and then people's pains are refreshed."

How to memorialise

Male and female respondents of all ages spoke frequently about the need to make shrines and minarets at the sites of mass graves once they had been investigated. Many desired boards to be established near these sites listing the names of the people killed or buried there and as much information about their death as possible. Abdul Wahed, a younger Tajik male respondent from Ghazni City, explained that these measures would be "a historic thing for the future." This reflects how many respondents, particularly younger ones from Ghazni City, perceived that memorials should be established to assist learning processes and for "historical purposes."

Other ways of preserving the past frequently discussed were the creation of a remembrance day for victims, the creation of sculptures and the naming of squares, streets and avenues. Adding weight to the underlying demand that memorials contribute to learning were two suggestions made by younger female respondents from Ghazni City. Rahima, a Hazara interviewee, felt that on annual memorial days television stations should broadcast scenes from past conflicts. Zarghona, a Tajik respondent, put forward a similar idea:

> *The government must make a photo gallery or films about past events and broadcast them on TV or in other places that people visit. Those people who don't want to watch it don't have to, but those who have an interest in history and want to know what has happened to our people can see this. People will also learn about the importance of peace and security and they will protect the country so that past abuses don't get repeated.*

Another interesting suggestion by a younger man from the village in Qarabagh District was to preserve houses that had been destroyed during the war. Abdullah explained that rather than reconstructing certain areas, they should be left as a reminder of what had happened in the past. In the eyes of respondents, these types of efforts would contribute towards the commitment that such events would never happen again.

Given the overwhelming demand for development in Afghanistan, a popular suggestion among women of all ages in Ghazni City was that schools, hospitals, clinics and roads

be built in the name of Afghanistan's victims. This would ensure that the names of victims and martyrs were forever immortalised while serving practical purposes, such as enabling children to study. For this group, in particular, if memorialisation processes were implemented they should be seen as contributing to wider development efforts. Costly efforts at creating memorials for remembrance alone could be negatively received by many people struggling to feed their families and obtain jobs. Any memorialisation efforts should confront this challenge and ensure that processes are sensitive to the more pressing demands of survival and development.

4.4 Compensate suffering and loss: Repairing damage

International law[57] recognises that a reparatory approach is an important way to acknowledge a society's collective responsibility toward victims. While it may be impossible to fully repair the damage done to victims or make assessments of the harm suffered by individuals, a reparations programme can still offer certain solutions. The idea that the people of Afghanistan should be materially or financially compensated for the wide-scale damage caused by the wars was the most strongly supported approach in both communities. Overall, women were most supportive of a reparative approach. Men in both research communities, although largely in favour, were often more divided and often questioned the long-lasting benefits of compensation for people whose relatives had died or disappeared. These distinctions are drawn out in the following analysis.

Both communities emphasised the practical benefits of financial and material reparation when houses had been destroyed, main wage earners had been killed, disabled or disappeared, or people had been orphaned. People's overall emphasis tended to focus on the practical benefits of reparations, which could not only help people live their life more easily, but could ensure living standards did not deteriorate. Only a couple of female respondents from the rural site linked reparations with healing processes. For example, Gullali, a younger female Pashtun respondent, put it in these terms: "Innocent people experienced damages. The government must pay compensation to them and must help them until they become calmer."

A variety of types of compensation were proposed, including: monetary payouts; assistance with rebuilding houses, schools and clinics; provision of jobs; housing and education for orphans; and assistance for disabled people, who in many cases would be unable to work or marry. The overwhelming demand from respondents in both communities was that the government should launch a full-scale investigation into the extent of damages caused by the conflicts and then provide the appropriate assistance based on people's individual needs. Consequently, respondents perceived the intrinsic link between fact-finding processes and reparative policies.

A handful of respondents from both communities, but particularly women attending FGDs in the rural village in Qarabagh, suggested that the perpetrators of war crimes should contribute toward compensation processes. Section 5 will address processes that can hold perpetrators of war crimes to account, but it is useful to briefly explore this idea here. Overall, this group felt that the wealth, properties and land of people who had committed violations during the war should be confiscated and redistributed to conflict victims.

57 The right to reparation in the form of restitution, compensation, rehabilitation and satisfaction and guarantees of non-repetition was set forth by the United Nations General Assembly, "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law," Resolution 60/147 of 16 December 2005.

People based this demand largely on the understanding that the perpetrators of crimes had actually gained in wealth, position or power through their involvement in conflict. Wartime perpetrators should therefore return their spoils to those they were stolen from and their wealth and properties should be distributed to ordinary Afghans. The overwhelming feeling was that those who had benefitted materially and financially through illicit means had no right to retain this when so many Afghans were suffering practically. Forcing perpetrators to contribute towards compensation processes was perceived as a form of justice since it served the three-fold purpose of repairing the damage of the war, correcting some of the wrongs that had been committed against people and as a form of punishment. However, it should be acknowledged that compensation was not perceived as an alternative to other punitive approaches. In fact, this group tended to argue that perpetrators should pay compensation *and* face judicial and retributive punishment.

Box 9: Role of perpetrators in compensation processes

Some people obtained lots of money and land from people by force and they are now in the highest positions of government. The government should take all this money from them and make schools and other things for poor people.

Zarlashta, older female Pashtun FGD participant, Qarabagh

They must see two kinds of punishment. First, they must pay back the money and those things that they stole. Second, they must not be involved in our country and they must leave the government.

Nasrat, younger male Pashtun FGD participant, Qarabagh

Opposition to compensation processes

It is important to acknowledge that financial or material reparation was generally perceived as sufficient to provide compensation for economic loss, destroyed houses or looted property only. Respondents frequently stressed that it was a far greater challenge to compensate people for the death or disappearance of a loved one. In fact, people largely rejected that financial payment for the death or disappearance of a relative had any impact on people's pain. Common statements heard were that these losses were "irreparable" and "could not be redressed" because people who had died "could not be brought back." One middle-aged male FGD participant from the rural village, Ahmad Khan, in fact argued that compensation almost amounted to "selling victims" and that instead criminals should be identified and face prosecution.

One middle-aged Hazara respondent, Qurban, expressed another opposition to compensation processes. Preferring development to reparation, he explained that this type of backward-looking process would instill a belief among people that the government should continue to support them. This would increase their dependency and, instead, he felt the best way was to support development, specifically job creation, so that people themselves could improve their lives.

It should also be acknowledged that Afghanistan does currently have reparation and compensation policies in the case of disability or death as a result of war for both military and civilian casualties. However, these are largely defined and applied in an inconsistent manner and do not amount to a comprehensive reparation programme.[58] Knowledge of the weakness and shortcomings of compensation processes has led to a resentment of

58 For more information see ICTJ, "Submission to the Universal Periodic Review," and Wintebotham, "The State of Transitional Justice in Afghanistan."

this approach among a few individuals in both communities. Farida, a younger female Pashtun FGD participant from the village in Qarabagh, felt that the compensation for civilian casualties in the current period was "insufficient in any case, so was of little value." Abdul Basir, a middle-aged Tajik male FGD participant from Ghazni City, agreed with this view and added that the current amounts of "100,000 Afghanis (Afs) for death and 50,000 Afghani for injury is not enough money because this money can't ensure they can live life." However, these two views go against the overwhelming perception that you cannot put a price on an individual's life.

4.5 Implementing restorative and reparative processes

Across both research sites, three main actors were generally identified in theory to have the legitimacy needed to implement restorative and reparative policies: the government, the international community, and Afghan civil society. While the government was largely perceived as primarily responsible, especially by men in the rural community, the role of the international community was also strongly emphasised by all groups, particularly men in the urban community. Equal numbers of women in the Qarabagh village supported both the government and international community's role. The role of civil society was generally supported in theory but widely dismissed as unfeasible in practice, given the current power dynamics in Afghanistan.

The overwhelming feeling was that the Afghan government possessed the power, finances and moral responsibility to help Afghanistan's victims. Common statements heard were that these processes "belonged" to the government. This was particularly emphasised in cases of disappearance where it was widely expressed that the government was responsible to find out what had happened to its own citizens. People in both communities emphasised their powerlessness and clearly wanted a government that would pay attention to their past and present suffering. In fact, government acknowledgement of suffering was often more significant to respondents than the actual process itself. Launching investigations into the past conflicts and the fate of those who had disappeared, supporting documentation and recording processes, or conducting financial assessments and implementing a comprehensive reparation policy were strongly linked to government legitimacy. If the government took the lead in implementing any one of these processes, respondents considered that this would demonstrate that those in power were acting in the interests of ordinary people.

While the government was in theory identified as the legitimate actor to implement these processes, most respondents were realistic about whether the government could or would do so. They highlighted that the government had demonstrated little willingness to address past crimes or to tackle present violations committed by the international forces and the Taliban. They attributed this lack of activity in addressing the concerns of ordinary people to the presence of human rights violators in government who were only concerned with lining their pockets and shoring up their positions, which required ignoring the legacies of the conflicts. This group therefore argued that the government would not conduct any work in implementing these policies. A younger male Hazara male respondent, Abderahman, summed up this feeling:

> *The government doesn't investigate the abuses and other crimes that are happening in our country now, committed by international forces and Taliban, let alone those that occurred in the past. The government doesn't listen to the voices of the people and so people don't have any trust in the government.*

Consequently, a significant proportion of people in both communities also envisaged a role for the international community. For male respondents in the rural site, the international community was a second choice, in the absence of government action. In contrast, a small majority of male respondents in the urban site preferred the international community to take the lead in this area.

The widespread support for a role for the international community also stemmed from a belief that the government in reality had little power in the country and the international community was, in fact, in a stronger position to implement the above policies. Those supporting a role for the international community emphasised its moral responsibility to assist Afghanistan's victims. As Adam Khan, a middle-aged male Pashtun participant at an FGD in the village in Qarabagh, put it, "The international community must help the Afghan government because they say they are serving human rights and so they must show this." Several men in Ghazni City specifically singled out organisations such as the UN and Human Rights Watch as possessing key roles due to their expertise in other countries.

Given that foreign military forces currently based in Afghanistan were widely identified as key perpetrators, this support is somewhat confusing, but reflects the distinctions respondents made between the international development community and the international military. However, it should also be noted that two elderly male Pashtun individuals in Ghazni City and a few older men in the Qarabagh village actually objected to any help from the international community given the general hostility to all foreigners. Adbul Karim, an older Pashtun man in Ghazni City, reflected this minority view, arguing against the general discussion at his FGD:

> *We don't want the help of the international community nor will we ask them to investigate about past wars because they are murdering lots of innocent people every day. In my mind all this talk that foreigners came here to help us is wrong. They must leave our people alone because we can solve our problems without them.*

Even those male respondents in Ghazni City who wanted the international community to take the lead in this area had weak expectations of whether they would actually do so. They reflected on the failure of any international organisation to address past crimes to date and drew comparisons between international action in other countries and in their role in Afghanistan. One man, Asadullah, a younger participant attending a Pashtun FGD in Ghazni City, even singled out Human Rights Watch for criticism. He stated, "Human Rights Watch has the right all over the world to deal with the legacy of past crimes but they don't fulfill that in our country."

The final actor people suggested should theoretically play a role in assisting in the implementation of these policies was Afghan civil society.[59] However, in practice respondents in both communities acknowledged the weakness of Afghan NGOs in relation to the Afghan government. Moreover, older Pashtun female FGD participants in the rural site highlighted that NGOs struggled to function in insecure areas. Sabor, a younger Tajik male FGD participant in Ghazni City, captured some of these views:

59 Kaldor and Theros discovered that civil society in the Afghan context was a sophisticated view of civil society that does not restrict itself to the Western model of NGOs or urban intellectuals. Across the consultations, they interpreted "civil society" as a broad variety of institutions, groups, and individuals—both traditional and modern—seeking the common good. See Marika Theros and Mary Kaldor, "Building Afghan Peace from the Ground Up" (New York and Washington, DC: The Century Foundation, 2011).

> *Civil society can be very effective because they are responsible to ask about people's problems and they must defend people. In many cases organisations have the right to force the government to stop allowing violations to continue...But they don't and can't do anything in our country. For example, human rights organisations talk about the Taliban every day on TV but no one answers them.*

Older Pashtun FGD participants in rural Qarabagh also indicated that the strength of civil society was perhaps weakened by the conservative nature of Afghanistan's society. For example, reflecting on the examples provided in the FGD guide about the role of women in advocating for change or the implementation of certain policies in other countries, they emphasised their inability to do the same because they were largely not allowed out of their communities alone. They therefore could not even actively support the activities of civil society, even if they believed in it. Zarlashta, an elderly female Pashtun FGD participant from Qarabagh District, summed up the feelings of powerlessness of these women:

> *We women can't launch demonstrations or protests against the government as women in other countries have done because we don't have the permission from our community and our households to do anything in the community. Thus we can't compare the women of Afghanistan with the women of other countries because women are very weak and can't do anything in the community.*

Given the limitations and weaknesses of each of the actors outlined, respondents generally emphasised the need for all actors to work together in implementing any of the above processes. Any work conducted by the international community should attempt to be in accordance with the government. Moreover, there was a widespread feeling that if the government was unwilling and unable then Afghan and international NGOs and Afghanistan's international partners should work together to force the government to assist the country's victims.

Despite articulating their desires, in reality expectations of any form of implementation in the current environment were extremely low across all groups interviewed. On the one hand, (as addressed in Section 4.1) the security implications of recalling past conflicts were a cause for concern. On the other, there was widespread despondency with both the government and international community who repeatedly made promises they failed to uphold. This was not only due to unwillingness, because there was also a recognition that the government and international community is currently focusing its attention and resources on fighting a war against the Taliban and had little time for any other activities. Until the restoration of security and the disarmament of insurgents, people had little hope that any process aimed at helping and healing ordinary Afghans would be prioritised.

This section has explored societal-level processes that respondents suggested could help deal with their wartime suffering. These processes should not be considered exclusive but overlapping and mutually beneficial. However, while truth-seeking and documentation processes received significant support from many people, concerns still existed about the implications of these for security in Afghanistan. Memorialisation and compensation were popular policies. However, reparations were only perceived as sufficient to address material losses and not to compensate the death or disappearance of a relative. Ultimately, a significant proportion of respondents also frequently linked these processes with their desires and expectations for criminal justice processes, which is where the discussion turns next.

5. Dealing with the Perpetrators of Wartime Violations

Opinions about how to deal with the perpetrators of wartime violations can be grouped into two broad categories. The first emphasises the significance of formally holding violators to account, typically articulated as the need to "punish." The second advocates the need to "forgive" or "forget" the past. However, on closer analysis this distinction is not so simple. In reality, it is almost impossible to place respondents into one or the other category since an overwhelming number of them expressed contradictory opinions, appearing to change their mind within the space of one interview, one discussion group or over a series of interviews or discussions.

