

Afghanistan Research and Evaluation Unit
Case Study Series

LEGACIES OF CONFLICT
**Healing Complexes and Moving
Forwards in Kabul Province**



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Emily Winterbotham

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Acronyms

AREU	Afghanistan Research and Evaluation Unit
FGDs	focus group discussions
GoA	Government of Afghanistan
LRA	Lord’s Resistance Army
CBDR	community-based dispute resolution

Glossary

Terms are Dari unless otherwise specified

<i>aram</i>	calm
<i>Aasht-i-Milli</i>	national reconciliation; most frequently associated with the Najib era and his 1986 version of a national reconciliation plan
<i>ashti</i>	reconciliation
<i>chadar/chadari</i>	head scarf/burqa
<i>dard-i-dell</i>	pain in one’s heart

<i>dastarkhan</i>	literally “tablecloth,” but has connotations of reconciliation; in Afghanistan, there is the concept of eating together from one bowl or dish or in each other’s house to strengthen relations or friendships. The concept behind this is people sitting around the same <i>dastarkhan</i> and sharing food which reflects the process of reconciliation between those present. People usually say “ <i>aab wa namak shodim</i> ,” which means “we have shared water and salt [and will not harm one another]”
<i>daulat</i>	state
<i>dell-i-shan ra yak kuna</i>	make a heart whole; conveys a sense of closure
<i>dard dell-i-shan ra aram kuna</i>	calm a heart’s pain; conveys a sense of closure
<i>haram</i>	not allowed in Islam
<i>hizb</i>	party
<i>huq</i>	right
<i>huquuq-ul-Allah</i>	rights of God in criminal matters
<i>huqooq-ul-ibad</i>	rights of God’s servant (or the individual) in criminal matters
<i>hoqumat</i>	government/executive part of the state
<i>islah</i>	Islamic conflict resolution principle, in which peace and social cohesion are pursued through a process of negotiation and reconciliation
<i>jerib</i>	unit of measurement; one <i>jerib</i> is equal to 2,000 square metres
<i>jirga</i>	council formed to solve problems as they arise
<i>jirgamaran</i>	those who resolve problems in a <i>jirga</i>
<i>loya jirga</i>	Pashto term meaning “grand council”; this is a much larger national meeting of the representatives of <i>jirgas</i> and other local groups. Historically, national figures have called a <i>loya jirga</i> when they were seeking a stamp of approval from local entities to a national policy or proposal and prepared for major events such as choosing a new king, adopting a constitution, or discussing important national political or emergency matters as well as disputes
<i>malik</i>	head of a village
<i>mazerat</i>	apologise; for big and serious issues people tend to ask for <i>mazerat</i> , which is stronger and more formal than <i>bakhsheesh</i> in Dari
<i>mosaleha</i>	literally “compromise” but also means “reconciliation”; generally used to denote the process of becoming united and developing understanding between one another
<i>namos</i>	honour and reputation

<i>oqda</i>	can be translated as “complex” and is used in this case to indicate hatred, hostility or obsessive feelings stemming from conflict
<i>qawm</i>	form of solidarity group that is flexible in scope; defined by tribe, clan, ethnicity, locality or other characteristics as determined by the group
<i>qawm parasti</i>	favouring one’s own <i>qawm</i>
<i>qawmi jirga</i>	a <i>jirga</i> in which elders from the same <i>qawm</i> participate to resolve certain issues
Qizilbash	a minority ethnic group of Shia Muslims living in different parts of Afghanistan; believed to be descendants of King Afshar
<i>rohaniat</i>	religious figures
<i>salim</i>	used to describe an individual, material or institution that does not have any deficit or shortcoming
<i>sanad</i>	a deed or proof letter to ensure ownership or to guarantee something
Sayed	a <i>qawm</i> believed to be descendants of Prophet Mohammad
<i>shura</i>	council; sometimes equivalent to the term <i>jirga</i> , but sometimes with a more persistent membership and ongoing governance roles rather than being for ad hoc problem solving
<i>tawba</i>	literally “repentance”; encompasses the full range of the term: involves an individual willingly admitting their complicity, repenting for their crimes and promising not to repeat this behaviour
<i>teega</i>	literally “stone,” but describes a process to put a halt to a conflict between disputants for a set period of time and is used a mechanism to enforce future good behaviour
<i>ushr</i>	The Taliban’s taxation system; A tax in Islam, traditionally a portion of harvest given charitably by landowners
<i>woliswali</i>	district’s administrative centre
<i>wakil</i>	representative in a legal proceeding or other negotiation
<i>wakil gozar</i>	representative of a neighbourhood/community

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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. This study focuses on qualitative data collected from one urban district in Kabul City, Afshar, and one rural community in Shakardara District between December 2009 and May 2010. The research is funded by the Royal Norwegian Embassy in Kabul and was developed in cooperation with the International Centre for Transitional Justice (ICTJ).

The study provinces and districts were chosen to reflect some ethnic diversity and to encompass as far as possible the different phases and intensities of conflict that the people suffered in a particular place. Security considerations as well as physical and social access were also taken into consideration. Kabul Province was selected as an area of mixed *qawms* (a form of solidarity group that is flexible in scope; defined by tribe, clan, ethnicity, locality or other characteristics as determined by the group) that experienced suffering under the communist regime; the worst excesses of the civil war; conflict between different local commanders; and violations under the Taliban. 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 in 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

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*, edited by 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).

Afghanistan, and create the space for previously unexplored ideas, including perhaps locally-based initiatives, for achieving this. This includes exploring transitional justice mechanisms in an Afghan context, taking into account the role an Islamic framework and community-based justice mechanisms³ may play in these. As Fletcher and Weinstein assert, little attention has often been 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.

AREU's research is intended to complement previous and ongoing research efforts by other organisations. The research 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. Research for "A Call for Justice" and "Casting Shadows" was 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 reigning 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 conflict periods. 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 people and the communities in which they live experienced the different phases of conflict and its accompanying violations? How do these experiences effect 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 (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), 4. 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 how past (and present) violations impact on Afghan lives today. The Afghanistan Justice Project (AJP)'s "Casting Shadows: War Crimes and Crimes Against Humanity: 1978-2001" 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, so as 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 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 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 from then on be held accountable.⁸ Criminal trials are also claimed to 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 a myriad of processes of social repair of which criminal trials form one component. This requires a variety of interventions: state-level criminal trials, commissions of historical record (truth commissions), individual or family psycho-social support, and community-based responses.¹¹

6 Rama Mani, “Ending Impunity and Building Justice in Afghanistan” (Kabul: AREU, 2003) and 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, Pamela Aall (Washington: United States Institute of Peace Press, 2001).

8 Kritz, “Coming to Terms with Atrocities.”

9 Gary John Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (Princeton, USA: 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.”

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. Criminal justice is just one interpretation of what justice can mean in the aftermath of conflict.¹² 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.

In countries, such as Afghanistan, which have been torn apart by civil conflict, the pursuit of justice is often linked with healing processes that enable a country to deal with the legacy of the past to move forward. Hence the demand at communal and political levels is often not 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.¹³ 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, particularly those of a civil nature, there is often a limit to the extent of criminal justice that can be pursued when the aim is oriented toward the larger goal of healing relationships.

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.”¹⁴ However, Keen goes on to challenge 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.”¹⁵ Structural violence according to Galtung includes processes of exploitation and marginalisation, indeed anything that limits human well-being to levels below what is possible.¹⁶ 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.” The idea of reconciliation in post-conflict societies has gained particular resonance in academic, humanitarian and political circles, but the concept is controversial, being conceived in a moral, quasi-religious way, involving individual acts of confession and forgiveness. Critics also 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.¹⁷

12 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.

13 David Keen, “War and Peace: What’s the Difference?” in *Managing Armed Conflicts in the 21st Century*, edited by A. Adebajo, C. L. Sriram, F. Cass (2001), 1-22.

14 Keen, “War and Peace: What’s the Difference?”

15 Johann Galtung, “Violence and Peace Research,” *Journal of Peace Research* 7, no. 3 (1969).

16 Galtung, “Violence and Peace Research.”

17 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” (London: London School of Economic and Political Science, 2006).

It is also acknowledged that this term is fraught with ambiguity.¹⁸ 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 cultural and attitudinal change; 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.¹⁹

John Paul Lederach describes reconciliation as the shared space interdependently occupied by four social energies: “Truth, Mercy, Justice, and Peace.”²⁰ Rigby reiterates the importance of these components, stressing the importance of healing and closure of the trauma 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.”²¹ 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.²² He concludes that “Far from standing in contrast to justice, for such a notion of reconciliation justice is an integral element.”²³

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 platform is created for politics 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, given that it alludes to political negotiations between antagonistic parties, rather than involving communities for the processes of healing, truth-telling and transformation of relationships between previously antagonistic parties.²⁴

Also relevant is the concept of reintegration, which is often used interchangeably in Afghanistan with reconciliation. (Most people interviewed largely used the term “reconciliation” rather than distinguishing between this 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.²⁵ Reintegration is the last stage of the applied strategy of Disarmament, Demobilisation and Reintegration (DDR) and describes the

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

19 Bar Siman Tov, “Israel-Egypt Peace: Stable Peace?” in *Stable Peace Among Nations*, edited by A. M. Kacowicz, Y. Bar Siman Tov, O. Elgstrom, and M. Jerneck (Boulder, USA: Rowman Publishers, 2000), 220-238.

20 John Paul Lederach, “Building Peace and Reconciliation,” in *Turbulent Peace: The Challenges of Managing International Conflict*.

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

22 Miroslav Volf, “Forgiveness, Reconciliation, and Justice: A Theological Contribution to a More Peaceful Social Environment,” *Millennium: Journal of International Studies* 29:3 (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.

