

Testimony
By
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COMMITTEE ON FOREIGN RELATIONS

THE TALIBAN: ENGAGEMENT OR CONFRONTATION?
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Honorable members of the Committee on Foreign Relations, thank you for giving me the opportunity to speak to you about the Afghan crises and possible solutions to the crises.

Mr. Chairman,

Afghanistan that once was the land of heroic peoples and hospitality has become the land of terror and torture. There are proxy wars, war crimes, crimes against humanity, genocide, and cultural genocide. There is persecution and prosecution of people based on gender, religious belief, political affiliation, ethnicity language and others. There is trafficking of women and girls. There are forced prostitution and forced marriages. There are illegal arms and drug trafficking and terrorist training. There is child labor and boys as young as ten years old are forced to fight in armed conflict.

Under the taliban's misogynist rule the Afghan women have become voiceless, invisible, non-beings with no rights to an independent existence. They are stripped of all basic human rights that are fundamental to human existence. The imprisonment of the Afghan women and girls, and prohibition of women from work, education and equal access to health care, have led to starvation, malnutrition, psychological disorder and other related diseases and intentional death among women and girls. Thousands of women and their children have died and continue to die as a direct result of this brutal system of Gender Apartheid imposed by the Taliban.

In September 1999 the United Nations'™ Special Rapporteur on violence against women accused the Taliban of systematic discrimination against women. The Special Rapporteur argued that the Taliban exercise official discrimination in all areas affecting women rights, including health, education, employment, movement and physical security. The UN Special Rapporteur points out that while discrimination against women exists throughout the world, in Afghanistan it is official policy.

The taliban's edicts that deprive millions of Afghan women, men and children of their basic human rights are immoral and inhumane. The edicts are neither part of the Afghan culture nor the religion of Islam. In Islam God grants human rights and they are part of the Muslims faith. Anyone who considers himself/herself a Muslim must accept, recognize, and enforce these rights. The Islamic rights cannot be changed, and are applicable to all the human beings (Qur'an Sura 5 Verse 44).

Islam has granted rights for security of life and property and protects the honor and dignity of human beings (Sura 49 Verse 11-12). Islam protects the human rights to security and privacy (Sura 49 Verse12 and Sura 24 Verse 27). Under Islamic principles, no one can be imprisoned unless his/her guilt has been proven in an open court. To arrest and imprison individuals on the basis of suspicion with out due process is not permissible in Islam. Islam has given human beings the right to protest against government's tyranny (Sura 4 Verse148). Islam protects individuals from being arrested or imprisoned for the crimes of others (Sura 35 Verse18).

Islam grants human the rights for freedom of thought, of expression, of associations and of formation of organizations, On the condition that these rights be used for the propagation of truth, virtue and justice and not for evil purposes. Islam also protects the human's™ freedom of conscience, of convictions and of religious sentiments (Qur'an Sura 2 Verse 256). Islam ensures that the humans religious sentiments are respected and nothing will be done that may encroach upon these rights. Islam recognizes the rights of human to the basic necessities of life (Sura 51, Verse19). Islam grants humans equality before law and does not hold the rulers above the law. Islam also grants humans the right to participate in the affairs of their State (Sura 42, Verse 38) Islam has granted all human male and female the right to education and work (Sura 35 Verse 28 and Sura 4 Verse 32). Islam has laid down some universal fundamental rights for humanity as a whole that are to be respected and observed by all human beings (Surah 5 Verse 8).

The taliban's brand of Islam is not based on the teaching of Islam. Islam, which is a religion of peace, compassion and justice, is represented to world as a religion of violence, cruelty and injustice. The Muslim

scholars in the world have condemned the taliban's "brand of Islam".

The taliban's strategy is to systematically depopulate Afghanistan through gender apartheid, ethnic genocide, and cultural genocide. They have massacred thousands of ethnic groups and religious minorities; and thousands of others are either missing or they are imprisoned. Hundreds of thousands of ethnic people are internally and externally displaced. The Taliban have destroyed and continue to destroy Afghan cultural heritage.

Most Afghans believe that after the former Soviets withdrawal from Afghanistan, the United Nations and the international community predominately, but not exclusively, limited their peace initiatives to negotiation between the warring factions and their foreign supporters. This strategy has led the United Nations and the international community to be unusually silent about the war crimes and human rights violations in Afghanistan. This strategy has enticed the warring factions and their foreign supporters to use war to attain more leverage in the negotiation. Therefore, the unarmed and non-combatant, ninety-five percent of the Afghan people, including the Afghan women are trapped in a vicious and perpetual cycle of war.