Rather than discounting these fluctuating opinions as unreliable testimony, the fact that such changes occur is significant in itself. On one level, it reflects the fact that they have had little previous opportunity to reflect on these issues, contributing toward uncertainty about how to answer questions. Variable responses are thus sometimes the result of a respondent developing their own opinions throughout the course of the research.

On the other hand, it is sometimes possible to identify why an individual may have been prompted to change his or her mind. In some cases, respondents advocated varying approaches for different crimes or certain perpetrators. In others, consideration of the challenges the current environment in Afghanistan might pose caused people to change their mind. Typically, changes in mind went in one direction, from advocating punishment to demonstrating a willingness to forgive or forget (See Figure 1).

The analysis of this section therefore explores the range of these opinions. Section 5.1 outlines respondents' perceptions of the obstacles to pursuing accountability for crimes committed during the war. Section 5.2 examines opinions supporting holding perpetrators to account and looks at punishment from a procedural level, exploring who has the appropriate jurisdiction and which mechanisms are legitimate. Section 5.3 outlines opinions advocating a "forgive" and "forget" approach. Section 5.4 concludes by outlining conditions and mechanisms that could build support for forgiveness as an approach.

5.1 Contextual considerations

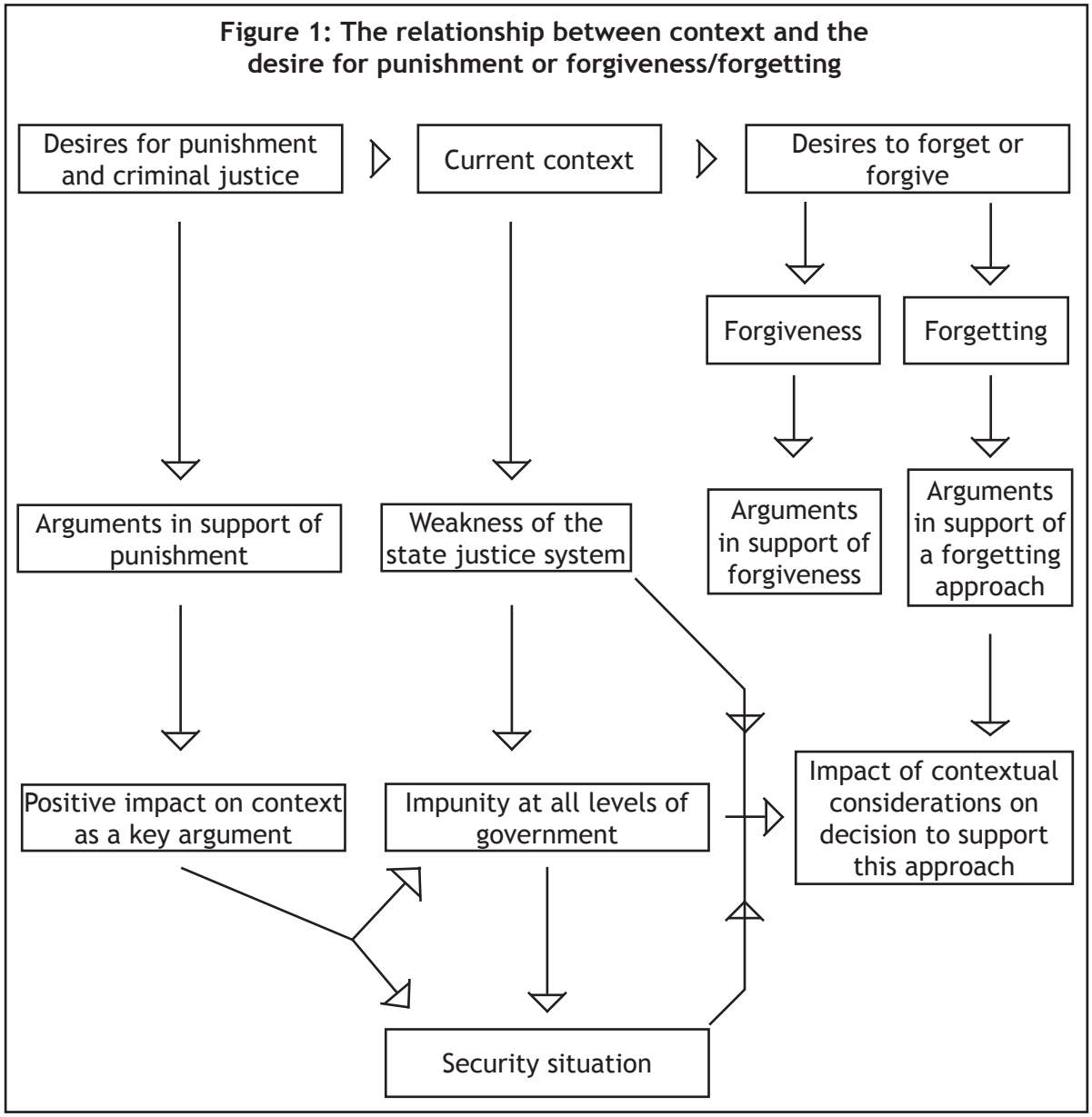
Before examining views about why perpetrators should be punished, forgiven or at least ignored, it is important to reflect on the environment in which any policies and processes to confront crimes of the past must operate. A previous AREU paper explored the environmental challenges to implementing transitional justice in Afghanistan.[60] These included: lack of governance and rule of law, and specifically a weak and corrupt state justice system, the limited political will of the government and its international partners to address the culture of impunity in Afghanistan, and deteriorating security in the country. It concluded that the continued failure to address issues of impunity and implement a comprehensive process of transitional justice have shaped how Afghanistan looks today. Concerns about all these challenges were generally shared by most respondents rather than being specific to a certain area or group.

Weakness or absence of the state justice system

People in both research sites generally considered that the Afghan government, typically referred to as the *daulat* and less frequently the *hoqumat*, and its justice system have an obligation to provide security and protect the rights of Afghan citizens.

60 See Winterbotham, "The State of Transitional Justice in Afghanistan."

Figure 1: The relationship between context and the desire for punishment or forgiveness/forgetting



However, in contemporary Afghanistan, the formal system has limited reach and legitimacy. Even ten years after the fall of the Taliban, state governance struggles to function effectively in the face of limited human resources and infrastructure, a legal system that remains largely in tatters and local power structures that largely continue to trump central authority. The total failure of the state during the civil war of the 1990s ended the existence of a formal "system" of laws and institutions to uphold them. Meanwhile, the informal system sought to fill the void, adding Sharia courts and commanders' *shuras* (councils) to the more traditional *shuras* of village elders or "whitebeards."[61] Research suggests some 80-90 percent of both criminal and civil disputes are currently resolved outside the formal system.[62] Significantly, in Ghazni Province, nearly half the respondents interviewed in both communities stated that the Taliban were responsible for solving disputes in many areas of their province, including in the research site in Qarabagh District.

Respondents generally recognised the limitations of the state justice system. People often remarked that while judicial structures existed in theory, in practice these barely functioned and were unable to handle even "small" or "easy" cases. As such, they were widely discredited across all research sites in the eyes of men and women. This quote from an older Pashtun man from Ghazni City sums up the general despondency in relation to the justice system: "I think the ministry of justice exists in name only and they can't implement their laws and there is no justice in present regime."

People frequently singled out several specific problems with the formal justice system. Firstly, there was the widespread perception that the justice system worked in favour of those with power and money since judicial processes were administered by incompetent or dishonest people who were subject to corruption and bribery. Most frequent examples focused on the expectation that court officials were open to or required bribing at every stage of the legal process, whether simply to bring a case to court in the first place, or to secure the release of prisoners before their guilt or innocence could be proved. Given this situation, people either felt unable to access the formal justice system or felt disadvantaged if a case did reach the court. Respondents also highlighted that formal legal processes could take years to conclude.[63]

Partly due of the ineffectiveness and inability to access the formal legal system, the rural community in Qarabagh village now largely relies on the Taliban to solve their problems. It should also be noted that this was also out of a lack of choice and a small number of largely younger respondents indicated they had to allow the Taliban to administer justice or face repercussions. A number of people from Ghazni City, largely members of the Pashtun community, acknowledged that increasing numbers of people even in the city were turning to the Taliban in the absence of a functioning state justice system.

Respondents directly linked these specific failures to the overall failure of the government to implement the rule of law in the country. The general feeling was that if the Afghan government could not command respect for the rule of law then it was unlikely that the state justice system would possess the necessary power to administer justice. In

61 Thomas Barfield, Nojumi Neamat and J. Alexander Their, "The Clash of Two Goods: State and Non-State Dispute Resolution in Afghanistan" (Washington, DC: United States Institute of Peace, 2006), http://www.usip.org/files/file/clash_two_goods.pdf (accessed 11 December 2010).

62 Barfield, Noujiumi, Thier, "The Clash of Two Goods," quoting "Afghanistan in 2006: A Survey of the Afghan People" (Kabul: The Asia Foundation, 2006), finding that only 16 percent of Afghans would go to a government court to resolve their disputes.

63 For more information about the perceived inadequacies of the formal justice system, see AREU's Community-Based Dispute Resolution case study series, available at www.areu.org.af.

essence, people felt that the rule of law was not being implemented at the highest levels of government and consequently had little meaning at ground level. The weakness of the Afghan government was attributed to the lack of legitimate and capable people in positions of authority (particularly in central government), corruption (see Section 3) and impunity.

Box 10: Weakness of the state justice system

There is a lot of corruption in our government. For example, judges often rule in favour of powerful people because can pay bribes and they have lots of money. Because of this, many people are referring their problems to the Taliban.

Lamia, older female Pashtun FGD participant, Qarabagh

If someone has a problem, the court can't solve it even in four years, but the Taliban solves that problem in four days because they use Islamic law.

Ahamad Farid, middle-aged male Tajik FGD participant, Ghazni City

Culture of impunity

Despite the scale and length of the violence, there has been no accountability for past crimes in Afghanistan between any of the phases of war.[64] There has been little action to address the culture of impunity in Afghanistan and alleged perpetrators of some of the worst human rights abuses have retained positions of power. Impunity was a major cause of concern for at least a quarter of all male and female respondents interviewed in both areas who emphasised that while regimes might have changed, those who held power had not. For example, Lamia, an older female FGD participant from rural Qarabagh, said:

> *Many people who were in power during every period are now very rich. For example, some people first worked with the Russians and after that with the mujahiddin. Then they were with the Taliban and some of them are now in Karzai's government. In each government, they took money, committed crimes and they obtained big chairs for themselves.*

Men and women in Ghazni City pointed to election fraud as perpetuating impunity. Individuals with dubious pasts were still able to marshal support during election times largely due to bribery and corruption. This was widely acknowledged at an FGD with younger male FGD Pashtun participants in Ghazni City. Rahim summed up the group's feelings: "Some people who were selected for parliament didn't genuinely win the elections. Many powerful people won the election because of their money and power and they were not supported by the people." A couple of older male respondents from the rural site also argued that the international community supported this impunity. Mohamad Sayed, a middle-aged man, drew clear links between the continued presence in government of certain people and the role of the United States in Afghanistan. In his words:

> *The international community won't put them in prison because they are all friends and American forces promised them a lot when they wanted to occupy Afghanistan, for example high posts.*

64 Trials have, however, been held outside Afghanistan in the United Kingdom and the Netherlands. The trial of the aged communist intelligence chief, Assadullah Sarwari is excluded as it can be seen as a parody of the transitional justice process, violating basic standards of due process for a fair trial. For more information see Sippi Azarbaijanni Moghaddam, "On Living With Negative Peace and a Half-Built State: Gender and Human Rights," *International Peacekeeping* 14, no. 1 (2007): 133-4.

Moreover, older women attending an FGD in Qarabagh pointed to ongoing impunity in terms of negotiations with the Taliban and the perception was that the Afghan government had forgiven Taliban crimes and those of Gulbiddin Hekmatyar (an Afghan Mujahiddin leader who is the founder and leader of the Hizb-i-Islami political party and paramilitary group). Zarlashta, one older participant explained, "President Karzai announced that we are forgiving Taliban crimes and we will also sit with Hekmatyar in order to maintain peace in the country. He said that we want to forgive Hekmatyar regardless of his past crimes and cruelty."

While respondents frequently discussed prevailing impunity at the government level there was widespread acknowledgement that this existed at the community level. Many male and female respondents, particularly in the rural site, explained that they had no choice but to live alongside people they knew to be guilty of atrocities. For example, Mohammad Karim from Qarabagh village explained: "Those people who live side by side with commanders don't have the power to say or do anything to them, because people are not united and they can't put commanders on trial." Moreover, at least three respondents from Ghazni City had been forced to leave their rural community in the current period and migrate to the city due to this.

At all levels, respondents identified the deeply entrenched set of power dynamics that continues to plague the country as one of the major challenges yet to be confronted. Respondents emphasised that those who had abused their power in the past were protected by the fact that they currently held the strings of government in their hands and could still garner support by politicising ethnic or *qawm* identities or indulging in corruption and intimidation.

A final key contextual challenge was the current insecurity and the fact that the government and international community's attention is focused on defeating the insurgency, which made it difficult to implement any policy, let alone transitional justice activities. The current environment was clearly outlined in Section 3, but it is worth emphasising that security was a key consideration determining respondents' desires for retributive justice.

Respondents generally perceived these challenges as presenting considerable obstacles on the path of securing justice for wartime crimes. One of the main objectives of this project has been to explore people's demands for justice and locate these within the specific Afghan context. The project aimed not only to present idealistic desires but encouraged people to reflect on the realities of the current environment in Afghanistan. A number of respondents, largely those in Ghazni City, changed their mind after considering the contextual challenges, as was witnessed in Kabul and Bamiyan provinces. However, when compared to respondents in the other two research provinces, people in Ghazni were far less likely to change their mind and continued to argue for a punitive approach.

5.2 Holding perpetrators to account

Both communities widely rejected forgiving those guilty of wartime violations and came out in support of a retributive approach. This section first presents the range of opinions in support of punishing perpetrators. It then goes on to explore how respondents envisaged this happening in practice, including procedural elements such as appropriate jurisdiction, legitimate accountability mechanisms and who should or should not be held to account. While nearly all respondents in both communities wanted to see people punished it should be re-emphasised, however, that these attitudes were not necessarily fixed.