23 Volf, “Forgiveness, Reconciliation, and Justice.”

24 Tazreena Sajjad, “Peace at All Costs: Reconciliation and Reintegration in Afghanistan” (Kabul: AREU, 2010).

25 Sajjad, *Peace at All Costs*.

process by which 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.²⁶ In reality, Sajjad²⁷ 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, that are critical for a successful transition.

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 mean in an academic sense, and the rest of the paper aims to demonstrate what they mean to people in the study communities. If we are to understand how to best to 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 the transitional justice framework in the specific Afghan context. As discussed, the term “transitional justice” is often imbued with certain connotations and in Afghanistan is often misunderstood and conflated to mean addressing questions of criminal responsibility only, which can prompt suspicion. Moreover, relying too heavily on transitional justice as a framework of reference implied that the research was oriented from a certain standpoint from the beginning.

Consequently, to avoid confusion about the aims and intentions of the project, the team preferred to view the project simply as exploring the legacies of conflict and legitimate ways to “heal *oqda*,” which can be translated as “complexes” and is used in this case to indicate hatred, hostility or obsessive feelings stemming from conflict, to “*dell-i-shan ra yak kuna*” (make a heart whole), or “*dard dell-i-shan ra aram kuna*” (calm a heart’s pain). In this context, the concepts of having *oqda* or *dard-i-dell* (pain in one’s heart) and the notion of needing to “calm” or “whole” hearts were adopted because these were the terms used by respondents to refer to the unresolved pains and issues that they retained as a result of conflict.

It should be recognised that the notion of a complex has a basis in Western psychology based largely on Jung’s personality theory. According to Jung, complexes are building blocks of the psyche and the source of all human emotions. They are apparently due to a person’s lived experiences so are individual and unique, part of the personal consciousness. Consequently, they are thought to operate “relatively autonomously, and interfere with the intentions of the will, disturbing the memory and conscious performance.”²⁸ In his opinion, complexes are not negative in themselves but their effects often are. This is a similar interpretation to the one adopted by Afghans who clearly perceived their complexes as possessing these negative effects. Rather than arguing for the ending of complexes, they typically described that they needed to be healed. Essentially, a key building block in people’s psyche had been kicked out of kilter and needed restoring to its original condition.

26 Sajjad, *Peace at all Costs*, referencing Nicole Ball, “Disarmament, Demobilization and Reintegration: Mapping Issues, Dilemmas and Guiding Principles” (The Hague: Center for International Policy, Netherlands Institute of International Relations, August 2006).

27 Sajjad, *Peace at all Costs*, referencing Nicole Ball, “Disarmament, Demobilization and Reintegration.”

28 “Jung, Carl” (New World Encyclopedia, last edited 29 August 2008), http://www.newworldencyclopedia.org/entry/Carl_Jung?oldid=794738 (accessed 26 May 2011).

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 recognisable point of reference for most of the people interviewed.²⁹

1.3 Structure of the case study

Section 2 provides an overview of the methodology used for both the collection and analyses 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. A research challenges section is also included to explain some of the limitations the data might have given the highly sensitive nature of the project. Section 3 discusses experiences of wartime suffering in each community and the perceptions of the different phases of the conflicts 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 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.

²⁹ 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 of crimes,” “perpetrators of crimes during the war,” etc.

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 community, sampling, research challenges 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 were selected to allow people to feel comfortable about speaking, while FGDs were selected to see community perspectives of the past conflicts and, particularly, their ideas about addressing issues of justice, peace and reconciliation in relation to each area's specific wartime experience. These methods adopted an open-ended, flexible approach to give respondents the opportunity to define the most important issues for them.

A pilot study was conducted in an urban area in Kabul to develop and refine the research tools before fieldwork started. Research began in two areas in Kabul Province, an urban area in the main city of Kabul and a rural village in one of the districts in the north of the province, in late December 2009 and ended July 2010. A final short research phase was conducted during one week in January 2011.

Prior to the start of the research, the team obtained permission from the district head of police in order 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 outcomes of the research and by making a clear distinction between AREU as a research organisation and other welfare/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 set of 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 from 18 to 29; middle-aged included respondents from the ages of 30 to 48; and older aged from 49 upwards.
2. Ethnicity: Respondents were selected to reflect, as far as possible, the composition of the area, which is different in both research sites.
 - a. Urban area: The urban site is composed of mixed ethnicities, namely Tajik, Hazara and Qizilbash.³⁰ In the wider area there is also a small Sayed community and an even smaller Pashtun community. While a few Sayeds were included in FGDs, there were only a couple of Pashtun households in the area selected to work in and these were reluctant to be interviewed and so were not included in the respondent sample. Respondent selection was designed to capture as far as possible the context of how different

³⁰ Qizilbash are a minority ethnic group of Shia Muslims living in different parts of Afghanistan; believed to be descendants of King Afshar.

communities in the same area have suffered during the phases of conflict and the differing views each might have.

- b. Rural area: The rural site is largely homogenous and all respondents selected were from the Tajik ethnicity.
3. Sex: Both men and women were equally represented in the categories mentioned in the sampling.
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 respondents underwent two rounds of semi-structured interviews. The first round of interviews focused on understanding what experiences people had suffered at different times, how people dealt with different tyrannies under the different regimes and which regime/period was the worst for them and for the community. Second-round interview guides were drawn up based on the first round interviews. The main focus of the second-round interviews 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 opinions about how to deal with perpetrators of wartime crimes and what should happen to ease the suffering of victims and their families. 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. A third round of interviews was conducted where needed to cover any issues left unexplored. Time was given between all rounds of interviews to minimise the burden on respondents.

Two rounds of FGDs were also held. The aim was to include the same participants in the first and second round of FGDs but due to unavailability or sometimes unwillingness of the participants, this was not always possible. This is discussed in more detail in the challenges section. A final round of FGDs were conducted in 2011 to map the different actors involved in the community and what their roles were in contributing to or reducing and resolving the conflicts.

Across both urban and rural research sites in total, 55 individual interviews with women and 46 individual interviews with men were conducted, as well as 12 FGDs with women and 12 FGDs with men. Table 1 and 2 in the appendix shows the distribution of interviews in the urban and rural areas with the different categories of respondents based on age and ethnic group.

Interviews were conducted by a sex, age and ethnically-balanced research team (Pashtun, Hazara and Tajik), which was instrumental in building trust and rapport with respondents at all levels. Two international women were responsible for the overall management of the research. Given the sensitive nature of the research, it was essential that an open environment was maintained. In this regard, where possible the interviewer was the same ethnicity as the interviewee. Interviews were conducted in the preferred language of the interviewee, primarily Dari, 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. The author coded interview and FGD transcripts 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 some ethnic diversity and to encompass the phases and intensities of conflict over the past thirty years. Security considerations were paramount and some provinces were deemed too unsafe to work in on these issues. Physical and social access was also taken into consideration. Kabul Province was selected as an area of mixed ethnicities, which experienced fighting between the communists and mujahiddin, the worst excesses of the civil war, conflict between different local commanders, and violations under the Taliban.

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 were selected. This created an opportunity to compare as large a range as feasible of different communities' perspectives coming from different contexts. It is likely that the communities in the rural areas have experienced conflict as a community and as such may have witnessed similar events, even if they are experienced and remembered in different ways. In urban areas people may have come to live in the cities from different rural areas, or members of urban communities will have migrated in and out of the country, and the province or city, at different times and as such may well have had more varying experiences of conflict.³¹

Taking into account these different considerations, Afshar was selected as the field site area in Kabul City. The primary reason for selecting Afshar was due to the scale of atrocities it suffered during the civil war. Afshar also has an ethnically mixed population living in close proximity to one another. This includes large numbers of returnees as well as new migrants.

The district of Shakardara in northern Kabul Province was selected as the rural field site. The village chosen is composed of a majority Tajik population that experienced the different phases of the conflict largely as a community. The site was therefore selected not only as a rural area, but to obtain the perspectives of a largely single ethnic community as opposed to the multi-ethnic perspectives obtained in the urban area. Shakardara also suffered extensively during the communist and Taliban periods and was the scene of factional and commander tensions.

2.3 Ethical considerations

The “do no harm” principle has been held throughout the course of the research. 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 level off 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. In this instance, however, each site's history is critical to understanding the context in which respondents' experiences of conflict are embedded. In providing the historical context, the identity of the location would

³¹ These comments are based on observations from fieldwork conducted for AREU's family dynamics and family violence study in which data was collected in one urban and rural research site in four provinces.

likely be revealed in any case. Confidentiality has instead been maintained by omitting specific personal details of respondents and participants 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. Once again the logic was that these people were easily identifiable and providing them with pseudonyms would be largely redundant. It should, however, be recognised that any individuals identified in this report were named by interviewees 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 challenges are classified into three categories: security, sensitivity of the research subject, and ensuring research quality. Due to the highly sensitive nature of the subject, the decision was made to include this section to highlight any limitations the research might have.

Security

The security situation in the country played a major role in the selection of research sites and certain provinces were deemed too unsafe to conduct research of this nature in. The presence of insurgents and former commanders were factors to consider in site selection. This was more a challenge in the rural area of Kabul than the urban site. Due to the uncertain security conditions in Kabul during the study period, the team decided to carry out the data collection in both sites simultaneously. This meant that the time interval between the first and second round interviews was in some cases longer than anticipated.

Sensitivity of the research

The sensitive subject of the research was the biggest challenge to confront. Exploring issues of war crimes, human rights violations and the perpetrators of these, or issues of community and ethnic relations are difficult topics to address, especially given the environment of reigning impunity in Afghanistan. Generally, younger respondents appeared more vocal than older people in both research sites, possibly because they remembered less of the conflicts and were less concerned by long-standing political and community dynamics.