It is important to note that the reign of war-genocide, human indignity, indiscriminate attacks and bombardment on civilians, forced embargo to starve groups (all in violation of international conventions and international laws) are related to foreign interference, particularly that of Pakistan. But the United Nations and the International community have not held the interfering nations and the warring factions accountable for these crimes. This strategy of peace initiative in Afghanistan has shamefully failed.

Within the peace initiative set by the United Nations, the situation of women and girls in Afghanistan not only must be realized and abuses remedied, but Afghan women need to be incorporated in the peace process from the onset. Restoration of Afghan woman's rights must be implemented and insured. Afghan women need to be given an equal opportunity to participate in the civic and social sectors of their country; this involves their participation in the Grand Assembly (Loya Jirga), Parliament and in the future broad-based governance body of Afghanistan. Peace without restoration of woman's rights can never be true peace

Recommendations to the United States and the United Nations for A Possible Viable Peace Solution to the Afghan Crisis: The Following Recommendations Are the Result of Interviews Held with Various Afghan Scholars, Experts, Journalists, Women's Rights Advocates and others. 1) The Beijing Platform for Action by the United Nations emphasizes the human rights of women. These human rights include women's full and equal enjoyment of their rights in access to education, health, work and elimination of all forms of discrimination against women. Therefore, the human rights of women and girls in Afghanistan must remain a priority for the United States, the United Nations and the international community. Efforts must be focused on the rights of women and girls to have full access to health, education and work and other social and political aspects of their society.

2) End the monopoly of participation of the warring factions and their foreign supporters in the United Nations peace initiative. Diversify contacts within the Afghan populace, particularly with Afghan women refugees living in Pakistan, and formally include the Afghan Civil Society and non-violent political and social centers to become equal participants with the warring factions and their foreign backers in the United Nations peace initiative.

3) The Afghan women must be involved in the peace process and must have the right to be effective participants in the internal and external affairs of their country and society. Having women at the table must be a condition of peace talks. A democratic, representative government should be established, in which all members of the Afghan society, regardless of gender, age, ethnicity and religious affiliation can be equally represented.

4) The United States and the United Nations should encourage non-governmental organizations to work in Afghanistan and to address woman's security, access to health education and other basic needs. The United States should provide funds for the Afghan NGOs for training of the Afghan refugee women in the areas such as empowerment, capacity-building, individual skill building, advocacy and development. The United States should appoint a special envoy to bring an end to the human rights violations and end the suffering of the women, men and children in Afghanistan

5) The United States and the United Nations should negotiate for the local population to have the right to govern themselves. The United States and the United Nations should support the idea of self-determination and a democratic system of governance for the Afghan people. The United States and the United Nations should negotiate for an agreement from the warring factions for the redrawing of the administrative unit in

the government. Representation of the administrative unit should enhance the cohesion of the different ethnic groups of different territories and provinces within Afghanistan.

6) Inject moral and human rights measures to judge the sincerity of the warring factions and their foreign backers in the United Nations Peace initiative. The United States and the United Nations should identify and recognize the democratic elements inside Afghanistan who support human rights in general and woman's rights in particular. These elements should be supported and encouraged by the United States and the Nations and included in peace talks.

7) The Security Council members, such as the United States need to adopt enforcement measures against the Taliban for opting for a military solution to end the conflict and for the gross violation of human rights. The warring factions and their foreign backers must be held accountable for war crimes and crimes against humanity at the present and must be brought to trial when peace returns. The United States and the United Nations must force all warring factions to agree to a cease-fire.

8) The Foreign countries involved in supporting the factional war must be made to be committed to support urgent humanitarian assistance and funds for refugee repatriation and reconstruction efforts through international and non-governmental organizations.

9) The United States and the United Nations must urge the Taliban and other warring factions to release imprisoned Afghan women and men leaders. The United States, the United Nations and the International community should demand that the Taliban and other warring factions must make prisons accessible to international human rights organizations.

10) The United Nations should investigate atrocity cases inside Afghanistan and in the refugee camps in Pakistan. There should be a United Nations tribunal to bring to justice those who have violated the rights and have committed war crimes, crimes against humanity, genocide, and other forms of violence against the Afghan women, children, and men. The UN should empower an international tribunal to identify and bring to justice communist-era Afghan and former Soviet war criminals, and those responsible for other crimes after the communist era. In addition, the warring factions and their foreign backers must be put on the notice that war can never produce dividends in the negotiation stages of bringing peace or when peace comes to Afghanistan.