Arguments in favour of punishment

Justice, Islam and customary practice

Islam formed the theoretical basis for many of the arguments in support of accountability for wartime crimes, particularly by men in the rural community. It should also be noted that the interpretations presented here are not the author's own but those outlined by people in the communities. In Afghanistan, where large sections of the population remain illiterate, understandings of Islam are often built through oral narratives.

Islamic law was widely perceived to require accountability for serious crimes and outlined specific punishments for crimes such as murder, rape and theft. For example, murderers should be hung and thieves should have their hands cut off. Serious violations of human rights consequently had to be addressed under Islamic law. As Mohammad Sayed, a middle-aged male Pashtun respondent from the Qarabagh village, succinctly put it, "Islam has specific laws about criminals and we know that each crime has a specific punishment in Islam."

Moreover, it was widely felt that while God would punish perpetrators on doomsday, both God and the Prophet Mohammad also allowed for punishment in this world, if possible. Punishment was often conceived as a process of "taking back victims' rights." If criminals were not punished people frequently articulated that victims' rights would be "trampled on" and God would be unsatisfied. Sheila, a younger female Tajik FGD participant from Ghazni City, summed up this general sentiment by saying, "When we take our rights back from someone and ensure they are punished, God will be satisfied with us."

The general understanding that people had a predefined right under Islam to seek redress and recompense for crimes committed against them or against their family offered further justification for punishment. This is perhaps strengthened by historical precedent in Afghanistan. Prior to the establishment of a state justice system, the general understanding was that everyone had a personal right to punish transgressors themselves and take appropriate retribution: an eye for an eye, a tooth for a tooth, a life for a life. In the absence of court prosecutions, this led to blood feuds operating under specific sets of restraints that defined acceptable limits of action.[65]

Overall, the majority interviewed in the rural Pashtun rural community acknowledged this right to seek personal justice for wrongs committed against them. In fact, this right and expectation of retaliation lies at the heart of the Pashtun behavioural code, *Pashtunwali*, as a non-state legal system: kill one of our people and we will kill one of yours; hit me and I will hit you back. Homicide generates the strongest demand for personal blood revenge. There is the obvious desire to punish the person who committed the act by the victim's family, but it also involves questions of honour and personal responsibility.[66] Typically, people described this type of revenge-taking as "cleaning of blood by blood." Not seeking blood retaliation personally can be deemed a sign of

65 For more information about revenge, see Thomas Barfield, "Informal Dispute Resolution and the Formal Legal System in Contemporary Northern Afghanistan," draft report, (Washington, DC: USIP, 2006).

66 Barfield, "Informal Dispute Resolution and the Formal Legal System in Contemporary Northern Afghanistan." While the community may recognise that acts such as theft, homicide or rape are wrong, it does not take collective responsibility for judging or punishing people who commit such acts. This is a right reserved to the victims. However, the *Pashtunwali*, local tradition and public opinion do play a large role in structuring how, on whom, and where one may take revenge legitimately. It also lays out mechanisms for resolving such disputes through mediation or arbitration.

moral weakness, even cowardice, of not just of the individual who was wronged but their whole kin group. For example, Zarlashta, a middle-aged female respondent from the Qarabagh village, explained, "This is a custom: when a person does not take his revenge other people will jeer at him." At least a quarter of both male and female respondents in the rural community said they would take personal revenge if the opportunity presented itself.

In contrast, respondents in Ghazni City, particularly men and women from the Hazara community, opposed this. This group argued that, contrary to arguments made in the rural area, "blood could not be washed with blood." They also pointed to the security implications of revenge. Instead, this group felt that the government should "take revenge" for poor and oppressed people and punish the criminals. While several male and female Pashtun respondents from the area argued that revenge was only complete if taken personally, the vast majority of people interviewed, including the inhabitants of the rural village, would accept criminal prosecutions as a form of revenge. These issues are explored further in the section on justice and security.

Justice for victims and family

It was widely believed that the scale of crimes and the number of victims in Afghanistan were too great to go unpunished and that allowing the perpetrators of gross crimes to walk free without any form of reckoning was morally repugnant. Mansoor, a middle-aged Pashtun male FGD participant from Qarabagh District, summed up this general feeling:

> *Any peace agreement implemented in Afghanistan would be very cruel for the victims and they will become sad because these criminals murdered thousands of innocent people during the wars. Therefore, forgiving these people is a big mistake in my mind.*

It should be recognised that this argument generally only applied to crimes categorised as "serious," such as murder or rape. People often drew clear distinctions between crimes that they felt they could forgive, or at least ignore, and those that required retributive action. Crimes involving material or financial losses, such as looting, might in normal circumstances under state and Islamic law require formal punishment. However, given the unique situation post-conflict environments present, most (if not all) people interviewed were willing to give up their rights to see the punishment of these crimes.

In a large number of cases, men and women in both areas desired retribution that would cause the perpetrators physical or emotional pain. This was perceived as serving the combined goal of punishing the guilty and providing vindication for the victims. Victims in Ghazni City, in particular, linked their ability to heal their wartime experiences to the implementation of punishment processes. As Zarghona, a younger female Tajik respondent, worded it, "Punishment causes us to become restful and our heart will find patience." In rural Qarabagh, only a few male and female respondents directly linked this, but generally people did discuss that they would be "satisfied" if punishment was implemented. Part of the reason that punishment was perceived to have the potential to heal or at least deliver satisfaction was that it was one way of forcing perpetrators to appreciate the pain they had unleashed on their victims, see the consequences of their actions and, in some cases, possibly force people to feel regret.

Justice and security

Security concerns were paramount in the minds of all respondents. An overwhelming majority of people in both communities identified a positive correlation between a punitive approach and security. While about a quarter of these later changed their mind and suggested that "forgetting" people's crimes could improve security, the majority still emphasised the benefits of punishment for security. In fact, many male and female respondents in both communities emphasised the absence of security in Afghanistan and felt that punishing those guilty of wartime crimes could not make the situation worse.

People who had committed crimes in the past, whether currently in government or not, were largely perceived to be responsible for current violations. Respondents argued that if those who were guilty were punished and removed from society they would be prevented from committing further abuses, impacting positively on Afghanistan's security environment. Hazara respondents in Ghazni City, in particular, believed that the Taliban were constantly being forgiven by the government and then continued to repeat their crimes. As Najebullah, one younger Hazara male FGD participant, explained, "When the government forgives the Taliban and the government releases them, after some days those same men join the Taliban again and they commit more crimes that harm innocent people."

Another example singled out by middle-aged and older Hazara men attending an FGD in Ghazni City was how in the current period an approach based on forgiveness and reconciliation with the Taliban had already been attempted, headed by former president Sebghatullah Mojaddedi. This was known as the Program Takhim-e Solh (PTS) or the "strengthening peace" initiative, aimed at conciliating rank and file insurgents and encouraging them to return peacefully to Afghan life.[67] The discussion concluded that this process had failed; instead the Taliban had gained financially from the initiative and security had subsequently deteriorated. After detailing these flaws, one participant, Didar, encapsulated the general opinion when he said: "Thus, in my opinion, those people who committed bad deeds during the last 30 years must see punishment according the crimes they committed."

The widespread perception among most people was that if all perpetrators, whether Taliban or others, were always forgiven, they would continue to commit crimes. Instead, it was often felt that administering justice against those responsible for wartime violations would serve as a lesson to criminals, their supporters and to ordinary people that this type of behaviour would no longer go unpunished, which would make them less likely to repeat their crimes. Ensuring that people were held to account for all crimes was seen as essential in building respect for the rule of law in Afghanistan.

So far the analysis has explored the positive correlation between accountability or punishment and security in relation to the impact on perpetrators. The third argument employed was that formal punishment was needed to prevent victims seeking vengeance. Despite acknowledging in theory the right outlined under Islam for an individual to seek redress where crimes are committed against them, in practice many people feared the

67 Karzai formally introduced the PTS in February 2004. This effort was overseen by an Independent National Commission for Peace and Reconciliation led by a Karzai ally, Sebghatullah al-Mojaddedi, and claimed early success, convincing over 2,000 insurgents to lay down arms. However, the weaknesses of the effort, which included the inability to appropriately validate insurgent credentials, the absence of effective monitoring in the aftermath of formal reconciliation and the loss of credibility in the Afghan leadership, led the UK, US and Netherlands to abandon financial support for the initiative. For more information see Ashley J. Tellis, "Reconciling With The Taliban" (Carnegie Endowment for International Peace, 2009).

security risks of this. People in both communities argued that in the absence of a formal justice process some victims might attempt vigilante justice, which could trigger cycles of vengeance. This was strongly emphasised by respondents in all groups in Ghazni City and younger male respondents in Qarabagh village. The desire of this group was therefore that a formal judicial process be led by the government, which would stem the desire of people to take personal revenge.

While victim/perpetrator power dynamics in Afghanistan largely prevent wide-scale vengeance, this concern is legitimised by the previous discussion that a considerable proportion of older respondents in the rural district would take revenge against their violators if they had the chance.

Box 11: Punishment, learning lessons and restoring security

The leaders are the main source of insecurity in Afghanistan and if the past governments had removed them or put them on trial we wouldn't now be facing these problems. Now they are alive and continuing their bad actions.

Zarful, middle-aged male Pashtun FGD participant, Ghazni City

If the government forgives the criminals it has a very bad impact on security and peace in the country because the criminals will think, "there is no one to punish us and if we commit other crimes the government will forgive us."

Mohammad Salim, middle-aged male Pashtun respondent, Qarabagh

Although forgiveness is a good action for building peace, in my opinion they must punish people because they will commit bad and unlawful actions once again. Punishment will set the example for others not to commit cruelty.

Fatima, younger female Tajik respondent, Ghazni City

Who has the appropriate jurisdiction to deal with the perpetrators of war crimes?

Three main sources of jurisdiction[68] were discussed in relation to administering justice: the Afghan government applying state justice procedures, the international community through international justice mechanisms, and elders and whitebeards, largely through local dispute resolution structures.

For the overall majority of those supporting a retributive approach, the government possessed the appropriate jurisdiction to administer justice for crimes of this nature. In the case of serious crimes, it was widely agreed that state authority is essential with punishment dealt out in agreement with Islamic or Sharia law.[69] The primary role of the

68 Jurisdiction is defined as the practical authority granted to a formally constituted legal body or to a political leader to deal with and make pronouncements on legal matters and, by implication, to administer justice within a defined area of responsibility. Jurisdiction can be allocated according to geographic area, dispute type, size of claim, phase of dispute or a number of other factors depending on the design of a particular legal system; jurisdiction can be exclusive to a single legal body or can be shared among legal entities.

69 Previous AREU research on community-based dispute resolution found that Afghanistan's justice system is based on a multi-layered approach. People tend to delineate dispute type and the corresponding appropriate resolution fora by describing them as "big" or "small." Big disputes include serious crimes involving death or injury; land or water claims of long duration, between villages or involving multiple parties from within the village; protracted inheritance or land division disputes; divorces; and cases of severe or recurring domestic violence. For more information see the case study series at www.areu.org.af.

government was largely due to the overwhelming perception that formal courts were the most appropriate forums for determining and administering punishment.

It was widely felt that a "good" or "honest" government should protect victims by punishing perpetrators and, more generally, uphold the rule of law. Government legitimacy was consequently largely predicated on its ability to implement formal criminal proceedings against alleged criminals. Most respondents believed that formal trials would enable people to "trust" the government again. Summing up this general sentiment, Samad, a younger Pashtun man from the village in Qarabagh, argued that "They must be sent to court; putting them on trial will bring a lot of benefits and people will trust the government again, justice will be found."

This belief was despite widespread acknowledgement of the weakness and limitations of the state justice system and the lack of government legitimacy, discussed in Section 5.1. However, as Beyer argues, the role of the state is more determined by the perspectives of its citizens on what it should fulfill rather than what it does in reality.[70] Theros and Kaldor argue that increasing interaction with the outside world has increased awareness and expectation of the responsibility of the government.[71]

Respondents, however, distinguished between what they wanted the government to do in theory and what was possible in practice. To date, the government has failed to hold anyone to account and given the general awareness of the unwillingness or inability of the Afghan government and state institutions to punish criminals, a smaller proportion of respondents envisaged a role for the international community. International jurisdiction was not perceived to supersede that of the government, but in the absence of government action it could fill this vacuum. While the vast majority of people interviewed wanted perpetrators punished according to Afghan and Islamic law, a proportion of male and female respondents had grown tired of waiting for this to happen. This quote from Tajik Abdul Ghani reflects this feeling:

> *I think a court must be made, either according to the law of the international community or according to Islamic laws. Either way, the criminals must be punished, and sending them to trial will stop them committing other crimes.*

However, support for the international community as an appropriate source of jurisdiction was limited to less than a quarter of people interviewed. The strongest support for a role for the international community came from male and female participants in FGDs in both communities. The reason for this stems perhaps from the research methods employed, given that the FGD guide outlined international involvement in other countries. This could have prompted people to reflect more positively on the potential role of the international community in this area.

Those supporting a role for the international community first felt international actors should put pressure on the government to force them to live up to their responsibilities and punish people guilty of gross crimes. It was felt that international actors should live up to their humanitarian mandate and act in Afghanistan, as they had in other countries, and persuade or force the government to investigate and address past and present crimes.

70 J. Beyer, "Imagining the State in Rural Kyrgyzstan: How Perceptions of the State Create Customary Law in the Kyrgyz Aksakal Courts" (Halle/Saale, Germany: Max Planke Institute for Social Anthropology, 2007).

71 Kaldor and Theros, "Building Afghan Peace from the Ground Up."

Secondly, as mentioned above, those who supported a role for international actors perceived this as a supporting role and envisaged that the most appropriate way forward would be for the international community and Afghan government to work together. The international community should either support the government in implementing criminal justice processes by maintaining security or through technical expertise.

Thirdly, a number of respondents, largely middle-aged and older Pashtun men in FGDs in both the rural and urban sites, argued international tribunals should be established in foreign countries. One suggestion proposed was that international tribunals should prosecute "big people" and "major leaders," and that Afghan courts put on trial smaller criminals. While there was no real agreement over where an international tribunal could be established, different countries suggested were Turkey, India and China. One older Tajik man in Ghazni City, however, suggested that tribunals should take place in European countries far away from Afghanistan.