In Shakardara, the presence of a local commander and his relatives in the community presented a considerable challenge to the research team. A number of people appeared unwilling to talk to the researchers as a result of his presence and at times it was observed that respondents asked for his permission before being interviewed. Female researchers also observed that a few female respondents in the rural area expressed their ideas more openly in the first round of interviews and then denied articulating these opinions in the second round. The conclusion drawn was that the respondents had decided to err on the side of caution, either due to personal concerns or those of family elders due to the role of local commanders.

The presence of alleged perpetrators of wartime atrocities in positions of power was responsible for a certain amount of despondency among people, which the research team had to contend with. This particularly affected respondents in the urban research site who were at times wary or critical of the study. A few older people at the beginning of the research did not agree to be interviewed since they insisted that their contribution would not change the current system.

Overall, the topic was difficult for all people to discuss. While older women discussed that it was hard to talk about past violations they still agreed to be interviewed and reflected on the cathartic benefits of talking. In contrast, men sometimes preferred a different mechanism of coping: to forget through not remembering. A couple of men consequently refused a second interview. This happened more frequently in the urban area than the rural. This does not necessarily mean the people in the rural areas had not suffered, but reflects that the impact of violations was perhaps greater in the urban site than the rural.

Building trust and overcoming confidentiality concerns was therefore vital. The team received Psycho-Social 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. Holding informal discussions in both communities prior to starting the research was also found to be beneficial.

Quality of the data

Due to the sensitive nature of the research and the power dynamics mentioned above, information provided by respondents was at times felt by the research team to be biased or missing. People's age, sex and experience of conflict impacted somewhat on how open people were with the information they provided. Generally, younger men and women appeared to have a more neutral approach in addressing past issues. In contrast, older men and women in both areas, but particularly men from Shakardara, were the most cautious about talking about past experiences.

In some cases, older men and women in the rural area appeared to favour a particular party or faction to which their family member had belonged. Moreover, some of the respondents had been involved in past violations and conflicts. As a result the team had to be careful not to provoke hostility in interviews and FGDs, in particular with older and middle-aged men from the rural site. In the urban research site the team did not face anyone who had been involved in the conflict in the area itself. However, it was believed that some respondents may have participated in events in different parts of Afghanistan. It was a particular challenge therefore to discuss conflicts and violations in which these people or their parties were involved.

Certain topics, such as forced marriage or sexual violations, especially rape, were difficult to obtain information about from both men and women. In Afghanistan, girls who are not virgins are devalued and not eligible for marriage, even if they were victims of rape. Although rape is now treated as a war crime against women or as the *actus reus* for genocide,³² rape is not a codified offense under Afghan law and rape victims are often prosecuted under the adultery provisions of the Penal Code of 1976. This environment complicates the investigation of these violations.³³ No respondent discussed rape or sexual violation happening to them personally or a female relative. Instead, stories of rape were often based on hearsay. In some cases, people who spoke in more general terms might have possessed direct or intimate knowledge of rape but been reluctant to disclose it. This was true of both research sites but details of sexual violations were harder to collect from women in the rural area.

32 Rape was first recognised as crime against humanity when the International Criminal Tribunal for the former Yugoslavia issued arrest warrants based on the Geneva Conventions and Violations of the Laws or Customs of War.

33 Fatima Ayub, Sari Kouvo and Yasmin Sooka, "Addressing Gender-specific Violations in Afghanistan" (New York: ICTJ, 2009).

A further challenge that could have influenced the honesty of male respondents was that interviews were sometimes conducted in less intimate environments—cars, outside spaces—due to their occasional reluctance for them to be conducted in the home. While the location was selected by the interviewee, the lack of privacy could have affected the information discussed. In contrast, female interviews took place in the privacy of the home.

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. It should, however, be noted that this was not a documentation project and at times some of the stories could not be verified. Where this data is used, the uncertainty surrounding its veracity will be acknowledged. Ultimately, due to the sensitivity of the project and some other practical issues the research team was not able to achieve the targeted number of interviews or participants in the FGDs. This was especially true of second-round interviews.

2.5 Context

Afghanistan has experienced over three decades of conflict since the Communist Revolution in 1978. In reality, the conflict has been several conflicts, each with multiple phases and actors.³⁴ In terms of this paper, four major phases or conflicts are under consideration: the communist revolution and People’s Democratic Party of Afghanistan (PDPA) government (1978-9) and the subsequent Soviet occupation 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 different conflicts was found to be in keeping with how the people interviewed perceived the wars.³⁵

Provincial context: Kabul

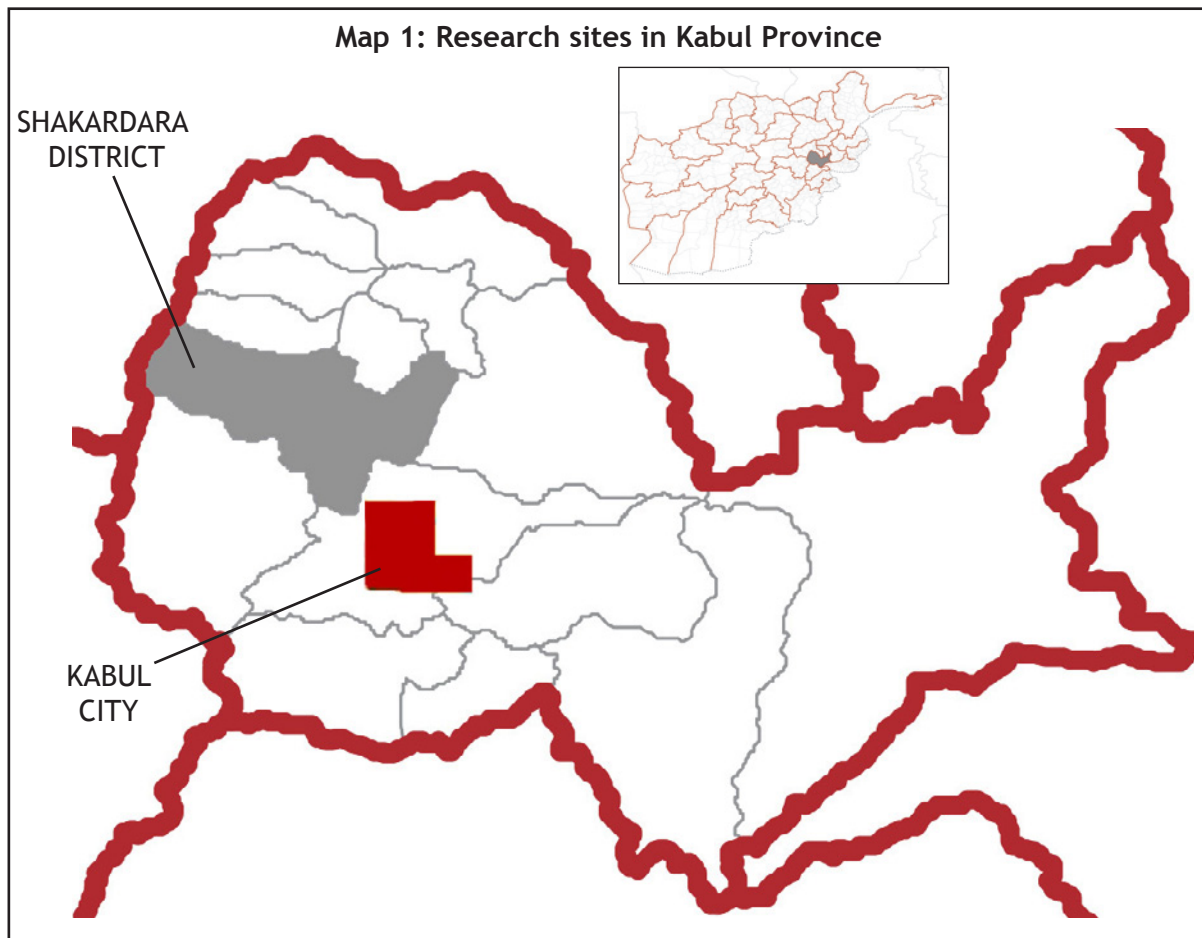
Kabul is one of the 34 provinces and the capital of Afghanistan. It is the most populated city in Afghanistan with approximately 3,691,400 residents, out of a total Afghan population of approximately 24,485,600.³⁶ As the capital city, Kabul has been at the centre of the wide-sweeping changes that the country has experienced over the past 30 years.

Huge numbers of people migrated during the Soviet and communist period. Many families directly experienced casualties, injuries and losses, and a considerable number of high profile figures disappeared, including writers, mullahs and military personnel. Important people at the local village level were also targeted, many were arrested and the majority of them were never released. Many mass graves believed to date from that era are still being discovered.

³⁴ Worden and Steele, “Telling the Story: Lessons for Afghanistan from the Cambodian Experience,” USIP Peace Briefing, December 2008, 4-5.

³⁵ 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 research.

³⁶ Central Statistics Organization, “Afghanistan CSO population data 1389 (2010-11)” (Kabul: Government of Afghanistan, 2010).



After the fall of the Najibullah government, the various mujahiddin factions who had waged war against the Soviets and the communist governments took power and established a government. However, this soon fragmented amid complaints from some groups, including Hizb-i-Islami and Hizb-i-Wahdat, that the Jamiat party had monopolised the government. This paved the way for widespread civil war across the country. Kabul City was at the centre of this violence, which included rocket attacks, killing, kidnapping and looting.³⁷

The gross excesses and lawlessness of the civil war prompted a group of mullahs, who later became known as the “Taliban,” into action. Initially limited to a small group of former fighters in the Kandahar area, the Taliban rapidly evolved into a much larger movement. The Taliban’s near-complete conquest of the country had large effects on Kabul Province. At the beginning, they persistently pursued and clamped down on former members of mujahiddin. New waves of migrations started; large scale human rights violations, such as arrests, harassment, massacres and forced expulsions took place. People, especially women, were deprived of their rights to education, freedom of movement and employment. Across the country, girls’ schools were closed, women lost their jobs, and they could not move around without a male chaperone, known as a *mahram*.

After the fall of the Taliban in 2001, many Afghans were hopeful that violence would end. However, since 2006, the security situation has deteriorated and violence is now at its highest levels since 2001.³⁸ While Kabul is relatively stable in comparison to much

³⁷ For further information, see Antonio Giustozzi, “Afghanistan: Transition without End: An Analytical Narrative on State-Making” (London: Crisis States Research Centre, 2008).

³⁸ Central Statistics Organization, “National Risk and Vulnerability Assessment 2007/08” (Kabul: GoA,

of the country and in comparison to the other three periods, occasional explosions and suicide attacks create a pervasive sense of insecurity.

Afshar context

The Afshar area was selected as the urban site and is located in the west of Kabul City. The community stretches down into the foothill of Afshar Mountain, behind which runs the Shomali/Salang road. A main road passes in front of the community, which leads to Qargha and then Paghman.

It is said that Afshar had a population of approximately 12,000 [about 2,000 households] before its residents fled civil war violence in 1993. Following the end of hostilities in 2001, only a portion of original residents returned, making a large amount of land available for the flood of new migrants seeking the opportunities of urban life. The population now stands at approximately 30,000.

Afshar is one of the major Shiite communities, mostly populated with Hazara, Qizilbash and Sayed, with fewer Tajik and Pashtun families. Residents have arranged themselves in a way that reflects the durability of social segmentation, migration patterns³⁹ and the ongoing impact of war-related violence. This means that many areas of Afshar are ethnically homogenous. The area also has four *wakils* (representatives) who belong to the larger groups: Hazara, Qizilbash, Tajik and Sayed.

The residents chiefly make their living through labouring, trading, or they are employed in offices. Afshar is one of Kabul's many informal settlements—an area that is not incorporated in the city's master plan and does not comply with formal land access requirements.⁴⁰ This means residents live with a chronic lack of access to municipal resources, including roads, electricity, sewerage, drinking water, health and educational facilities and garbage removal.⁴¹

Considering the extent of human rights violations in the community and its location within Kabul's city limits, residents of Afshar are accustomed to the role of UN agencies and national and international NGOs, especially those interested in human rights issues. Sometimes residents complained that these have brought no practical benefit and this prompted a reluctance to participate in the research. However, respondents were also far more informed about issues of transitional justice and human rights in comparison to those in the rural area.

Historical background

Afshar residents were largely uninvolved in the resistance to Soviet occupation—the conflict was kept out of the city and, further, Soviet expansions of the state bureaucracy and provision of services brought significant benefits to the community. However, during

2010). Many of the current statistics available on even Afghanistan's most basic indicators, such as poverty or infant mortality, should be considered estimates.

39 Migration patterns in Afghanistan tend to coalesce around shared social networks that preserve connections to the migrant's area of origin, while allowing for new networks to be generated in the urban environment. See Giles Dorransoro, "Kabul at War (1992-1996): State, Ethnicity and Social Classes," *South Asia Multidisciplinary Academic Journal* (2007): 33, cited in Rebecca Gang, "Community-Based Dispute Resolution Processes in Kabul City" (Kabul: AREU, 2011).

40 D. Y. Gebremedhin, *Preliminary Assessment of Informal Settlements in Kabul City* (Kabul: Land Titling and Economic Restructuring in Afghanistan Project, USAID, 2005): 4.

41 For more on the connections between informal settlements and lack of access to services in Kabul, see Stefan Schutte, "Searching for Security: Urban Livelihoods in Kabul" (Kabul: AREU, 2006).

the civil war as the highly volatile and violent political contest played out, Afshar suffered huge casualties and losses.

Afshar was one of the areas in which Hizb-i-Wahdat, a party hewn together by its members' double minority status as Hazaras and Shias,⁴² became dominant. The presence of Wahdat left the community of Afshar open to attack and Shura-i-Nazar⁴³ and Ittihad-i-Islam surrounded and attacked the residential area on the 10-11 February 1993. Wahdat militants were killed, and the rest withdrew from the zone. As the winning groups entered Afshar, eye witnesses reported that residents, including women and teenagers, were killed and kidnapped, and stories of rape, disappearance and wide-scale looting were common. In the chaos, the rest of the residents were forced to flee the area.⁴⁴

Most did not return to the area until Karzai's regime was established. Consequently, when respondents in Afshar discussed the Taliban period they were largely referring to events in other areas, mostly outside Kabul Province.

Shakardara context

The rural site selected is one of 28 main villages in the district of Shakardara, approximately 30 minutes drive to the north of Kabul City. The village chosen is at the beginning of the Shakardara valley, close to the district centre.

Approximately 70,000 people live in Shakardara district. The village site is composed of 40 extended families living in houses clustered together either side of a road that cuts through the village. While the population living in the village is mainly Tajik, Shakardara district also has a substantial Pashtun community mostly from the Naseri *qawm*. Additionally, there are approximately 100 Hazara families who live mostly in Jangalak area in the upper parts of the valley.

The inhabitants of Shakardara are mainly employed in agriculture and quarrying rocks from the nearby mountains; a number of them also work in Kabul, mostly as daily labourers. A majority of the people have their own parcels of land, mostly gardens of three to five *jeribs* (one *jerib* is equal to 2,000 square meters) in which fruit trees are grown. The river that flows through the village is also an income resource for some families and allows the village to make use of water generators for electricity.

There is a school for girls and another for boys for students from grade one to 12. Recently, a literacy course has been launched for men and women and has seen a higher intake of women. The village has three mosques, with the Friday prayer ceremony being held in the largest one. There is a clinic in the district centre.

The National Solidarity Program (NSP) was the only active organisation in the area, particularly visible in a dam project. The local NSP *shura* (council) has 16 members, including a head, a deputy, a treasurer and a secretary. The members are elected by the villagers.

42 This recruitment process may have had more to do with political pressure than genuine Hazara nationalism, however; see Dorransoro, "Kabul at War (1992-1996)."

43 The name of an alliance created between several mujahidin military commanders in the late 1980s, led by the mujahidin commander Ahmad Shah Massoud until he was assassinated on September 9, 2001. Now used to refer to a political and military alliance of former Northern Alliance commanders and officials (mostly from Jamiat-i-Islami) led by Defense Minister Fahim, Education Minister Qanooni, and Foreign Minister Abdullah. Many Afghans refer to members of Jamiat-i-Islami and Nahzat-i-Mille, as well as other groups allied with them, as Shura-i-Nazar.

44 For more information refer to the AJP, "War Crimes and Crimes against Humanity (1978-2001)" (21 April 2009), www.afghanistanjusticeproject.org (accessed 10 February 2011).

In the village there is a *malik* (village head) who is elected by the people to be their representative. The *malik*, along with the *mullahs* and the whitebeards (village elders), are also actively involved with all village-related issues.

Historical background

The research site in Shakardara was greatly affected by the Soviet-Afghan war. Due to its strategic position—proximity to Kabul and to the main Mazar road to all northern provinces—Shakardara was a good shelter for the mujahiddin. All Soviet personnel moving to and from the north had no alternative but to use this road. Aware of this advantage, the mujahiddin ambushed the Soviets as they passed, inflicting extensive damage to their convoys and on their troops. Furthermore, the closeness to Kabul afforded rare opportunities to attack strategic and military targets in the capital.

Faced with a choice between forced conscription by the communist regime or joining the mujahiddin, most men of fighting age from the area joined the mujahiddin due to perceived religious responsibility as well as to wanting to defend the country against the Soviets. Many joined Jamiat in resisting communist rule and Hizb-i-Islami was also popular.

This legacy of support for the mujahiddin and, in particular, the Jamiat party meant that Shakardara was largely spared overt conflict during the civil war. Moreover, rural areas were not in the direct firing line and so were less affected than Kabul City.

When the Taliban came to power, Shakardara bore the brunt of heavy fighting between Ahmad Shah Massoud's forces and the Taliban. The area turned into a battleground as control over the area passed between the opposing groups several times. It was severely bombarded many times, causing heavy casualties and extensive physical and material damage, forcing waves of migration from the area. Many cases of kidnapping of women and subsequent forced marriage by the Taliban are still narrated.

Conflicts among local commanders are another characteristic of the village. Since the Soviet era there have been such factional conflicts among local commanders and different mujahiddin parties, including Jamiat, Hizb-i-Islami, Mahaz-i-Melli and Ittihad -i-Islami, as they competed for power. Even today, the power of commanders in the area is obvious, as outlined in the challenges section.

3. War Stories: Perceptions of Afghanistan's Conflicts

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 perpetrators⁴⁵ of the conflicts and their accompanying atrocities and who were perceived to be the victims, and 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.⁴⁶ In doing so, it draws any differences in perceptions between the communities or between people of different ethnicities, sexes or ages.

3.1 Reflections on the different phases of the conflicts: Which one was worst?

The communities in Shakardara and Afshar experienced each phase of Afghanistan's conflicts in varying intensities. Broadly speaking, respondents from Shakardara felt they had suffered significantly under the communist and Taliban regimes while residents of Afshar spoke largely about violations committed during the civil war period and, to a lesser degree, by the Taliban. For more detailed information on violations suffered by respondent communities, please see the accompanying paper addressing patterns of wartime violations in Afghanistan.⁴⁷ Community members in the site in Shakardara consequently considered that the communist or the Taliban periods were the "worst" conflicts while for the people of Afshar the civil war was identified as the worst time. The conclusion that can be drawn 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 who they identified to be perpetrators at that time. This is drawn out in the ensuing discussion, which discusses how each regime was perceived by the people of Shakardara and Afshar. It firstly looks at the communist regime, then the Taliban and finishes with an analysis of the civil war period. To make for clearer reading, the decision was made to present the analysis in this way due to the similarities of the experience of both the communist and Taliban periods in Shakardara and the comparisons that interviewees frequently drew between the two eras.