Some people interviewed from all groups, but particularly men in the rural community, rejected a role for the international community entirely. Moreover, both the Pashtun and Tajik FGDs in Ghazni City were divided between men who supported a role for international actors and those who contested this. This group argued that the criminals were the responsibility of the government and not the international community. Consequently, Afghans themselves should solve their own problems according to Afghan and Islamic law. Several elderly Pashtun men in both areas pointed out that since capital punishment was not allowed in international law, punishment should be administered by Afghan courts. Moreover, they pointed to the negative role the international community had played in Afghanistan and how they exacerbated human rights abuses and the culture of crime in the country. Abdul Shokor, a younger Hazara man, summed up this feeling:

> *In my opinion, instead of allowing the international community to implement their law in our country it is better for Afghan people to solve their problems by themselves. The international community is in our country but they can't solve our problems and unfortunately because of their presence our problems are increasing day by day.*

For the vast majority of respondents in support of retributive measures, it is clear that formal sources of jurisdiction—either Afghan or international—were perceived as the most legitimate. However, given Afghanistan's multi-dimensional justice system, a very small number of respondents from each community and from all groups suggested that criminals could be dealt using the *jirga*[72] system. Various reasons were given for this. Largely it was felt that the *jirga* system possessed legitimacy and should consequently be involved to some degree. It was also felt to be more participatory. Involvement was envisaged in a variety of ways; for example, elders and whitebeards communicating government decisions regarding punishment policies or being relied on as sources of consultation about the most appropriate mechanisms. Generally, this minority favoured an integrative approach involving state justice processes and *jirga* mechanisms. For example, Rokshana, a middle-aged female Hazara respondent from Ghazni City who was the only woman from the area to support this approach, argued:

> *People can make decisions about what should happen and in my view, they must make decisions using negotiations and jirgas. The government then must maintain justice and people's rights must not be trampled on. The criminals must see their punishment and the government should not allow them back into power.*

72 A council that meets to solve problems as they arise.

Legitimate mechanisms to hold perpetrators to account

As outlined above, the majority of people in favour of a retributive approach supported formal mechanisms of punishment. This section explores these organised mechanisms of holding perpetrators to account, namely criminal prosecutions administering sentences of capital punishment or imprisonment and removing people from positions of power.

As discussed, the vast majority interviewed identified the formal court system as the most appropriate forum to prove guilt and to deliver judgment. Many respondents in both communities also perceived court processes as contributing toward truth-seeking processes if perpetrators are forced to "confess" their crimes. Given the complex and lengthy nature of Afghanistan's conflicts, some people felt that confessions might provide information about past events. There was also an underlying demand to try to understand why people had committed crimes. Karimullah, an older male Pashtun respondent from the Qarabagh village, captured some of these general ideas:

> *They must tell people about what type and how many crimes they committed and why they had the right to kill innocent people. They must explain why they killed innocent people and why they brought war to our country.*

This desire for confessions was widespread and was frequently accompanied by the demand that trials be held publically. Underlying this was some hope that confessions would be accompanied by a public display of emotion, remorse or apology.

While criminal trials received significant support from a wide range of respondents, discussions about the specific punishment administered elicited varied responses. Firstly, it should be acknowledged that many respondents failed to identify a specific punishment mechanism and instead just stated that people needed to put on trial and then punished. There are two possible reasons for this: firstly, people were more concerned with some form of punishment than stipulating exactly what type; secondly, the research team in Ghazni may not have probed further about specific processes. It should therefore be noted that some of the information presented below may be lacking due to research limitations.

Capital punishment, typically conceived as hanging or, less frequently, stoning, was deemed appropriate by about half of the middle-aged and elderly women in Ghazni City, received significant support from men and women in the Qarabagh village, and some lesser support from men in Ghazni City. This punishment was perceived to fulfill the requirements of Islamic law, uphold rights and provide justice to victims, serve some interests of security by forever eliminating some criminals and demonstrate that people would face death for serious crimes. Consequently, several middle-aged and elderly women from all ethnic groups in Ghazni City emphasised that executions should be public in order to compound the lesson that needed to be imparted. Zia Jan, a middle-aged Tajik female respondent, reflected this view:

> *They must be stoned to death by the government in front of the common people and this will have a good impact on the victims. This will also be an example for other people to not repeat these actions.*

The second form of punishment debated was imprisonment. Respondents were often prepared to accept this in place of capital punishment and so there was considerable overlap between people who supported both forms of sentencing. However, a considerable proportion of people from all groups, including women from both communities and men from Ghazni City, argued imprisonment was the best way forward. Pashtun women of all

ages attending FGDs in Qarabagh village spoke out against taking people's lives, saying that they did not want to further contribute to the loss of human life that has already occurred in Afghanistan. They emphasised that they had learnt the value of human lives, having experienced their own losses, and that people did not have the right to take lives that Allah had granted people. Other reasons provided were that imprisonment for life was in fact a worse punishment than executions, which would be quick, and finally, the reason largely applied by men in Ghazni City was that executions could have a greater negative impact on security than imprisonment.

Box 12: Arguments in favour of imprisonment

Women never want death because all women are mothers and they know the importance of a human life. The death penalty is a bad action and jail is sufficient for them.

Zarlashta, older female respondent, Qarabagh

If the government executes them they will see pain just for a few minutes and after that will be at rest. The government must imprison them while they are alive and must torture them.

Risa, middle-aged female Pashtun respondent, Ghazni City

Those people who harmed innocents—the government must send them to court and punish them publically. Punishment must not be capital because it has a bad impact on security.

Qurban, middle-aged Hazara FGD participant, Ghazni City

Given the widespread feeling that the government was illegitimate, corrupt and filled with incapable and dishonest people, many of whom were guilty of gross crimes, removing people from positions of power and replacing them with credible, honest and educated people was perhaps the most popular punitive measure. In the village in Qarabagh nearly every single man interviewed expressed this desire. There was the general feeling that if the composition of the government did not change, Afghanistan would never reach peace and security. A younger male Hazara respondent from Ghazni City, Abdul Rahman, summed up the widespread desire to remove criminals from power:

> *If the government doesn't discharge criminals from their posts, war and other problems will never end in the country. If there is not a strong and powerful government a country can't advance and rebuild and the war and other problems between people won't end. Currently, there are no honest people in the government who work for the people and instead they use their power for their own benefit.*

However, although removing criminals from power received significant support, people still often argued that other punitive measures should be applied at the same time—such as forcing people to pay reparations or putting them on trial after their dismissal. Given that people also spoke in general terms demanding trials and punishment, the analysis demonstrated that people generally appeared to support a range of processes. Victims were more concerned with seeing some form of criminal process implemented than with the specific punitive measure. This was similarly observed in the analysis of the research conducted in Kabul and Bamiyan Provinces.

Who should be punished, who should be forgiven?

This section has so far addressed why people felt alleged perpetrators of wartime violations should be punished and how this should happen. It is now important to be more specific and outline who should be punished and, consequently, who should be forgiven.

As mentioned above, it was widely felt that only people who had committed the most serious crimes, such as murder, rape or torture, should be punished. Two categories of people were identified as requiring punishment: foreign forces or "infidels" and the leaders in Afghanistan's different conflicts.

As discussed, foreign actors were regarded as perpetrators past and present. There was consequently a small demand from a small proportion of people in both communities, but particularly from the rural area, that international actors currently or previously involved in human rights violations face punishment. These foreign groups were largely identified as Russian forces who committed crimes during the Soviet occupation and international military forces blamed for human rights abuses in the current conflict. This group felt that attention was only focused on crimes committed by Afghans and not those committed by internationals and that that anyone who committed serious crimes should be held to account, regardless of their nationality. Gul Bashra, middle-aged female FGD participant from the Qarabagh village, captured this minority view:

> *Why should only Afghan people be put on trial? First, the Russians came into Afghanistan and were cruel to us and now the Americans are here and are committing very bad and barbaric actions. If they want to punish or imprison Afghan people, they must also treat infidels the same. Why are they only punishing Muslims when it was always the infidels who committed violations against Muslims?*

Even though less than a quarter of people interviewed specifically identified foreign powers as requiring punishment, their demands should not be ignored. There was a clear perception that while Muslims were attacked, "infidels" escaped judgement. This is worth bearing in mind if any future legal process takes place. A process that ignores concrete evidence of violations by international actors could weaken the legitimacy of international justice and could incite resentment and hostility among some Afghans.

However, the majority of people interviewed did not identify foreigners as requiring punishment, though neither did they say they should be forgiven. Instead, they largely preferred that external influence be removed from Afghanistan and that international forces leave the country (addressed in Section 6). This reflects perhaps an overall pragmatism about the likelihood of international actors facing criminal punishment. Firstly, Soviets identified as responsible for abuses had departed the country a long time previously and it would be practically impossible to identify or find them. Moreover, while the International Criminal Court (ICC) can investigate and prosecute crimes committed by foreign forces, knowledge of the ICC's existence and its mandate was largely non-existent. Instead, people emphasised that the government ignored crimes committed by international forces and expectations that foreign actors would be punished were weak.

The different groups of leaders during each conflict were perceived to be responsible for triggering and prolonging the conflict and for orchestrating some of the worst atrocities. Consequently, the overwhelming perception was that punitive measures should be restricted to those *most* responsible for wartime crimes, thereby granting absolution to a far greater number of followers, collaborators and bystanders. Accordingly, ordinary militants should be absolved because they had followed orders. Instead, it was felt that these followers would learn from the punishment of their leaders.

From a pragmatic perspective, most people felt it was difficult if not impossible to identify and prosecute all those who had played a role in the conflicts, given the length and scale of the violence in Afghanistan. The emphasis should therefore be on those who were most culpable, largely the leaders, who were also more easily identifiable.

Moreover, leaders were widely perceived to have gained financially, materially and in power from their roles. This prompted considerable hostility and added weight to many respondents' determination that these individuals should face punishment.

Box 13: Punish the leaders of Afghanistan's conflicts

A soldier doesn't have any other remedy but to follow orders. Therefore, the major leaders are most responsible and need to be punished. There are a few soldiers who used their power against people and were cruel to people but the main criminals are their leaders.

Zarlashta, middle-aged female respondent, Qarabagh

These leaders ordered these wars and they are responsible for all murders and other crimes that happened in Afghanistan. Therefore, we must not forgive the leaders but if we forgive the small leaders that is fine. Leaders were also fighting for money and for power; they killed the people in the name of this. They must be put on trial.

Ghulam Dastager, middle-aged male Pashtun FGD participant, Ghazni City

While it was widely accepted that the leaders of the conflicts warranted punishment, there was occasionally distinctions over which leaders. The vast majority of people interviewed in Ghazni City argued that leaders from any regime, faction or ethnic group who had committed gross violations should face retributive measures. For example, Abdul Karim, an older Pashtun male FGD participant, suggested that punishment should be restricted to the leaders of each *qawm* to teach their followers: "It is not possible to put all criminals on trial. The government must put on trial just one big criminal from each *qawm* as an example to their followers."

Both communities generally identified the communists, specifically singling out the Khalqis, as requiring punishment. Moreover, the majority of people interviewed ignored crimes committed by the mujahiddin during the resistance since this was perceived as a "holy war." However, some believed that those who trigged the civil war and committed violations at this time and since then should face punishment. In fact, respondents in both areas identified several well-known leaders from all the different ethnic groups, currently in government, as requiring punishment. People very clearly drew a line between mujahiddin figures who were fighting for Afghanistan and its people and those who used conflict to profit for themselves and were responsible for ongoing insecurity and some of the worse violations. Shir Ahmad, an older Pashtun respondent from the rural site, explained this reasoning: "Well, we know that there are mujahiddin who removed Russian forces from Afghanistan but after that there were those who started the war. The government must put them on trial and must ask them why they started the war with each other."

The main division between respondents was treatment of the Taliban. While only a few individuals in the urban site felt that the Taliban should be exempt from prosecution, and these were largely Pashtun middle-aged men, at least a quarter of respondents in the rural site refused to accept that the Taliban should be punished. In fact, all middle-aged and older male respondents in Qarabagh village, apart from one, specifically said that the Taliban should not face retributive measures. This group argued that the Taliban were good people and that any crimes they committed were the fault of the infidels. They emphasised the suffering the Taliban had experienced in the past and present conflicts in their fight to protect Islam and Afghanistan.

Box 14: Should the Taliban be punished or forgiven?

The Taliban and other people who murdered innocent people must be punished and the government must investigate them and ask why they were cruel to people even though they had good information about religion.

Badorkhan, older Pashtun male respondent, Ghazni City

The Taliban fights for Islam and they don't want to harm our people, but sometimes infidels force them to harm our people.

Friba, middle-aged female respondent, Qarabagh

As reflected in Box 14, differing perceptions over punishing the Taliban were largely not based on ethnicity—the majority of male and female Pashtun respondents in Ghazni City felt that the Taliban needed to be held to account—but was instead a divide between the rural and urban sites. This stems from the fact that the rural community largely supported the Taliban in the past and present, while the urban community opposed the movement (for more discussion see Section 6).

In contrast to the above discussion, a few men and women of different ethnicities and ages from Ghazni City opposed the general consensus and argued that ordinary or "little" people who had committed cruel acts deserved to be punished. Generally, these people felt that to maintain the rule of law and uphold justice any individual who was guilty of serious crimes should be held to account, regardless of whether they were leaders or followers. Nazifa, a middle-aged female Tajik FGD participant, succinctly worded this sentiment: "In my opinion criminals are criminals regardless of whether they were in high positions or not, and all of them must be sent to court until justice is maintained in the country."

5.3 Forgive and forget

This section presents opinions on the need to forgive or the willingness to forget. The analysis makes a clear distinction between these two approaches. "Forgiveness" entails a genuine willingness to forgive wartime perpetrators and the perception that this is the most desirable approach. In contrast, the inclination to "forget" is viewed more as a political decision to give up the right to hold criminals to account, often influenced by the contextual challenges that exist in Afghanistan. However, it should be recognised that respondents used these words interchangeably and it has been up to the author to determine their categorisation. This section first addresses arguments made specifically in favour of forgiveness, then explores what prompted people to argue they could or should forget wartime crimes. Finally, it looks at the conditions in which a respondent may be encouraged to forgive or forget.

Arguments in favour of forgiving or forgetting

As outlined earlier, these sections are grouped into opinions and not into groups of respondents. Opinions are not fixed and significant numbers of respondents frequently changed their mind or expressed opposing viewpoints. However, some general conclusions are drawn out in the analysis. Firstly, the vast majority of people interviewed in both communities overwhelmingly rejected forgiving perpetrators of war crimes. Secondly, people interviewed in the urban site appeared more willing to forget past crimes than those in the rural area, many of whom continued to advocate a punitive approach. Thirdly, the decision to "forget" appeared to stem from pragmatic considerations.