Before exploring the communities' perceptions of the conflicts, it is important to highlight that respondents viewed the current phase of Afghanistan's history in very similar ways. Most respondents did not view this current phase as "war" and extensive violations were not reported as occurring during this time. Both sites pointed to improvements in the current situation in their communities and a clear distinction was drawn between this period and the previous three eras. Maryam, a middle-aged female respondent in Shakardara, captured this general perception of the current situation:

I think now it is better than before, because there is some calm and peace in the area. But in the other parts of the country there is no peace and calm. In

45 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.

46 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) across four different provinces found that when people talked about the war this meant different things in different provinces.

47 Emily Winterbotham, "Wartime Suffering: Patterns of Violations in Afghanistan" (AREU, forthcoming).

most of the provinces there is ongoing fighting and there are Taliban forces, such as in Helmand and Kandahar and other places. And in Kabul also people live in worrying situations. People don't know what will happen in future.

However, as Maryam pointed out, while the specific research sites were calm, this does not mean that respondents felt that Afghanistan had finally achieved peace since they discussed ongoing violence in other parts of the country and in other parts of Kabul City. Section 6 explores more closely people's perceptions of security and peace in Afghanistan.

Perceptions of the communist era

As stated above, inhabitants of Shakardara more frequently identified the communist and Taliban periods as the harshest periods of war. During the first phase of the conflict many people were killed or injured in Shakardara in incessant, reciprocal rocket attacks launched from the mountains by the mujahiddin and from the ground by communist forces. Nearly all men and women interviewed who were living in the area during this time described losing at least one family member at the time through death or disappearance. Cases of torture and imprisonment of mujahiddin fighters in the infamous Pul-i-Charkhi prison⁴⁸ were also reported.

The rural community in Shakardara provided strong support for the mujahiddin, which explains why its inhabitants faced such repression by communist forces. Both Jamiat and Hizb-i-Islami were popular parties in the area and many men interviewed in the community had joined the resistance. This quote from a male FGD participant who participated in the resistance captured the general picture of this time:

In our area there were the forces of Jamiat, Ittihad, Harakat and Hizb-i-Islami attacking the forces of the Soviet Union. We attacked military convoys from time to time...During the resistance we went to the mountains.

In contrast, the people of Afshar did not form a particular resistance to communist rule and Afshar was generally reported to be calm during this time. People living in Afshar during the communist era in most cases significantly benefited from Soviet expansions of the state bureaucracy and provision of services. Therefore, respondents, particularly returnees, spoke in positive or at least neutral terms about communist rule. This positive perception of the communist era among many Afsharis was reflected in how a number of younger people in the area discussed that period. A younger Hazara man, Hussain, described how people in his community talk in positive terms about Mohammad Najibullah's time as president:

Our elders told us about Najib's time and they complement it a lot. They say there were lots of facilities at that time, freedom, education, employment and there was no bribery. Since the government employees were given coupons they didn't take bribes.

Despite this, there was some evidence that a small minority in Afshar had provided support to the resistance. An older Qizilbash returnee, Maghull, explained that her son had fought: "They did jihad for God and fought against Russians. They wanted to protect people from Russians...He belonged to Mohseni's party, the Harakat party. They were fighting with the government at that time." Other people provided material support to the mujahiddin, such as Kazim, another Qizilbash returnee, who did so while also carrying out his compulsory military service for the communist regime:

⁴⁸ The prison was the scene of torture and summary execution by the Soviet-backed regime and is believed to house thousands of political activists and mujahidin in mass graves, AIHRC, "A Call for Justice," 4.

When I was recruited as a compulsory army soldier, I was appointed in the service department. At that time, four or five of my relatives from Seya Khak were mujahids and they were coming to my house. If the communists had known that they were coming and staying in my house, they would have killed my family. At that time, I was providing the mujahiddin shoes, ammunition and some other things from the service department...I was also a mujahid and I had a membership card from Harakat of Mr Mohseni. I gave up my membership card once he announced jihad against the Wahdat party.

Perceptions of the Taliban era in Shakardara

The residents of the Shakardara community were generally more critical of the Taliban than the communist regime. The increased levels of migration from Shakardara to other parts of the country and abroad during the Taliban period in comparison to the largely short-lived, nearby displacement experienced during the communist time is one reflection of this. Although some people continued to migrate to neighbouring villages to escape Taliban forces and some men remained to fight against the Taliban, as under the communist era, there was less evidence of this. It appears that once Kabul fell in October 1996, resistance to the Taliban regime largely disappeared in Shakardara. At this point, significant numbers of people chose to migrate abroad due to fear of repression by the Taliban. Views from a cross-section of Shakardara respondents reflected this general viewpoint. A number of perceptions about the Taliban regime were therefore formed in the early days of Taliban rule when they were seeking to gain control.

Many people said that Taliban violations tended to be targeted at former mujahiddin, people they believed possessed weapons or people they believed (wrongly or rightly) had links to the resistance. Anifa, an older female respondent, described this approach in Shakardara:

They only checked mujahiddin houses and they set fire to some of them. Like they set fire to Malik Mashor's house and didn't take anything from other people because they said, "that is haram [un-Islamic] and the things belong to the people." They set fire to houses but they didn't take anything with them.

However, while ordinary people in Shakardara did not generally face the same mistreatment, respondents still highlighted the excessive cruelty of Taliban punishment. Hafeez, a middle-aged male respondent from Shakardara, provided an example of this cruelty:

The Taliban committed as much tyranny as they could. They would even treat some people as animals. I well remember that they threw a middle-aged villager into the freezing water in the cold winter and then beat him with sticks.

Moreover, even if individuals were not singled out in the area for specific punishment many people were reported to have died in direct fighting between the Taliban and resistance fighters.

Respondents in the area also discussed the harsh economic conditions that existed under the Taliban, complaining about the high cost and scarcity of many essential goods. This period of economic hardship was contrasted unfavourably with the communist regime. Despite forming a part of the resistance, many people in Shakardara were also able to appreciate the economic and employment benefits of the communist regime. In comparison, the Taliban were criticised for imposing additional economic burdens at a time of considerable hardship. The Taliban's system of taxation, known as *ushr* (a

specific tax in Islam), was singled out for particular criticism. This was imposed on trade or levied for religious purposes.

Box 1: Harsh economic conditions under the Taliban compared to financial and material benefits of communism

The worst time was the Taliban time. There was famine and drought in the area, everything was expensive. They were very ill-fated; when they came to the country even the rain dried up. There was not any fruit in the area, everything was dry.

Nargis, middle-aged focus group participant, Shakardara

During the Russian time everything was cheap. Even if they were infidels and kafirs (non-believers) we were happy with this...

Assad, older male respondent, Shakardara

The Taliban's policy of forcing people to pay money to avoid being sent to the front was particularly resented. Two men interviewed were forced to fight because they were unable to pay their way out of it. One was Abdul Wodod, who explained this process:

As matter of fact, during the Taliban government I went two times to the front to fight; once to Bagram and another time to Qargha. If we did not go then we had to pay ten hundred thousand Afs, so everyone was going to the front in turn.

In comparison to the educational benefits of the communist regime, many younger female respondents in both Shakardara and Afshar especially resented the restrictions and discrimination they faced under the Taliban, including being banned from working outside the house, leaving the house unaccompanied by a *mahram* (male relative), and attending school. Many younger women in the area reported that, as a result, they were now illiterate. Tamana, a younger woman from Shakardara, voiced this feeling: "When the Taliban came we were at an age where we should study and go to school, but the Taliban closed the girls' school and many girls like me are illiterate because of that."

The Tajik population of Shakardara particularly attacked the Taliban regime due to the perception that Pashtuns, both those from inside Shakardara and from other parts of Afghanistan, actually benefitted from the regime in terms of greater access to resources, and were not subject to the same abuse as the Tajiks in the area.

Box 2: Ethnic favouritism under the Taliban

During the Taliban time there was the matter of Pashto and Persian speakers. If you knew how to speak Pashto then you didn't have any problems.

Gul Agha, middle-aged male respondent, Shakardara

It was good for the Pashtun people; the Taliban did not have bad behaviour with them. They behaved badly with Tajik people without any reason. Even in harsh winters they threw people into the water and then got them out of water and started beating them.

Shakir, younger male respondent, Shakardara

There wasn't any water to drink...All the water was going to the Pashtuns' side. They had the power. They were so cruel. They were the second Ghengis Khan in Afghanistan."

Maryam, middle-aged respondent, Shakardara

It is worth noting that one Pashtun FGD participant, middle-aged Palwasha,⁴⁹ disagreed that Pashtun communities were spared Taliban violations. She said:

They didn't care who we were, they just wanted weapons and they were cruel to all the Pashtun people in the area. Again all of the Taliban were not Pashtun; Tajik and other people were also among them. They didn't think about who is who, whether he is Tajik or Pashtun, they took all people and beat them.

However, Palwasha could have experienced similar treatment as her Tajik neighbours as a result of being married to a Tajik.

Ultimately, the harsh treatment and conditions of the Taliban regime prompted greater criticism than the communist time among people in Shakardara because they identified the Taliban not only as Afghans, but more significantly as Muslims. Assad, an older man from the area, captured this general sentiment: “The worst time was the Taliban period. We don't have any complaints from the Russians because they were the enemy of our religion. The Taliban are Muslims and we are Muslims also.”

It is worth highlighting that although the Taliban period was widely identified as the worst phase of Afghanistan's conflicts by this community; many residents were not immune to the benefits the regime brought in terms of improved security and a decrease in robbery. Moreover, a few respondents, while acknowledging the cruelty of the Taliban, nevertheless reflected on the benefits of the strict conservatism of the regime. Tabasom, a younger female respondent from Shakardara, reflected the mixed feelings of a few individuals in the area:

At first I said it was good that the Taliban had come because they could stop the degeneration in Kabul. When I went to Kabul sometimes I saw that the women and girls were in a bad situation because of what they wore. They wore very sexy clothes. Also, during that time there wasn't any robbery and the Taliban said we should pray five times a day. I think they were good for all this. However, I say they are also bad because they beat women and men and they told men to wear turbans and have a beard. They took my father and brother and beat them and told them to give them weapons.

Perceptions of the Taliban era in Afshar

Afshar was largely empty during the Taliban time and those old enough to remember the regime were scattered across Kabul, elsewhere in Afghanistan, or were living abroad and consequently had more diverse experiences, or in some people's cases, no direct experience of Taliban rule. Afshar's residents who had remained in Afghanistan expressed similar complaints to those in Shakardara about the dire economic conditions at this time. Rahima, a middle aged Hazara respondent who was living in Kabul City at the time, described the harsh economic suffering:

It was not so good during the Taliban time, it was calm but they were cruel, and there was a famine in the city. At that time we were in Darulaman—there were no jobs and we had to work on a farm.

They also complained about the Taliban's excessively violent behaviour. However, it should be noted that no one interviewed in Afshar had personally suffered physical

⁴⁹ Palwasha was a Pashtun participant in an FGD who was married to a Tajik. Although the sample in Shakardara only included Tajik respondents, her opinions have been included in the analysis to compare them with the other research participants.

abuse under the Taliban and most agreed that violations were largely directed at former mujahiddin and resistance fighters.

A number of respondents from different ethnic groups in Afshar, however, suggested that Taliban behaviour was influenced by which ethnicity an individual belonged to. They said that Hazaras faced particular abuse and repression at this time. Several male and female Hazara interviewees in Afshar consequently expressed more negative perceptions of the Taliban than other groups.

Box 3: Specific targeting of Hazaras by the Taliban

Taliban didn't have anything to do with us. They only arrested the Hazara people whose nose was flat, so they didn't do anything to us. They killed those people they arrested but they didn't do anything to us.

Mahmooda, middle-aged Qizilbash female respondent, Afshar

In the year 1377 [1998] I was 16 and I went to Iran. At that time being Hazara was a big crime.

Zafar, younger Hazara male respondent, Afshar

Despite this evidence of the specific targeting of Hazaras, Hazara respondents identified the civil war period as the worst phase of the war. The words of a younger female Hazara respondent, Marzia, reflect the general feeling not only of Hazara respondents but of all ethnic groups interviewed in Afshar: “They were cruel but they were not as cruel as the mujahiddin.” Moreover, the residents of Afshar, like those in Shakardara, generally credited the Taliban for restoring security and reducing crimes. Considering that Kabul suffered some of the worst excesses of the civil war (explored in more detail below) it is unsurprising that many people interviewed in Afshar appeared to have been willing to accept some of the more unsavoury parts of the Taliban’s rule as the price for improved security. The decrease in robbery and un-Islamic practices, such as gambling and drinking alcohol, during this time was particularly praised, as was also witnessed in the rural site. This was perhaps most noticeable among women in Afshar. In fact, older women from the area appeared more willing to accept the discrimination and restrictions they faced at this time as an acceptable trade-off in comparison to those in the rural community. This exchange between a mother and daughter in Afshar reflects this:

Maghull: I don't have bad memories from the Taliban time. It was a good time. They didn't do anything bad to people; they only didn't let women go out. People had to wear *chadaries* and there were no schools for girls, but there wasn't any robbery. All the people were calm.

Daughter-in-law: But they were beating people with whips.

Maghull: At least there was no firing and rockets.

Perceptions of the civil war in Afshar

As stated above, men and women in Afshar of all ages and from all ethnic groups identified the civil war period as the worst they experienced. People of Afshar often referred to this period as “*shar wa fesad*” (evil and corrupt). Having been spared the worst excesses of the communist war, the civilian population of Afshar found themselves in the frontline of the fighting as former mujahiddin factions turned their guns on each other. A middle-aged Qizilbash respondent, Mahmooda, summed up why the majority of people considered this the worst time for the community:

The mujahiddin was the worst time for all of us. It was a time when we remained hungry from morning till night. Rockets were raining down on us and bricks were falling down on us when rockets struck. We had to sleep on the floor. We left the area only with the clothes we were wearing and could take nothing else.

However, it was perhaps the events in Afshar on 10-11 February 1993 that lingers most strongly in respondent's minds, when militant forces belonging to Ittihad-i-Islami and Jamiat-i-Islami captured the area and razed it to the ground. Returnees interviewed described scenes of devastation: streams of blood flowing, people clambering over dead bodies in their desperation to escape or wheeling away their dead in wheelbarrows as they fled. Numerous stories of inhabitants being killed, wounded or taken prisoner during this attack were also documented.

Not only did the people of Afshar suffer greatly during this period, but practically all those interviewed voiced their anger that the conflict was transformed during the civil war into one fought along ethnic and religious lines. As Kabul disintegrated into factional fighting, mujahiddin leaders politicised macro-level ethnic identities to garner support for the new phase of fighting, in many cases transforming what had been highly nuanced regional and ethnic solidarity groups into presumed markers of political affiliation.⁵⁰ In the process Kabul City was carved into separate enclaves.

Box 4: Disintegration of ethnic/qawm relations

It was [1993] when the Islamic parties entered Kabul. It was [1994] when the conflict among them came to a climax. This area was attacked a lot. One of the front lines was in Baghi Bala. The other one was in Qargha, it was under Sayyaf's control and all these areas were under Hazara control. We were living in this area...At that time there were many divisions between the different qawms.

Jamil, older Tajik male respondent, Afshar

During the mujahiddin time it was too much. They were fighting with each other about whether he is Hazara, he is Pashtun and he is Tajik, like this...Each qawm was afraid of one another. They were thinking that their enemy would poison the water or something else.

Salima, younger Tajik respondent, Afshar

While violations were committed against all ethnicities during this time, until Afshar was captured it was under the control of the predominantly Shia and Hazara Wahdat party. Wahdat's strategic position atop Afshar Mountain, its commission of violence against non-Hazaras, and its unwillingness to cooperate with the Sunni-dominated interim government made Afshar the target of the violent attack during which predominantly Pashtun and Tajik troops singled out Hazara residents for atrocities.⁵¹ Inhabitants from other ethnicities seemed to have been treated more leniently. In some cases, other ethnic groups, particularly Tajiks, reported being permitted to leave the area unharmed. Jamil, an older Tajik respondent, explained that he was even able to carry some of his property out of Afshar: "I and two or three other houses from Shomali could take their baggage from the area; all the others were looted. The baggage of Hazaras, Pashtuns and others were looted."

It should be recognised, however, that leaders' manipulation and politicisation of identity was not entirely successful in the area. A significant number of stories were heard about

⁵⁰ This was particularly effective among the Hazara, who had been mobilising on the basis of their marginal social identity since at least the 1950s. Dorrnsoro, "Kabul at War," 31-33.

⁵¹ Dorrnsoro, "Kabul at War (1992-1996)," 33.

Pashtun and Tajik people helping their Hazara neighbours to escape from militant forces. These positive examples of how community relations at times superseded ethnic identity are worth preserving. Moreover, all respondents, regardless of their ethnicity, living in Afshar during this period identified it as the worst phase of the conflicts.

Box 5: Hazaras helped by their neighbours

We had a Panjshiri neighbour; he took us out of here. When Sayyaf's men saw that Panjshiri man they beat him and asked why he was taking Hazara people out of the area...he was a good man. He died some years ago, but his wife is alive and their house is in the next alley... We have good relations with them and go to each other's houses. I always pray for them.

Najiba, older Hazara woman, Afshar

There were Pashtun people living around our home...Those Pashtun people saved Hazara people ...Every night about 20 to 30 people escaped from the area and all went to their own region. This way these Pashtun people saved hundreds of people.

Hussain, younger Hazara male, Afshar

Perceptions of the civil war in Shakardara

In contrast to Afshar, the people from the research site in Shakardara were generally far less critical of mujahiddin rule. As a mujahiddin stronghold with loyalties to a number of factional leaders this is perhaps not surprising. Moreover, Shakardara was not a frontline to the conflict, and was therefore saved the horrific violence of this time. Residents therefore described it as a period of significant calm. Shakir, a younger respondent, articulated this general view: "At that time, I mean Massoud's time, it was good and we could walk freely in our area. No one was asking 'what you are doing?' and 'where are you going?' No one was creating problems for you. At that time I was here in our homeland."