Forgiveness is the best way forward

As stated, respondents overwhelmingly rejected forgiving those guilty of serious crimes. In fact, the few male and female respondents who discussed forgiveness as an option, all from Ghazni City, tended to be reflecting on the benefits of individual forgiveness, which does not preclude government-led justice.

These few individuals considered that people should forgive criminals in this lifetime to prevent cycles of revenge and that Allah would deal with them on the day of judgement. A couple of male and female middle-aged Pashtuns in Ghazni City appeared to believe that God was a better judge than the government and that His court was the most appropriate forum. In the words of one man, Qari Abdulaman:

> *We must leave everything to Allah, because Allah is the king of the world, and it will be better that Allah punishes them. In my mind, the best way of dealing with past abuses is patience and forgiveness. People must pardon each other until the abuses and pains are removed from our community.*

Arguments in favour of "forgetting" past crimes

> *People will never forgive them unless they are forced to because of the conditions.*
>
> Guljan, older Pashtun female respondent, Ghazni City

This quote encapsulates the feelings of the majority of people in both research sites. While only a limited number genuinely felt forgiveness was the best approach, a proportion of people in both areas argued pragmatically, after reflecting on the Afghan environment, that they should give up their right to seek redress. Those most likely to change their mind were from the urban community where a majority said that they would have to forget past crimes committed against them, despite their desires for accountability. This was particularly true of male respondents, with around three quarters of male interviewees saying they could forget. In contrast, only small numbers of men and women interviewed in the rural community voiced this opinion and overall they continued to push for retributive measures.

Justice, jurisdiction and forgiveness

One of the major considerations concerning the punishment of perpetrators of wartime crimes was the unequal power dynamic between victims and perpetrators in Afghanistan. According to this perception, victims lacked the power to either personally take revenge or successfully demand state action in this area, with the government and the international community largely unwilling or unable to take action. Therefore, crimes should be left for Allah to deal with. A middle-aged man from the rural site told this story:

> *This year one of our female relatives was murdered when the Taliban attacked a government convoy and she was hit by a bullet. Her father, uncle and elders of the area went to the district centre to complain but said that they didn't have information about the event and couldn't help. They said that the Taliban were responsible. Then they went to the Taliban to complain but they denied that they harmed civilian people and blamed the government, saying that police are addicted to drugs and they don't know what they are doing during the war. Her father came back to the house and said, "there is no one to help, I am only hopeful that almighty Allah punishes the criminal."*

Moreover, people in both communities, particularly men in Ghazni City, recognised that since the current state justice system was incapable of handling ordinary crimes, it was unlikely that it would be able to handle these types of crimes. Since the formal justice system was perceived as corrupt and incompetent (see Section 5.1), men from Ghazni City widely argued that putting people on trial currently could create further problems. Didar, a middle-aged Hazara male FGD participant, argued this view:

> *In my mind, peace is better because judicial administrations don't solve problems honestly. There is a lot of corruption in the justice system and if we send the criminals to the court I am sure that new problems will be created in our country.*

Impunity and forgetting the past

Generally, Afghanistan's culture of impunity was singled out as the key reason why past and present crimes had not been addressed previously or by the current government. It was a key reason why the majority of men in Ghazni City, a proportion of female respondents in the same site, and a lesser number of men and women in the rural site argued that past crimes should be forgotten. Baruali, a middle-aged male FGD participant from Qarabagh village, captured this feeling:

> *In Afghanistan it is impossible to have prosecutions because our government doesn't want to put them on trial. Criminals are in the high positions of the government and criminals never want to put themselves on trial. We must forget the past war.*

People guilty of serious crimes were often perceived to possess the power in Afghanistan and would resist any attempt to hold them to account. One reflection of this was mentioned at an FGD with middle-aged and older Hazara men in Ghazni City, who discussed the ability of big leaders to rally people behind them against any attempt to hold them to account or even criticise them for their human rights abuses. They blamed this not only on the prevailing strength of these leaders, but on people's ignorance, which enabled the leaders to garner support. Qurban, a middle-aged man, summed up the feeling of this group:

> *In my view, it is impossible to deal with past crimes until people become literate and knowledgeable and remove hatred and nationalism from their hearts. A few years ago, when the Human Rights Commission [AIHRC] announced that the human violators and war criminals must be sent to court, some of the leaders who felt threatened like Sayyaf and Mohaqiq collected many people to condemn the Human Rights Commission in public. Many people supported them, therefore if the people don't become knowledgeable it is impossible to do anything against these criminals.*

Security and forgetting people's crimes

The challenges posed by the current security environment presented concerns for all respondents. While many people in both areas saw a positive correlation between justice and security in Afghanistan, some also feared that implementing legal processes against perpetrators could have the reverse effect. This reflects the complexity of implementing retributive transitional justice mechanisms in an environment of insecurity.[73]

73 In fact, AIHRC found in "A Call for Justice" that while 76.4 percent of respondents felt that bringing war criminals to justice woul d increase stability and bring security, only ten percent felt it would decrease as a result.

While formal punishment might help ease victims' pain, build respect for the rule of law or limit their desire to take revenge, people also questioned whether this was enough to prevent criminal processes increasing hatred and animosity in the country. As discussed, those believed to be guilty of gross violations continued to retain power and people in Ghazni City particularly feared that any attempt to bring them to justice could cause their followers to react violently. Of particular concern to younger men and women in this area was that the mere threat of criminal trials could encourage the Taliban to continue fighting against the government and could incite other people to join them. Baryali, a younger Tajik male FGD participant, reflected the concerns of this group:

> *It is clear that bringing the criminals to justice will increase insecurity in our country because the government doesn't have control in all parts of Afghanistan. If this happens, not only will the Taliban not stop fighting, but criminals will join with the Taliban. Both the government and the people of Afghanistan are concerned about this issue.*

This group would support an approach based on forgetting or amnestying past crimes *only* if it could guarantee security. Many people interviewed were still torn between their desire to see the punishment of people and fears that this would add to insecurity in the country. Ultimately, peace was the key priority and if forgetting demands for punishment would lead to improved security then this group was willing to do so. The clear dilemmas people faced in arguing for or against accountability are reflected in Rahima's quote in Box 15.

Moreover, from a pragmatic perspective, people argued that given the current security situation and the focus of the government and international community on fighting the insurgency, it was hard to envisage how trials about past wars would be implemented when the conflicts had not yet finished. In this environment, some people argued it was impossible to implement trials and even to identify all who were perpetrators and, consequently, demands for criminal prosecutions should be forgotten in the current context. Raz Mohammad, an older Pashtun FGD participant from Ghazni City, reflected the concerns of this group:

> *At first, security must be ensured and then we must find out who are responsible for the past wars. It is very hard now because the security is so bad.*

Despite the arguments above, respondents less frequently based their decision to forget on concerns about security in comparison to the influence the failures of the formal justice system and impunity had on changing respondents' minds. In fact, less than half of the male and female respondents in Ghazni City based their decision to forget on security considerations. Security considerations were less of a concern to people in Ghazni compared to other research provinces, perhaps because the situation is already insecure and thus people were less concerned with preserving a fragile peace and more concerned with changing the status quo.

These considerations all played a role in people's decisions to argue they could forget crimes "in the current environment." Given that desires to see justice were strong and willingness to forgive largely non-existent, the research demonstrated that once peace was achieved it was unlikely that the majority of people interviewed in Ghazni Province would give up their right to seek retributive justice. Nearly all male respondents in Ghazni City stated that once peace was restored to Afghanistan, insurgents were disarmed and a good government gained power, the focus should be on dealing with the legacy of past crimes.

Box 15: Forgetting past crimes and security

In my mind, if peace and security is maintained in the country people will forgive criminals because now people are tired of war and they don't want more problems between people.

Badorkhan, older Pashtun male respondent, Ghazni City

On the one hand, forgetting their crimes would mark the end of war and would maintain peace and security in the country but on the other hand the government must fulfill the desires of those people who lost their loved ones and the criminals must sent to the court.

Rahima, younger Hazara female respondent, Ghazni City

If people who are famous and who people support are discharged from their duties, at that time it is clear it will have a negative impact and war will start again. If we put on trial the mujahiddin they will try to rescue themselves and more fighting will happen. Therefore, maybe we should forget.

Gulmacki, older Pashtun FGD participant, Qarabagh

5.4 Developing support for forgiveness

Given that the key goal was peace, in some cases people argued that under certain conditions they would find it easier to not only forget but perhaps to forgive past violations. Firstly, it was widely argued that the victims themselves should be granted the power to decide whether to forgive or not. Secondly, the role of repentance and regret, largely demonstrated through apologies, was seen as a central component.

Overall, respondents from Ghazni City argued that they might be more willing to forgive or forget perpetrators' crimes if these conditions were met. In the rural Qarabagh site a few women also reflected on the benefits of this, but generally apologies were not held to have much significance in this community.

Who has the right to grant amnesty?

In passing the *National Reconciliation, General Amnesty and National Stability Law* (the "amnesty law"), the Afghan Government effectively granted amnesty to all parties currently or previously involved in Afghanistan's wars.[74] This contravened Afghanistan's international legal obligations to pursue accountability for serious human rights abuses as well as people's own perceptions of their rights guaranteed under Islam and by God. At the time of its drafting, Afghanistan's highest body of Islamic mullahs criticised the legislation, stating that under Islamic law only the victims of crimes, not the state, can forgive the perpetrators.[75]

A few male respondents in the urban area were aware of the government's support of amnesty, largely due to their knowledge of the previous reconciliation process, the PTS. However, neither community appeared to have any knowledge of the amnesty law. Consequently, collecting opinions about the notion of amnesty is an interesting reflection on the law itself.

74 For a further discussion on the amnesty law, see Winterbotham, "The State of Transitional Justice in Afghanistan."

75 Winterbotham, "The State of Transitional Justice in Afghanistan."

Overall, even if some victims were willing to forget the past and personally forgive perpetrators, it did not mean that people generally felt that the government could forgive these crimes for them. It was widely considered that forgiveness for serious crimes required the consent of the victims, and that the government thus did not have the "right" to forgive the blood of people. In essence, the right to forgive was perceived to lie with the victims only. Many respondents, largely men, based this claim on their understanding of Islamic law, which (according to them) outlines that in serious crimes *huqooq-ul-ibad* or the "rights of God's servants" (the individual) take precedence. As Najebullah, a middle-aged Pashtun male respondent from Ghazni City, said, "In Islam the killing of a person is very bad. Even Allah never pardons the right of another person."

People often suggested that if the government forgave the criminals without asking people, people's pain and hurt would increase. To build genuine peace, the voices of the Afghan people had to be included. Ways suggested included a national-level referendum or through consultation in *jirgas*. Jan Mohammad, a younger Pashtun male FGD participant from Ghazni City, reflected this general view:

> *If amnesties happen without considering people's views, that is an injustice and that will increase victims' pains instead of decreasing them. The people of Afghanistan experienced the pains, not the government.*

However, a very small number of male respondents from the rural site argued that the government possessed the right to grant amnesty to those guilty of serious crimes. In their opinion, the government was empowered make decisions in the best interests of the people and for peace and security in the country. Given their overwhelming identification of the Afghan government as illegitimate this view is slightly surprising. In fact, a stronger reason for the reason behind this is that these men also pointed to the weakness of the people as opposed to the government and argued that they were unable to challenge any government decision. However, another reason that this small group were perhaps more supportive of the government's role in granting amnesty was since this extended to the Taliban. The support provided to the Taliban in this area could have fostered people's willingness to accept government amnesty that included the Taliban.

Ensuring peace and security: The power of apologies and repentance

For some respondents—nearly half of men and women interviewed in the urban research site—apologies were a key component of building peace. A few younger female interviewees and younger men and women attending FGDs in the rural area did advocate the need for apologies, but a couple of older women rejected this entirely and older men were generally divided into those supporting apologies and those who ignored this process entirely.

Many of those in favour of apologies felt these might persuade more Afghans to forgive the perpetrators since this could be a form of "solace" for people, since demonstrations of "true repentance" on the part of the perpetrators could demonstrate their renewed humanity and willingness to change, which might stem desires for revenge. Genuine apologies might be sufficient compensation for their losses. In this sense, apologies were perceived as presenting an alternative to retributive justice. Apologies were perceived as possessing three distinct processes: confessions, repentance and demonstration of change. Perpetrators' confessions could contribute towards wider demands for truth-seeking and healing processes. In the case of South Africa's Truth and Reconciliation Commission, confessions were believed to play a crucial part in victim healing because they allowed a fuller picture of an event to emerge, relieving a victim from distress caused by previous official denials by, for example, allowing families to bury and honour

their relatives by revealing the location of human remains.[76] The impact of this was perceived to be greater if apologies were public, as argued by Salman, an older Hazara FGD participant:

> *If criminals are sorry about their bad actions and if they swear an oath in public that they will never repeat their past deeds, then a peace agreement will be effective. The people must forgive them because taking revenge causes lots of other problems in the country.*

Without a demonstration that the criminal had changed, the notion of repentance was largely devoid of any meaning. Consequently, the significance of apologies was strongly linked to a belief that it would improve security. It was largely felt consequently that apologies should be accompanied by a concrete commitment to peace demonstrated by laying down arms and accepting Afghanistan's laws. One respondent suggested that a law should be made to implement this, as seen in Box 16.

Box 16: Apologies, repentance and forgiveness

In my mind, we must first think about the security of our country. We must make a law to make criminals apologise to people because of their crimes. After that, people must forgive the criminals who must say, "we won't repeat our crimes," and this work will provide solace for oppressed people and they will forget the past actions.

Abdul Rashid, younger Hazara male FGD participant, Ghazni City

They must apologise to people who saw many sorrows and then they must be pardoned by the people. If someone doesn't want to apologise, he must be sent to court according to the rules of Islam. These two things can bring peace and security in our country.

Samad, younger male Pashtun FGD participant, Qarabagh

Is there any value in forgiveness processes and apologies?