This is not to ignore the existence of a number of marginal, more critical voices in the rural site. These came largely from people who believed that they had not gained through the establishment of the Jamiat regime. This refers, in particular, to supporters of Hizb-i-Islami, which started fighting against the government just a few months after the seizure of Kabul in reaction to Jamiat's monopoly over the government.⁵² In the rural community, while Tajiks largely joined Jamiat, a certain proportion fought with Hizb-i-Islami against the communists.⁵³ Those who had fought for Hizb-i-Islami, or their relatives, complained that they received no benefits from the establishment of the mujahiddin government. A younger Pashtun respondent, Wais,⁵⁴ perhaps went the furthest towards explaining these divisions in Shakardara. His brother was a member of Shura-i-Nazar, the alliance led by Massoud:

In Rabbani's government there was looting and robbing. It was a bad government...My brother said the situation was good during Rabbani's

52 Giustozzi, "Afghanistan: Transition Without End."

53 It is important to recognise that although it is sometimes suggested that Hizb-i-Islami is a Pashtun party, this was never true. It is the case, however, that where both Tajiks and Pashtuns lived, the party tended to succeed in recruiting Pashtuns while Tajiks tended to opt for Jamiat; Antonio Giustozzi, "The Missing Ingredient: Non-ideological Insurgency and State Collapse in Western Afghanistan, 1979-1992" (London: LSE, Crisis States Research Centre, 2007).

54 Wais was included in the sample in Shakardara despite being Pashtun. This was a mistake of the research team who failed to ascertain which group Wais identified himself with before interviewing him. Wais is half Pashtun and half Tajik, but because his father is a Pashtun this is how he identifies himself. However, he lives in the Tajik part of Shakardara. Many of his responses, however appeared to promote his Pashtun identity and this should be acknowledged in the reading of the data.

government, but probably it was good for him. This is because they were able to get something from that time. There were many boys from our area among the mujahiddin, they were happy.

It is significant to re-emphasise that, as discussed in the research challenges section, AREU researchers felt that some people in Shakardara were afraid of being too critical due to the presence of former mujahiddin commanders there.

3.2 Responsibility for the conflicts: Perpetrators and victims

In discussions, respondents from both areas largely held Afghanistan's elites and leaders responsible for the war and its accompanying violations. Identifying people who possessed power as "perpetrators," they largely absolved "ordinary" people from any direct blame for any phase of the conflict. All "ordinary" people—those with little money, power or position—were consequently perceived to be "victims." Zainab, an older Tajik woman from Afshar, explained this general view: "As I think, there are those who want fighting in Afghanistan and warlords are responsible for that. Poor people can't fight. People who are rich and have dollars want to fight."

Explaining why leaders were able to marshal support during the different phases of the conflict, respondents generally reflected on the naivety of many Afghans. The lack of basic education and illiteracy among many Afghans was believed to have made them simple targets for the propaganda of the leaders of the conflicts—whether the unifying discourse of religious jihad or the divisive rhetoric of ethnic politics. In fact, although Afghan society has historically been stratified according to broad ethnic labels,⁵⁵ the majority of interviewees rejected the notion that the conflict was primarily ethnic in nature. Instead, they were quick to dismiss the significance of divisions between the different ethnic groups.

Box 6: The leaders are responsible for all the conflict phases

It was Mohaqiq, Burhanuddin, Sayyaf and everyone who brought differences between people in the name of Pashtun, Tajik, Hazara and others. And our country people also are not educated and they are illiterate and they fight together, in these names. You know all these qawms, if they are Hazara, Pashtun or Baluch, their house is Afghanistan and all of them are Muslims and should not fight each other. This disunity is made between our people by other countries.

Salima, younger female, Afshar

They played tricks on people in the name of jihad and the need to defend Islam. Indeed, the leaders received money from different countries by saying, "Russians have come to our country and we want to do jihad." Now people regret what they did because leaders made their own life and destroyed peoples' lives.

Gul Agha, middle-aged male, Shakardara

They gave money to ignorant people and made them create conflict between people. They used people and divided them: These people are Hazara, this area is Pashtun, these are Tajiks, Uzbeks and so on. They divided people into groups such as Khalqi and Parchami [two communist factions]. Some of them were Russia's servants and some were Pakistan's servants and some were Iran's. They took money and made people fight with each other.

Bibigul, older female, Shakardara

⁵⁵ C. Schetter, *State Reconstruction and International Engagement in Afghanistan* (London: London School of Economics and Political Science, 2010).

Box 7: International responsibility for Afghanistan's conflicts

Firstly, I blame Russia and America; they are the ones who are responsible. All the bad things that happened in the country happened because of them. Russians came and brought war and divided people into different groups. The mujahiddin was created by America who supported them and gave them arms and everything.

Malalai, older Tajik female respondent, Afshar

Kabul is not peaceful and Pakistan is responsible for all these things. May God prosecute them and ask them what they did...The foreigners do not want Afghanistan to be built; they interfere in our internal issues. The ISI [Pakistan's secret intelligence service] was supporting Amir Anwar in this area. All countries like America and others, they are increasing the conflict. They increased issues between people...I think America has a role in each explosion because in each explosion they killed Muslim people and not American soldiers.

Khan Sherin, middle-aged male respondent, Shakardara

Laying the blame for the conflicts on the elites and leaders, respondents who had participated in fighting or members of combatants' families did not see themselves as perpetrators. In one sense, identifying leaders as perpetrators, ordinary people in the communities were able to cast aside any guilt for their role in the conflicts. In another sense, this also indicates the emphasis that respondents placed on *which* conflict they had participated in, primarily focusing on their role in jihad against the Soviet Union. As Giustozzi argues, many Afghans view jihad as meaning a "just war" against a widely perceived threat, be it from an oppressive government or a foreign army.⁵⁶ This helped these respondents to emphasise the "just" nature of their war and to largely turn a blind eye to any violations that had been committed at this time.

Moreover, no respondent from either area talked about playing an active role in the civil war. Instead, former mujahiddin and their families discussed leaving the mujahiddin during this period. This is illustrated by Gul Agha, a middle-aged man from Shakardara, who explained how he stopped allying himself with the mujahiddin because he had grown disappointed with them when he saw the destruction they were unleashing on the city. Although these people may have been telling the truth, some respondents in Afshar identified men from Shakardara District in general as participants in the Afshar massacre. Dagarwal Sahib, an older Sayed FGD participant from Afshar, said: "When Anwar Danger (a Pashtun commander from Shakardara) and others from that area invaded, all the people left their house in bare feet. So now you can say who was responsible." It would not be surprising if people from the community would have wanted to distance themselves from an attack of this nature and scale.

Given the different experiences of conflict, it is worthwhile examining whether people in different groups hold the same leaders responsible. The clearest distinction that can be drawn is that the people of Afshar more easily and perhaps more willingly identified and named specific individuals they class as perpetrators. Moreover, respondents from different ethnic groups generally identified the same perpetrators. Those named are all leaders of mujahiddin factions who were embroiled in the civil war. This is illustrated in these two quotes:

The root of all the conflict is Sayyaf (a jihadi and civil war leader and current MP). He made conflict between all the people, saying "he is Hazara and he is Pashtun." They robbed and killed people. All jihadi people are responsible

56 Giustozzi, "Missing Ingredient."

for these conflicts. Who should I tell you and whose name should I take. All of them are responsible, they tortured people.

Najiba, older Hazara female respondent, Afshar

The civil war was the worst time for us, when the area was robbed and Gulbuddin and Sayyaf were fighting. They destroyed people. They made people leave their homes and become refugees. They robbed and killed, and they were cruel.

Jamil, older Tajik male respondent, Afshar

A few respondents in the area did try to absolve certain leaders, typically those belonging to their own ethnic group. For example, Khanumgul, a Hazara respondent, absolved Wahdat of any guilt with the justification that they were acting in self-defence:

Panjshiri people and Sayyaf destroyed Afshar; they fought against the Wahdat party. The Wahdat party defended themselves from people, they didn't want to fight. Every time, others attacked first and they were compelled to fight against them. Panjshiri people always started fighting first.

A few people in Shakardara, significantly women who lost their husbands during the Soviet conflict, also identified the same perpetrators from the civil war period as those in Afshar. An older lady, Shiringul, whose husband was killed during the communist period, said, "Jihadi people are responsible for destroying Kabul, all of them—Gulbuddin, Mazari, Sayyaf—everyone is responsible. Everyone by the name of jihad destroyed the country and people." She also explained that she even held the mujahiddin responsible for the death of her husband.

Mujahiddin were responsible for that because Russians were laying mines to get them and my husband was killed by one of those. If the mujahiddin hadn't of fought they wouldn't have put mines everywhere. They are responsible for this.

In contrast to the ease with which perpetrators from the civil war were identified, people did not specifically name communist or Taliban perpetrators aside from the very top leaders and some well-known local collaborators. This does not mean that respondents who suffered under communist or Taliban rule did not view them as any less culpable. Instead, the fact that the perpetrators were not individually identified is more a reflection of how they were perceived as outsiders who were no longer present or visible in the community. Reflecting this general statement, Salma, an older woman from Shakardara, explained: "God knows which Taliban did bad things in our area, who knows them? We leave it to God in the hope that God punishes them because we don't have power, do not know them and cannot find them to punish them." In contrast, many of those alleged to have committed crimes during the civil war have retained positions of power in the current period and consequently are easier to identify.

While the majority of respondents held leaders accountable for Afghanistan's conflicts, a number of younger female respondents in both areas considered that the government of each time should be held responsible. In their view, the government was responsible not only for perpetrating the conflict, but for failing to protect the people. The government was perceived to have the primary responsibility in upholding security and rule of law in the country. The state was perceived to have failed in the past and in the present in fulfilling these roles.

In addition to blaming leaders for Afghanistan's wars, some respondents, predominately older men and a few middle-aged and older women from Shakardara, placed the blame

for Afghanistan's past and present conflicts at the door of foreign countries. They reflected on how countries such as Pakistan, Iran and America and, less frequently, Britain interfered in Afghanistan's affairs and manipulated the country's leaders. Older respondents were perhaps more sensitive to external involvement in Afghanistan's conflicts having lived through the cold war era when Afghanistan was a pawn in the power politics of the era.