Nearly half those interviewed, particularly from Ghazni City and the rural community, who reflected on the benefits of apologies and repentance still considered that this should be pursued in conjunction with criminal prosecutions. Only when crimes had been determined and perpetrators punished would apologies hold any significance to this group. Moreover, courts were identified as appropriate forums for confessions and promises of repentance to take place. In the view of this group, blanket amnesty would not serve the interests of peace and security. Sharif, a middle-aged Hazara male FGD participant in Ghazni City, summed up these feelings:

> *The government must put them on trial first and their crimes must be determined. Then the government must punish them according to their crimes, and if the criminals apologise and confess their crimes we must forgive them.*

However, a significant proportion of respondents in both areas, particularly older women in both areas and the majority of the rural site, rejected the notion of apologies in cases of serious crimes. Lamia, an older female Pashtun FGD participant from the Qarabagh village reflected the sentiments of this group, arguing that "Those people who killed

76 Claire Moon, *Narrating Political Reconciliation: South Africa's Truth and Reconciliation Commission* (Maryland: Lexington Books, 2008). Moon argues that these truth technologies are usually associated with national reconciliation that is based on a therapeutic moral order and is typically based on amnesty and truth commission mechanisms rather than retributive processes. However, many respondents perceived that criminal prosecutions were also equipped to deal with these goals.

a lot of people or harmed many innocent people for no reason should not be forgiven, even if they apologise. I think that if a person has killed a lot of people their apology is meaningless."

Moreover, placing apologies at the centre of people's ability to forgive was problematic since both communities doubted whether criminals would actually ever apologise. There was a general feeling that perpetrators were not sorry for their crimes and, even if they were, they would be unlikely to admit their crimes for fear of the consequences. People argued that people would only apologise if they were forced to, which would reduce the significance to people. Participants at an FGD with younger male Hazaras in Ghazni City discussed how even during the 2010 National Consultative Peace Jirga[77] the Taliban launched rockets at the venue. This indicated little willingness to apologise for their crimes and renounce violence.

In reality, given the continued demand for criminal prosecutions, the lack of belief that criminals would apologise and the fact that the majority of people rejected forgiveness in any event, it is questionable what impact this type of process could have on healing victims' pains and ensuring security and peace in Afghanistan. As Shamem, an older female Pashtun respondent from the rural area, stated, "What is the benefit of apologies? If they apologise will those who were murdered become alive again?" This is worth bearing in mind as the discussion turns to achieving reconciliation and peace in Afghanistan.

77 Held in Kabul from 2-4 June 2010.

6. Achieving Reconciliation and Peace

This final section looks at demands, desires and perceptions surrounding peace and reconciliation. Since reconciliation was largely perceived as essential to peace and vice versa, the two concepts are addressed side by side. Section 6.1 explores the current state of peace and reconciliation within the study communities and more widely across Afghanistan. Section 6.2 addresses respondent perceptions about how to achieve reconciliation from the bottom up and from the top down, and Section 6.3 focuses on specific perceptions of reintegration and reconciliation with the Taliban.

6.1 Current state of peace and reconciliation

What do people need to feel "peace"?

The overwhelming majority of people in both research sites stated that they did not currently feel "at peace." Most frequently, people linked this with the ongoing violence in their province and presented a narrow interpretation of peace as the attainment of security. However, while immediate responses to questions regarding whether people felt at peace concerned the lack of security, on further expansion "peace" also clearly encompassed achieving good governance, justice and development.

Achieving durable security and long-lasting calm for all of the country was one of the most basic demands shared by all respondents. This was most strongly voiced by the rural community in Qarabagh, where levels of violence remain high. Security was strongly linked in both communities with people's ability to deal with the past. This is not surprising given the current insecurity in the province. Ending the Taliban insurgency was consequently a key demand, though how to do so elicited various responses (see Section 6.3). Many people also strongly saw the departure of foreign troops as vital to building security and also to assisting people to feel more peaceful. This was a key part of the peacebuilding process and is addressed in Section 6.2. It was also widely acknowledged that it was difficult for the government to deliver on people's economic, social and justice-based demands as long as its attention was focused on combating the insurgency.

One of the most pressing demands was for a legitimate government that would implement justice and think in the best interests of the Afghan people. At least a third of men and women interviewed in both sites framed their answers to questions about peace in this way. In the urban area, respondents defined legitimate government as one that would tackle corruption and impunity, implement the rule of law and foster development. In both communities one responsibility of a legitimate government was to administer justice for wartime violations. Abdul Wakil, a middle-aged Pashtun respondent in Ghazni City, reflected this view: "Just one thing can help us to deal with these memories and feel at peace and that is a powerful and lawful government to take power in the country, remove the role of criminals and help the poor and innocent people of Afghanistan."

While respondents in the rural area also desired this, nearly a third of people interviewed specifically described legitimate government in terms of the establishment of an Islamic government, generally perceived as one led by the Taliban (discussed in Section 6.3). They argued that they would feel at peace and deal with the past once this had been achieved. Torpekay, a middle-aged female respondent, explained this view: "If a good and Islamic government takes power and the Taliban come back and implement Islamic law in the country, all the people of Afghanistan will live in a peaceful environment."

The majority of people interviewed in both research sites emphasised that implementing distributive justice and improving people's lives financially and materially would help people to deal with their wartime experiences. They emphasised how hard it was to deal with wartime abuses when they were still suffering financially. People frequently identified poverty, unemployment, illiteracy and resultant "ignorance" as factors fuelling the conflict. Consequently, respondents in both communities argued that if people had jobs and were educated they would be less likely to take up arms and fight against each other. Younger and middle-aged women in the rural Qarabagh most strongly emphasised the need for education and literacy in combating violence and reaching peace. In contrast, men in both areas most frequently discussed the role of employment in combating the insurgency and ensuring long-lasting peace (discussed further in Section 6.2).

Current relations inside and outside the community

Afghanistan's conflicts have had a fundamental impact on the bonds that exist between people. At various phases, the population was divided into ideological, factional and religious groups, often pitted against each other in the role of victims or perpetrators. Indeed, the identification of the Taliban as largely Pashtun, and the specific belief of Hazara victimisation at their hands, was relevant to many of those interviewed. While it is critical to understand that Afghanistan's conflicts were largely not the result of ethnic competition, it is also important to recognise that the instrumentalisation of ethnic identity that resulted from them has proved highly effective in mobilising support and resources.

Decades of conflict in Afghanistan have politicised ethnicity, forcing many Afghans to seek refuge with their respective groups and isolating them from other communities. Heightened insecurity often reinforces narrower forms of identity along tribal, ethnic and kinship lines.[78] At the same time, however, the experience of 30 years of war and displacement has simultaneously disrupted old identities, changed assumptions about the traditional and the modern, and reinforced the idea of an Afghan national identity.[79] Moreover, the perception among many groups that Ghazni Province was under "foreign occupation" appears to have further strengthened this. This section aims to explore how people view the state of current relations within their respective communities and their perceptions of other ethnic groups and relations between them in other parts of Afghanistan.

The two research communities have significantly different compositions: the rural site in Qarabagh is homogenous and composed of a variety of Pashtun tribes. Most families have lived in the area for a significant period of time, even if they migrated at various points of conflict. In contrast, the community in Ghazni City is ethnically mixed and has experienced considerable waves of migration in and out of the community, with a number of people interviewed moving to the area in the current era. Consequently, the overwhelming majority of people interviewed in the rural site argued that community relations were good because they were all Pashtun. In the urban area men and women were equally divided between those who perceived a positive or negative state of relations in their community.

It should be noted that the nature of relations within a specific community or between different ethnic groups were sometimes hard to obtain accurate information about. The researchers noted that respondents were reluctant to admit the existence of prevailing

78 Theros and Kaldor, "Building Afghan Peace from the Ground Up."

79 Theros and Kaldor, "Building Afghan Peace from the Ground Up."

tensions between people within the community or between ethnicities and insisted relations were good, even when there was evidence to the contrary. For example, while the rural site in Qarabagh might consist of one ethnic group, two Pashtun respondents in the Ghazni City community described migrating from villages in Qarabagh District, including the one research was conducted in, or not returning to their original homes in the current period because of fear. This was largely due to their previous wartime alliances—for example having worked for the communist government—or due to their current employment in the government, for which the Taliban imposes heavy penalties (discussed in Section 3). People in the rural area also infrequently supported this argument of underlying tensions. Lamia, an older female FGD participant from the rural site, was one person who explained this:

> *There were people who worked with the government of Najibullah and they were from this area and now they can't live here. Now, people who work in the current government can't live here because if the Taliban arrest them they will cut off their heads.*

While some people may have decided to migrate from the rural village due to intimidation, generally people said they had no choice but to live in the same community as people known to be guilty of wartime violations. However, there were some indications that this community had ostracised certain individuals who they felt had committed large crimes, even while continuing to live beside them. Abdullah, a younger male Pashtun respondent from the rural village, described an incident where a commander was excluded:

> *People don't like commanders who harmed and killed innocent people. I can't say his name but there is a commander who lives in our area and one day we went to Ghazni City and he wanted to come, but no one would let him sit in their cars and so he couldn't come.*

Underlying tensions are also apparent in individual perceptions concerning the current Taliban. A couple of younger men raised concerns about the role of the Taliban in the area, while a quarter of women of all ages expressed real fear of the movement. This is in contrast to the majority of the community who appear to support the Taliban both symbolically and practically. Even though this was not directly mentioned by anyone interviewed, it is likely to be a source of tension. Adding weight to this argument, Pashtun respondents in Ghazni City who had left rural Qarabagh in the current period suggested that relations in violent areas were tense. Abdul Wakil, a middle-aged Pashtun man, explained, "In places where conflict is ongoing, people do not have good feelings about each other."

As stated, the urban site was more divided over the current state of relations within the community. Roughly half discussed positive changes, pointing to the joint celebrations and ceremonies held between the different groups, the friendships they had with people from other ethnic groups and the improvement in relations due to increased understanding of the dangers of war and the experience of migration. However, other people, particularly Hazaras, discussed tensions in their community. For example, Rokshana, a middle-aged woman, said that she didn't trust her neighbours:

> *I don't trust my neighbours anymore because when we were in Mazar-i-Sharif our neighbours reported to the Taliban that the owner of this house was rich and the Taliban came and looted our property and used our house. Thus we must be careful of Pashtun neighbours and I always say to my sons to not make friends with people you don't know because there is currently no trust between people.*

As in the rural community, several middle-aged and older male and female respondents described how some known local perpetrators were ostracised and forced to leave. In one case Halima, a middle-aged Tajik woman, told the research team how people hated a local commander and so refused to attend any of his parties or ceremonies, including the funeral of his relative, so he eventually migrated to Pakistan.

Discussions surrounding the nature of relations in the country and general perceptions of other ethnic groups were even more challenging to gain information about. Overall, inhabitants of the rural site more frequently stated that relations between different ethnic groups were good, while urban respondents were more negative. While women in Ghazni City reflected more positively on the state of ethnic relations, the majority of men in Ghazni City pointed to problems between the groups.

Those who argued that there was "good morale between people" pointed to a stronger sense of Afghan identity. Experience of migration had apparently broadened people's horizons and ensured that most were literate. In some cases, witnessing how people behaved in different countries had had a positive impact on people's behaviour toward fellow Afghans. Some men, largely from the village in Qarabagh but also several older Tajik and Pashtun male respondents from the city, argued that it had also now become clear that all Afghans had a common foreign enemy and so this had resolved issues between them. This group also emphasised that people were tired of war and were desperate for peace and had realised that unity was key to this. Sayeeda, a middle-aged female Tajik woman from Ghazni City, captured some of the feelings of this group:

> *There was a good impact when people migrated to foreign countries because they became literate and also learnt about how to make their lives better. They also obtained information about who their enemies are...now all of our people are Afghan, not Pashtuns, Tajiks or Hazaras.*

In contrast to the above arguments, a significant number of male respondents in Ghazni City and a few Hazara female respondents felt that relations had largely not improved. Hazara female respondents from Ghazni City suggested that while relations might appear to be good on the surface, underneath people still retained wartime hostilities. Summing up the feelings of the FGD she was attending, Nazifa, a middle-aged woman, explained, "I think people are apparently united, but in their hearts only God knows whether they are united or not."

Men from Ghazni City spoke bluntly and argued that conflict had created hatred between people of different ethnicities, which had not been resolved. Instead, they argued that people retained loyalty to their own *qawms* and ethnic groups and did not trust other groups. Exemplifying this, two male Pashtun respondents from Ghazni City said that if someone was murdered they immediately blamed it on another *qawm*. As Jamal, a younger respondent, explained, "If someone is murdered by Hazara people they say that Pashtun people did this and if someone is murdered by Pashtuns they say that Hazara people committed this act." These tensions on the ground also operated at the government level and men from the city argued that if someone was appointed to a government position they appointed people from their own *qawm* or ethnic group to work for them. Consequently, there was a perception among these respondents that the government was largely divided along ethnic lines.

6.2 Achieving reconciliation and building peace

Despite the attempts of many respondents to ignore tensions between ethnic groups there was widespread support for processes that encouraged unity and reconciliation between

the Afghan people. Since the lack of unity in the past was blamed for the conflicts, policies that worked at building reconciliation were also perceived as peacebuilding processes. This section is divided into exploring specific processes that can encourage reconciliation from the bottom up between ordinary Afghans and those that build peace from the top down. It should be recognised that while both were perceived as key to peacebuilding in Afghanistan, negotiating an end to the war and ultimately bringing peace to the country was largely predicated on the success of top-down processes.

Reconciliation among ordinary Afghans

As a concept, respondents perceived reconciliation as a process of people coming together, building mutual trust and respect through collaboration and cooperation and creating unity. To do so, the creation of a shared national identity that would take precedence over *qawm* identities was emphasised. Resolving differences and building understanding and trust between people was also seen as playing a fundamental role in helping people deal with the legacies of the past—this was partially due to a sense that misconceptions about different groups were at least partially responsible for the conflicts.

Respondents from Ghazni City, but also a significant proportion of women in rural Qarabagh, considered that building knowledge and educating Afghans about Afghanistan and its past conflicts was vital to the creation of a shared identity, reconciliation and long-lasting peace in the country. Firstly, tackling illiteracy through education was key since many people identified that this had left people open to manipulation at various stages. As Rahmatullah, a younger Hazara male FGD participant from Ghazni City, put it, "The big reason for our problems is illiteracy. People destroyed their own country and murdered their brothers because they are foolish and puppets of foreign countries." A couple of younger Hazara women also criticised the current education system for inflaming tensions since the teachers and heads of the schools propagated their own messages of hatred and disunity between the ethnic groups.

These respondents also argued that developing knowledge through other processes—such as documentation and memorialisation—is part of building historical and cultural awareness. In order to create honest relations between people, the past had to be investigated and misconceptions laid to rest. Demands for truth-seeking processes in this sense were aimed at the goals of reconciliation rather than retribution and on the whole there was little demand in either community for "ordinary" people to face punishment. As discussed in Section 4, there was a demand that these processes spread messages of peace and unity and develop awareness about the negative impact of wars through learning from past mistakes. Cultural development was therefore perceived as key, with the media playing a vital role (discussed in Section 4). Fatima's words perhaps best illustrate this argument:

> *Cultural development, increasing people's knowledge about the conflicts and Afghanistan and maintaining justice in the community are key. If the government works in this area then revenge will end in our country and the people can trust the government. This will ensure peace and security in Afghanistan.*

In both research sites, while education and the media received some support as appropriate mechanisms to support reconciliation processes, it was widely agreed that messages of reconciliation and unity were best delivered through community elders, heads of *jirgas* and mullahs. These people were felt to possess the necessary moral authority and respect to bring people together to resolve lingering tensions. It was also widely argued that mullahs should use mosques as a platform to explain to people that

they are all "brothers" and should help each other. It was widely believed that this type of community-level process would help heal relationships between people and would work to build peace from the bottom up. Khan Mohammad, a younger Pashtun man from Qarabagh village, represented this general view, saying, "Spiritual leaders and community leaders can make relations better by announcing that people should be unified. Elders of the *qawms* who are knowledgeable could help relationships become better and more unified."

Akbar, a middle-aged Hazara male respondent from Ghazni City, described how their local *shura*, called *Tahkim-i-Sulah*, (Consolidate Peace) and described by him as a "humanity *shura*," acted to solve problems between people in the area, including those that stemmed from the different conflicts. In his words:

> *This is a humanity shura that was formed by the people and works for the people. We don't receive anything from the government and we don't work for government...This shura has solved a lot of problems between people, especially legal problems, stemming from the conflicts. There was war in the country during the past three decades and thus reconciliation and unity between the people of Afghanistan is an essential thing...This shura was formed in 1383 [2004] and we started work nearly six years ago and have had good results from it.*

It should be noted that Akbar, who was obviously involved in the *shura*, was the only person to mention this initiative and it is unclear how effective it is. These types of community activities require further investigation.

Peacebuilding and reconciliation at the high level

As introduced above, the involvement of the Afghan government was required to ensure reconciliation between the country's communities. People felt that the government was primarily responsible for creating the environment in which reconciliation could take place, bringing the necessary people together and, ultimately, the successful negotiation of peace. While fostering reconciliation from the ground up was seen as a key component of creating peace in Afghanistan, peacebuilding was largely felt to work from the top down. In fact, it was widely argued that until Afghanistan's leaders reconciled there would be no suitable conditions in which reconciliation on the ground could take place.

Afghanistan's conflicts were generally perceived as triggered and prolonged by the various leaders. Both communities emphasised that if leaders stopped employing divisive politics and were reconciled, their followers across Afghanistan would follow suit. There was a demand that all the leaders on all sides of the conflict sit together and talk to each other, solve their problems and unify.

However, in order for this to happen the overwhelming demand from men in both communities and women in the rural Qarabagh community was that international forces leave Afghanistan. Aside from a group of women in Ghazni City who did not desire the departure of international troops, discussed below, most people wanted Afghans to resolve their conflicts between themselves, with no international involvement. Until this happened, there was very little expectation that the leaders would be able to reconcile. In fact, the widespread perception was that the government would only regain legitimacy to negotiate for peace if international forces left. Asadullah, a younger Pashtun male FGD participant in the rural area, summed up this general opinion: "Until American forces leave Afghanistan it is impossible to implement a peace process, but when they leave then it will be possible to implement anything in the country."

Respondents in the rural site and nearly every single Pashtun male and female respondent in Ghazni City highlighted that foreign forces had been involved in Afghanistan for nearly ten years and during this time the conflict had escalated. In their minds, international troops were to blame not only for their own military tactics, which had resulted in the death and violation of human rights of Afghan civilians, but were ultimately responsible for Taliban attacks (discussed in Section 3.2). If the international troops left—in particular American forces—there would be no need for the Taliban to continue the conflict. Several elderly Pashtun respondents, largely from the rural community, pointed out that when the international troops had first arrived, peace was largely secured and that the Taliban and Al-Qaeda had disappeared from the country. However, they felt that the international forces had allowed the reappearance of these groups. One younger male Pashtun respondent from the same community, Khan Mohammad, also argued that the presence of "infidels" was the reason Pakistan and Iran wanted to "...destroy our country. When the foreigners leave our country Pakistan and Iran will not interfere."

Moreover, a number of respondents felt that they had also received no practical benefits from the presence of the international community. This was particularly true of the rural community where (as described in the context section) there is limited development taking place.

There was a widespread perception in the rural community that the presence of international forces was precluding the establishment true Islamic government, which included a role for the Taliban, as is discussed in the next section. This group argued that peace could not be achieved while international troops, or "infidels" who were against Islam and did not act according to Islamic laws, remained. In fact, several older respondents from this community felt that international forces were in fact waging a war on Islam rather than against the Taliban.

Finally, respondents, largely from the rural site but also Pashtun men in Ghazni City, strongly linked the departure of foreign troops with their ability to deal with the legacy of the conflicts and feel at peace and calm. The presence of foreign forces served as a continual reminder of previous conflicts and prior experience of foreign occupation. Qais, a middle-aged Pashtun male respondent from the rural village, explained this feeling: "When foreigners are in our country people can't forget their bad memories, so they must leave our country. At that time we will have peace and calm."

Not all people interviewed felt that the departure of foreign forces would promote peace. A small group of people, largely younger women in Ghazni City and a couple of middle-aged male Hazara respondents, were concerned about the implications for security of their departure, although several of these still wanted the Afghan government to take the lead militarily. Younger women interviewed were concerned about the impact on women and security, linking the departure of international troops with the resumption of power of the Taliban. As one younger female Pashtun respondent said, "If the international troops leave, maybe the war will start again and the schools will close again. Also, women won't be able to work or go to school if Taliban come back in power."

The other vital component of building peace proposed by the majority of men interviewed in Ghazni City as well as at least half male respondents in the rural site was to reform government. Government reform was perceived to include tackling and investigating corruption, and appointing honest and capable officials who worked for the good of the whole country and not just their own ethnic group. Men in Ghazni City in particular emphasised that all ethnic groups had to be equally represented in positions of power to remove ethnic tensions. Consequently, they felt that until the government discharged

criminals from their posts in government, peace and security could not be established (as strongly argued in Section 5.2). Wahidullah, an older male Tajik respondent, voiced this demand:

> *If I was in power, in order to achieve peace I would appoint honest and capable people in high positions and would discharge incapable and criminal people from government. I would listen to people's voices and investigate their problems. Also, I would remove corruption, which is a big problem in our country, and I would serve all people irrespective of which qawm or group people belonged to.*

The need to implement justice through a variety of processes, including investigating the legacies of violations and punishing those guilty of wartime crimes by removing them from power but also through criminal justice processes, was emphasised by this group. Clearly, many people linked the development of peace and security with upholding the rule of law and specifically demanded reform of the justice system. Many of these people then reiterated their desire to have people put on trial, which they felt was a fundamental part of the peace building process. Ultimately, the problem perceived by many people interviewed was that there was no trust in Afghanistan—between different groups, but particularly between the government and the people.

In order to resolve tensions between the leaders, to create an environment in which reconciliation could occur at the top and at community levels and to foster the trust that is so clearly required, the establishment of a national-level *jirga* that included representatives from all groups was widely supported in both communities. It was widely perceived that peace processes should be Afghan-owned and represent all Afghans, including the Taliban, and that the *jirga* system provided the appropriate forum to achieve this.

People felt that including representatives of all groups would ensure that ordinary people's desires and demands were included in discussions. This included their opinions about how to deal with the perpetrators of wartime crimes. Since the decision to forgive was widely perceived to lie with the victims of Afghanistan's wars and not the government, as outlined in Section 5.4, people felt that they needed to be first consulted on this matter and for these feelings to be represented, potentially at a national *jirga*. Implementing amnesty laws with no prior consultation was not perceived to pave the way for real peace. As Malike, a middle-aged female Tajik FGD participant from Ghazni City, put it, "If real forgiveness happens in the country that is a lot better. If the government doesn't listen to the voices of people about forgiveness they won't build proper peace in the country."

Moreover, two younger male respondents, one Hazara from Ghazni City and the other from the Qarabagh village, felt this would assist victims' healing processes and ability to deal with the past. Abdullah, from the rural site, explained this idea: "The best way is if an agreement is reached at a *jirga* where all representatives of the people participate. This would be a form of justice and it will help to heal the pain of people who are the victims."

However, middle-aged and older Tajik FGD participants in Ghazni City and a couple of older men from the rural community in Qarabagh reflected less positively on the impact a *jirga* could have in Afghanistan. They singled out the National Consultative Peace Jirga that took place in June 2010 for criticism, saying that not only was it not representative of the Afghan people but that violence had surrounded the event. Ahmad Shah from the rural community described it as a "show" that resulted in "no action." Meanwhile, participants attending the Tajik FGD criticised the representatives sent from Ghazni.

Abdul Ghani, an older man from the same area, explained this view:

> *In my opinion, jirgas are a waste of time. For example, the government didn't invite the real representatives of Ghazni's people to the jirga that was held recently in Kabul. Our governor sent some people who are from one family and his special people to accept the government's ideas.*

6.3 Specific perceptions about peace and reconciliation with the Taliban

This section explores perceptions concerning the need for talks with the Taliban and what peace with the Taliban entails, and concludes by presenting expectations that peace with the Taliban will be achieved in Afghanistan. It should be noted that as an exploration of community perceptions, this paper avoids a direct critique or analysis of national-level programmes such as the Afghanistan Peace and Reintegration Programme, which was launched by the government and the international community in 2010.[80]

Talking to the Taliban?

The need for negotiation between Afghanistan's different leaders and with the Taliban and Hekmatyar was widely recognised by respondents. It should be noted that Hekmatyar was not always specifically mentioned, but that when he was he was perceived as distinct from the Taliban. Respondents emphasised that they were tired after so many decades of war and the general sense was that the Taliban and Hekmatyar presented the most serious obstacles to peace and that ending their insurgency was the only way to bring security. Moreover, since both were identified as Afghan, frequent statements heard were along the lines of, "They are from this land so we should make peace with them." It was felt that peace should be negotiated at the highest echelons of government through collaborative discussions, consultations and *jirgas*. This would enable the government to find out what the Taliban wanted in order to bring an end to the conflict. In the process, these negotiations were also seen to promote the goals of trust and relationship building between the government and the insurgency.

Negotiations with the Taliban received widespread support from the majority of the rural community and the urban area. While many people from Ghazni City recognised that the Taliban and Hekmatyar had committed lots of atrocities, they argued that despite this the government had no choice but to negotiate. However, certain groups rejected this process completely. About a third of younger and middle-aged women interviewed in Ghazni City rejected negotiations and over half of these were Pashtun. Equal numbers of men from the city agreed with their female counterparts, but the overwhelming majority of these were Hazara. A quarter of older female Pashtun respondents from the Qarabagh village also rejected negotiations. This group rejected negotiations largely because of an underlying mistrust of the Taliban. The men in this group expressed the belief that the Taliban (and Hekmatyar) were not willing to build peace in Afghanistan, perceived them as deceitful and feared any negotiations would serve their interests and not those of the country. In contrast, female respondents more frequently based their objections either on their own personal experiences of the Taliban or on the belief that negotiations were morally repugnant given the crimes the insurgents had committed. For example, a

80 In July 2010, the Afghan government and the coalition together launched a the Afghanistan Peace and Reintegration Programme (APRP), which offers economic incentives and opportunities, including vocational training and community projects in agriculture or reconstruction, to persuade insurgents to desist from violence. A "High Peace Council" was established, along with provincial- and district-level committees, to oversee and direct the programme.

younger Pashtun female respondent from Ghazni City, who had been forced to marry a foreign Talib during the Taliban era, rejected all forms of negotiation because she was so scared of them. She was haunted by "their bad faces in my dreams and if I see them in reality, I will die." Similarly, older women from the rural site also had bad experiences during the Taliban, such as Marghlara, who had several family members leave the area due to threats. More generally, these women also pointed to the extent of crimes the Taliban had committed and instead wanted the Taliban to be punished. Rayeesa, a middle-aged Pashtun female respondent from Ghazni City, summed up this view: "They committed many crimes and murdered innocent people, so what is the benefit of negotiating with them? Instead, I think someone must punish them."

What does peace with the Taliban look like?

While negotiating with the Taliban was generally perceived as vital to attain peace and security in the country, the outcome of these talks and what should happen once peace had been reached elicited varying responses. All respondents largely focused on whether the Taliban should be allowed government positions and what should happen before reconciliation with the Taliban took place—namely reflections on the need to lay down arms and accept the Afghan constitution and the requirement Taliban leaders be punished first.

Firstly, there was a clear divide between the two research sites over whether the Taliban should regain positions of authority in a post-conflict Afghanistan. Almost every person interviewed in the urban community in Ghazni City rejected any role for the Taliban in government. Only one younger Pashtun male respondent, Abdul Salam, advocated a role for the Taliban in government, in the interest of peace because they already controlled significant territory. In contrast, the majority of respondents in the Qarabagh village, particularly men, desired the integration of the Taliban in power, arguing that this would allow for the creation of a true Islamic government. They felt the Taliban deserved respect for continuing to fight a "holy war against infidels" and also pointed out their existing influence. Gullali, a younger female respondent from Qarabagh village, said: "The Taliban is fighting a holy war for Islam and so the government must join or bring those into government who are fighting with the enemies of our religion and country."

In Ghazni City, it was strongly felt that allowing the Taliban back into power would trigger further violence and insecurity. People feared that if they were given official positions of power they would only use this to commit more and greater violations. Moreover, given the Taliban's past and current violence, especially their current policy of suicide attacks and roadside bombs, the urban community found the prospect of giving positions of power to them morally repugnant.

On another level, many male respondents in Ghazni City, and one older female respondent from the rural site, pointed out that the Taliban had proven largely ineffective at running a government. As one older Hazara man, Abdullah, put it, "The Taliban had actually returned Afghanistan to the state of the country in the 18th century." Shamem, the older female from Qarabagh, said, "We don't want the Taliban to come back in power...Mullahs don't know how to manage or lead a government." Other respondents feared that the return of the Taliban to power would be accompanied by repressive and unpopular policies, such as banning music, requiring men to have beards, and, in particular, restricting access to education.

In fact, the vast majority of people interviewed in the community in Ghazni City felt that no form of reconciliation should take place with them unless they had demonstrated a willingness to change and genuinely desired peace in Afghanistan. Such demonstrations

were perceived to be laying down arms, committing to peace through an oath, supporting reconstruction efforts in the country and accepting the Afghan constitution. As Akbar, a middle-aged male respondent put it, "The Taliban who are not ready to accept the constitution and women's and human rights must be sent to court, but as for those people who are ready to accept the constitution and human rights, we must get on with them and treat them as fellow Afghans." While apologies held varying significance for people (see Section 5.4), several Hazara women interviewed claimed that the Taliban had to demonstrate regret for past actions in order for them to support negotiations. Consequently, a process of public apologies could act as another possible demonstration of genuine repentance and could encourage people's willingness to negotiate and reconcile with insurgents.

The final condition voiced by some male and female respondents in the urban site, from all ethnic groups but particularly from the Hazara group, was that justice still needed to form a component of peace negotiations. This group therefore argued that there were some members of the Taliban who could not be negotiated or reconciled with because they had committed such heinous atrocities, and that prosecution of these individuals should be a requirement of the peace process. In fact, it was felt that their inclusion would potentially derail any peace process and threaten the long-term stability of Afghanistan. Moreover, the prospect of revenge in the absence of any form of justice is particularly significant given ongoing attempts to reintegrate lower-level Taliban into Afghan communities and should be considered in reintegration processes.

Expectations about reaching peace with the Taliban

The analysis has shown that a majority of respondents, although not all, accept the idea of negotiating for peace with the Taliban, albeit under certain conditions. However, respondents did not necessarily believe that such negotiations would prove fruitful. Male and female respondents in both sites widely questioned whether the Taliban actually would negotiate. Only a few, mostly male respondents from both research sites believed that the Taliban would willingly come and negotiate because they were Afghan and so wanted to live in safety. However, the majority of people interviewed pointed to the major obstacles that existed on the path to peace.

There was widespread acknowledgment of the presence of certain intractable issues on which neither side was likely to find an agreement. Firstly, it was widely questioned whether the Taliban would come to the negotiating table unless they were promised positions of authority (although this remained non-negotiable for many respondents). Secondly, the Taliban would not contemplate peace while international forces remained in Afghanistan and thirdly, there was a question about whether Pakistan would allow them to negotiate and reach peace. While nearly every single male respondent interviewed in the Qarabagh village argued that the Taliban would negotiate, over half of them then said this was only possible if the above conditions were fulfilled. Finally, there was also a question over whether any side to the conflict actually wanted peace to be built in Afghanistan since all sides were perceived to benefit from the current status quo.

Most respondents from the rural site, particularly men, felt that the Taliban should be granted all that they wanted in order to achieve peace. Not only should they be given positions in government, but their names should be removed from UN black lists and they should not face the threat of arrest.

It was widely felt among all respondents that the Taliban would not negotiate with the government while international forces remained in the country. However, most people

interviewed recognised that the likelihood international forces would leave in the immediate future were bleak, although the deadlines for the departure of international troops over the next few years are now becoming clear. Consequently, the majority of respondents questioned the prospect of reaching peace with the Taliban in the current environment. Abdulstar, an older male Tajik respondent from Ghazni City, reflected this general feeling:

> *It is impossible to sit with the Taliban. If the Taliban agrees to sit with the government, the government must accept their conditions and their first condition is that the international forces must leave the country—and we know that this condition is impossible right now.*

Consequently, it was widely perceived that until international "interference" was removed, peace would not be reached in Afghanistan. This included the influence of other foreign powers, particularly Pakistan. At least a quarter of male respondents interviewed in Ghazni City argued that the Taliban would only negotiate with the government if Pakistan allowed them to. These men did not believe the Taliban were independent but were instead controlled by Pakistan. A couple of older male Pashtun respondents in the Qarabagh village also agreed with this view. Wahidullah, an older Tajik male respondent from Ghazni City, summed up the feelings of this group by saying, "In my mind the Taliban doesn't have the power to sit with government because Pakistan is their leader. If Pakistan allows the Taliban to talk with the government it will happen, otherwise they don't have the ability to do this." Moreover, one middle-aged Pashtun man, Najebullah, drew distinctions between the Taliban and Hekmatyar, feeling that the prospect of peace with Hekmatyar was more likely because he was fighting independently for power and was not controlled by outside influences.

Finally, some people questioned whether any of the major actors involved in Afghanistan actually wanted peace. Women in Ghazni City and a few younger men in the Qarabagh village were the most likely to discuss the secret links between the government, international troops and the Taliban, which they claimed fuelled the conflict. While the veracity of these claims can be challenged, it is the perception of these links that could prove most dangerous to government legitimacy. In fact, Kaldor and Theros discovered that many Afghans believe that they are pawns in yet another "great game."[81] As a result, many of those interviewed were sceptical about the success of top-down reconciliation and peace building, despite acknowledging that this was the only way to achieve peace.

As discussed in Section 3.2, some respondents were sceptical about the true intentions of the international community in the country. The failure to weaken the insurgency has prompted widespread conspiracy theories and the belief among some in Ghazni Province that the international community, in particular the US, did not actually want to defeat the Taliban.

Ultimately, expectations about the prospect for peace were weakened not only by these obstacles but also by past experience. A few Tajik and Hazara men from Ghazni City pointed to previous peace agreements in the country, which had failed. While efforts to end conflict in Afghanistan have varied over the years, a notable trend has been national actors initiating political arrangements between adversarial parties for the cessation of hostilities. The most frequently mentioned initiatives were Najibullah's *Aasht-i-Milli* (National Reconciliation), when opposition groups were encouraged to lay down weapons and were co-opted within the existing political structure, and the PTS "strengthening peace" initiative, aimed at conciliating rank and file insurgents. These

81 Theros and Kaldor, "Building Afghan Peace from the Ground Up."

failures to reconcile people and bring peace to Afghanistan made it difficult for these men to perceive how any future peace process would have a better chance of success. Adding to this despondency were events such as the Taliban attack on the Peace Jirga. Ending on somewhat of a depressing note, this quote from Jafar, an older male Tajik FGD participant, from the urban site, encompasses some of these feelings:

> *We have seen the result of peace agreements in our country in the past. During the communist time, Doctor Najib announced the peace agreement between the government and mujahiddin but the country was then destroyed. We also saw this action during the mujahiddin time when they announced amnesty in the country and then fighting started. Also now, President Karzai announced amnesty in the country, but the Taliban has again harmed people in Afghanistan and are doing very bad things. These agreements do not create security and peace in the country but increase the insecurity in the country day by day.*

7. Conclusion

This is the third and final case study written in a series exploring the legacies of conflict in different parts of Afghanistan. The conflicts have affected and are continuing to affect different parts of the country in a variety of ways and each community and the individuals within it have their own stories and experiences to tell. These varied histories result in a wide variety of perceptions and opinions about how to deal with the past and the overall research has demonstrated that there is no one way to deal with either the legacies of wartime violations or those held responsible for them. Different opinions of how to achieve justice in the aftermath of conflict were collected from the different groups participating in each research community. Since the project deals with perceptions and opinions, it has produced fluctuating data rather than fixed information, in many cases reflecting the thinking of respondents as they grapple with the challenges they face.

While the challenges of analysing and drawing reliable conclusions from this type of data have been discussed throughout this paper, it is possible at this stage to reflect on the original research questions and identify some key lessons.

Experience of conflict

- How an individual experienced each conflict was largely determined by where they were living at a specific period in time. While the rural community in Qarabagh District appeared to have experienced the conflict as a community and consequently had more unified perceptions, respondents in the research site in Ghazni City had much more varied stories, having lived elsewhere at various points during the conflicts.
- Both communities had somewhat different experiences of the conflict, largely as a result of their geographical locations and levels of support for the Taliban. The urban site perceived that it faced the most suffering under the Taliban and also during the communist regime. The rural site felt it had experienced huge violations under the communists, but identified the Taliban era as a period of relative calm. The rural site faced far greater direct violence in the current conflict and generally the urban area felt a level of security had been restored, though both areas widely rejected the government as legitimate in their province.
- Respondents in each community, aside from women in Ghazni City, generally identified foreign powers as ultimately responsible for triggering and prolonging the conflicts and for their accompanying violations—whether committed directly by them or by Afghan forces. However, different groups of Afghan leaders were identified as playing a role and as responsible for their wartime suffering, identifying ordinary people as victims. The level of blame attributed to the different groups was largely dependent on where people had lived during the conflicts, with ethnicity and sex found to have a small influence.
- During every conflict, competition for power was perceived to play a key role in triggering and prolonging the violence, while people's illiteracy and personal loyalty was perceived to have been manipulated and abused.

Dealing with the legacies of conflict

- The impact of the past conflicts was felt to have an ongoing impact on people's emotional, and in some cases, physical "well-being." The experience of ongoing conflict perhaps exacerbated these tensions, particularly among women in Ghazni

City, but conversely meant that in the rural community people were less concerned with addressing past issues and more concentrated on the current fears they faced.

- Processes aimed at addressing people's ongoing suffering received varying degrees of support. Truth-seeking was widely supported by both communities, but people expressed more concerns associated with recording processes, especially concerning the security implications of attempting this in the current environment. Moreover, truth-seeking and documentation were intrinsically linked with criminal proceedings, particularly by men, rather than being perceived as sufficient justice in themselves.
- Memorialisation efforts were widely supported and some, mostly younger, respondents emphasised that these should serve historical and information-building goals.
- Financial and material compensation for physical wartime damage was the most popular approach in both communities. Reparations were, however, perceived in practical terms and did not appear to hold much healing potential if implemented without accompanying punitive measures. Reparations were only perceived as sufficient for economic and material loss, not for the loss of a loved one.
- The government was perceived as primarily responsible for implementing these processes. Government action in any one of these areas was seen as key to creating government legitimacy. For many, specific government policies were less important than a general acknowledgement of victims' suffering.
- The international development community was also perceived as possessing a key role, particularly by men in Ghazni City.
- The overall failures of the government and international community to address victims' concerns to date and their preoccupation in fighting an insurgency meant there was very little genuine expectation that any of these processes would be implemented in the current environment.

Dealing with the perpetrators of war crimes

- The demand for the punishment of perpetrators of crimes was supported by the vast majority in both communities and forgiveness was overwhelmingly rejected.
- Criminal justice processes implemented by the state were strongly supported by all interviewees. Criminal justice was seen to be in accordance with Islam, play a role in healing processes, fulfill desires for formal documentation and vital for developing respect for the rule of law, security and government legitimacy.
- While forgiveness was rejected, the urban community was most likely to say they could forget past crimes, including a majority of male respondents, because they recognised expectations of achieving criminal justice were unrealistic and possibly had dangerous implications for security. The rural community largely remained consistent in demanding retributive measures.
- The government was seen as primarily responsible for administering retributive justice, in some cases with international support. International jurisdiction gained most support from people in both communities attending FGDs, largely because of the research methods employed.
- Considerable objection to international involvement was registered in the rural site and was a divisive topic among many men in the urban community, largely due to the demand that criminal trials be enacted according to Islamic law and Muslims be

punished by Muslims. The failure of the international community to act to date also played a role.

- The role of apologies and the repentance of perpetrators in people's ability to forgive played a small role, largely in the urban site and among younger respondents in the rural area. However, many of these people still insisted that apologies be accompanied by punishment and that confessions and demonstrations of repentance should occur in court.

Achieving reconciliation and peace

- Achieving security in Afghanistan was the key concern of all respondents and all policies were measured against their ability to contribute to this goal.
- Peace was perceived to entail more than security and was strongly linked with justice, development and government legitimacy. In the rural community, peace was also largely perceived as entailing the establishment of a true Islamic government.
- While residents of both communities were prone to downplaying any tensions within the community or externally with other ethnic groups, obvious problems stemming from wartime experiences still existed.
- There was widespread support for the need to build unity and understanding between different groups. Consequently, there was a demand that messages of peace and lessons of the negative impact of war be propagated through education, cultural awareness initiatives, the media and, particularly, community elders and mullahs.
- Since leaders were perceived as primarily responsible for driving the conflict, peace was perceived generally as resting on their ability to cooperate and build trust. Reconciliation from the top down was perceived as essential to creating peace in Afghanistan.
- The government was primarily responsible for leading peace processes, but there was a strong emphasis on employing integrative mechanisms such as *jirgas*, which were seen to represent all Afghans' interests.
- The presence of the international community was perceived by many as presenting an obstacle to peace by contributing to the environment of insecurity and fuelling the insurgency, prompting calls for their departure.
- The Taliban were perceived as presenting the most serious obstacle to peace, and the vast majority of respondents accepted the need for negotiations. However, there was clear disagreement between the two research sites over what this would entail. While the rural site largely favoured a Taliban government, this was overwhelmingly rejected by the urban community, some of whom argued that the Taliban still needed to demonstrate repentance and even face punishment before reconciliation could occur.
- Perceived collusion between the government or the international community—particularly the United States—and the Taliban weakened expectations that peace would be reached in the immediate future.
- Ultimately, the prospects for peace in Afghanistan looked bleak to both communities.

Appendix: Respondent and FGD Data

Table 1: Respondent data in Ghazni Province

Interviews in urban area					
Age category	**Ethnicity**	**Women**		**Men**	
		1st round	**2nd round**	**1st round**	**2nd round**
Younger (18-29 years old)	Pashtun	2	2	2	2
	Hazara	2	2	2	1
	Tajik	2	2	2	2
Middle-aged (29-48 years old)	Pashtun	2	2	2	2
	Hazara	2	2	2	2
	Tajik	2	2	2	2
Older (49-75 years old)	Pashtun	2	1	2	2
	Hazara	2	2	2	2
	Tajik	2	2	2	2
Sub-totals urban		18	17	18	17
Interviews in rural area					
Age category	**Ethnicity**	**1st round**	**2nd round**	**1st round**	**2nd round**
		2	1	5	5
Middle-aged	Pashtun	5	5	5	5
Older	Pashtun	5	5	5	5
Sub-totals rural		12	11	15	15
Total by sex		58		65	
Grand Total		**123**			

Table 2: Focus group discussion data in Ghazni Province

FGDs in urban area					
Age category	**Ethnicity**	**Men**		**Women**	
		1st round	**2nd round**	**1st round**	**2nd round**
Younger	Pashtun	1	1	1	1
	Hazara	1	1	1	
	Tajik	1	1	1	
Middle-aged + older	Pashtun	1	1	1	1
	Hazara	1	1	1	1
	Tajik	1	1	1	1
Sub-totals urban		6	6	6	4
Total urban		22			
FGDs in rural area					
Age category	**Ethnicity**	**Men**		**Women**	
		1st round	**2nd round**	**1st round**	**2nd round**
Younger	All Pashtun	1	1	1	1
Middle-aged + older		1	1	1	1
Sub-totals rural		2	2	2	2
Total rural		8			
Grand total		**30**			

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