While these views were not shared by all and more respondents held Afghan leaders as primarily culpable and reflected on the need for Afghans themselves to take responsibility, they have implications for the current allied military effort. It should be noted that Khan Sherin's belief that America was responsible for current Taliban explosions was shared by a number of other respondents in both areas. These conclusions reflect negatively on the success of international military operations in Afghanistan.

3.3 Concluding remarks: The nature of war

This section has analysed people's perceptions of three phases of the conflict in Afghanistan and identified who they hold responsible. In concluding, the author argues that the analysis has demonstrated that the two communities in Afshar and Shakardara have had vastly different experiences of the different phases of the conflicts.

The rural site in Shakardara experienced conflict as a community. All the respondents or their families had lived in the area since the start of Afghanistan's wars and consequently had similar experiences. They generally spoke about the communist and Taliban periods as the worst times, singling out the Taliban specifically. The civil war period did face criticism by some respondents, particularly those who did not support Shura-i-Nazar or Jamiat, but they still singled out the communist and Taliban periods as the worst times.

The experience of shared conflict is perhaps not as strong in Afshar, which has experienced greater internal and external migration at different phases and consequently has had more varied experiences of the fighting. Consequently, while respondents expressed very similar views about the civil war period, their varied experiences under the communist and Taliban regimes meant they sometimes had different opinions on these regimes. Regardless, the majority of respondents in the area generally identified the civil war period as the worst phase of the conflicts. In both communities, ethnic, age and sex divisions played only a small role in determining how individual respondents viewed each phase or each conflict and the ruling regime.

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.⁵⁷ Moreover, respondents were able to clearly locate the time in which violations occurred. Although people in Shakardara sometimes discussed communist and Taliban times simultaneously and interchangeably, once the conversations are explored it becomes clear that people are talking about different periods of war. Just because people experienced similar violations under different regimes, it does not mean they view the conflict as continuous. Even though they pointed to the ongoing violence, they still separated each cycle in terms of its scale and intensity, which was predicated on their personal experience.

57 The AIHRC discovered in research for their "A Call for Justice" report that almost 30 percent of those who had experienced conflict-related violence were not able to identify the period in which the violation occurred. They consequently concluded that conflict in Afghanistan has been experienced by many victims as "a long and seamless period of uninterrupted violations," irrespective of who was actually in power at the time.

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

The previous section outlined some of the heavy costs that each regime brought with them. To date, there have been no concerted efforts to deal with this complex legacy of wartime atrocities. This has meant that, at best, wartime events have been largely ignored in Afghanistan; at worst, revisionist historical interpretations promoted by the perpetrators of crimes have dominated.⁵⁸ 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 legacy of the conflict continues 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 processes that can provide resolve for the victims of the conflicts.

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 4.5 then explore processes that people perceive could help heal this suffering, looking at the role of truth-seeking, the need to remember and record the past, suggestions about how to commemorate the past, and, finally, how to compensate the damage of the war. Section 4.6 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 loss of a loved one or were haunted by shocking scenes of violence. These experiences continued to impact on their mental health and their ability to cope with everyday life. Murawid, an older female respondent in Shakardara, lost three sons during the different conflicts. Her words are one example of how many people in both areas were struggling to deal with the legacy of this violence:

I am dying when I remember my sons. It is increasing day by day, not decreasing... It was eight days before Eid when my eldest son was killed. Then after two years, on the same date, my second son was killed. Then during the Taliban, exactly on the same date, my third son was killed. After that, whenever Eid is coming I pray, "God just have mercy on us."

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 and panic. In a few serious cases people reported that their relatives had been driven to what they classified as "mad." All cases of reported insanity were recorded in Afshar, with respondents claiming that their relatives had been driven insane due to their civil war experience.

Some people drew links between mental suffering and physical illness. Older women in particular blamed problems with their blood pressure or heart on past and present conflict. Hadisa's words sum up the feelings of older female respondents:

58 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>.

The war has created fear in people. At any time when we hear a loud noise all the people are afraid. I have now developed heart disease and high blood pressure and most of the time I am sick...When my daughter hears any loud noise she becomes worried and faints. Her face turns yellow. A kind of fear remains in people's hearts.

Hadisa, older female FGD participant, Shakardara

Many of the women who attributed physical ailments to wartime suffering and fear were in fact of an age where physical ailments develop. It is difficult to therefore to reflect on the link between physical and mental illness. The real significance lies in the fact that the people themselves believe that a relationship between the two exists; indicating the great effect the conflict has had on their mental health.

Box 8: Reported cases of insanity due to wartime experience in Afshar

The effects of that time are seen every night and day. You see my son [pointing to his son], he is mentally sick, as you see. Every week he tears up his socks and shoes...My son went to school until Grade 7. He was a top student at that time. Now he is mad.

Jafar, an older Qizilbash male respondent in Afshar, whose son was allegedly tortured by mujahiddin foot-soldiers led by Abdul Rashid Sayyaf

A rocket struck our neighbour's house and my brother was injured. He lost his mind and now he is completely crazy. He has six daughters and two sons, but now there is no one to take care of them...His children are like orphans. He doesn't know his children and his house... he doesn't eat or drink properly. We have locked him in a separate house from his family. If there is any noise he gets angry and never wants to see his children. Whenever he sees them he attacks them and beats them.

Salima, younger Tajik female respondent, Afshar

Ongoing violence was shown to perpetuate and compound people's feelings of insecurity. Although fear was often triggered by a recent attack, the impact was compounded by people's past experiences of violence. This fear was most widely discussed by older women in both areas who had lived through different phases of war. These women reported that suicide attacks or explosions triggered feelings of great distress. Current violence served as a reminder both of ongoing insecurity and of past conflicts and provoked fears that Afghanistan and in particular their areas would once again be consumed by fighting. The words of Latifa, a middle-aged Qizilbash respondent from Afshar, aptly sum up the feelings of these women in both areas:

We grew up during fighting. I saw with my eyes criminals kill and injure people. Until now we are living in fear and shaking and we are afraid of suicide attacks. On the one hand people have economic problems and on the other they are afraid of insecurity. People are afraid that fighting will happen again and we don't know what will happen in Afghanistan.

Some people in Afshar often considered how their ability to cope and deal with the past was hindered by the presence of alleged perpetrators of the Afshar massacre in public positions. The victims of Afshar are forced to see those they believed guilty of human rights violations in government, in the community, or on the television. Several respondents in Afshar described how they experienced fresh pain whenever they saw those they held responsible for their losses.

Box 9: Visibility of alleged perpetrators in Afshar serves as a painful reminder of the war

Fifteen to sixteen years have passed, but I will not forget the war while I am alive; when Sayyaf and Mohaqiq are talking, I feel like I am being shot by bullets...Our hearts cannot become whole; while I am alive I remember it. When I die, I will forget it.

Mojahid, an older Qizilbash male respondent from Afshar whose sister's entire family was killed in rocket attacks during the civil war

Whenever the TV shows Sayyaf, I say to my children, "This man is the killer of your uncle, he killed my brothers." He killed lots of people but now the government shows him respectfully on TV.

Lailuma, middle-aged Qizilbash female respondent, Afshar

Psychological and emotional suffering as a result of war was obvious to various degrees in respondents from both areas and across all age groups. Psychological suffering was perhaps more widespread in older people who had experienced several phases of conflict and more widely discussed by female respondents. However, even if women addressed the issue of mental illness and suffering more frequently than men, significant stories of mental illness affecting men were heard, such as those described by Jafar and Salima (see Box 8). It appears from the analysis that the experience of the civil war—the incessant rocket attacks, culminating in the devastating attack—had a more traumatic impact on the community of Afshar than the communist and Taliban regimes had in Shakardara. The short-lived but extremely intense period of violence during the Afshar massacre was more difficult to cope with than the longer-lasting but lower intensity violence experienced under the communist and Taliban periods. Moreover, as outlined in the quotes in Box 9, the visibility of people held responsible for orchestrating this event served as a fresh reminder of the pain the community had suffered. In contrast, many of those identified as the worst perpetrators in Shakardara belonged to the communist and Taliban regime and were largely perceived to be strangers to the community and consequently no longer present in the area. The fact that those most guilty were no longer visible and the impact of this is explored in more detail in Section 5.3 on forgiveness.

Despite acknowledging ongoing suffering, most people 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. These two quotes from two very different respondents demonstrate this shared sentiment:

All people living here in this area are Muslim. So, I think that maybe their religion is the reason they tolerate their problems. According to Islam if you have patience and tolerance, you will be rewarded by God. It's difficult for the families who have lost a family member, but then again if they tolerate it they can be rewarded by God. So, it's difficult but I think the main reason is that people believe strongly in Islam.

Ramazan, older Hazara male mullah respondent, Afshar

Human beings are solid as a stone and at the same time they are more fragile than a flower. God made these things happen to us and we tolerated them. We didn't have any other option and remedy. We had to be patient. A Muslim should tolerate each sort of time. All happiness, joys and sorrows pass in time.

Nooria, middle-aged female Tajik respondent, Shakardara

4.2 Addressing victims' suffering: Uncovering the "truth"

Many people have died or disappeared but to date there has been no official enquiry released into the circumstances surrounding these specific events and the general consequences of Afghanistan's wars. Consequently, one demand frequently voiced by respondents was that wartime events be investigated. This demand was based on two desires. Firstly, there was a need to discover the truth about past events and build an accurate picture of the different phases of the conflicts. Secondly, people were concerned that their wartime suffering not be forgotten or go unacknowledged. The desire to have an investigation into the impact of past conflicts on their area was shared by many people in all groups.

Generally, people considered it important to discover the total number of war dead, during which regime they were killed and by whom. However, for many more respondents their desires for investigation into wartime events were driven by personal motivations. For example, people wanted to know who was responsible for the death of their relatives or how they had died.

Box 10: Unanswered questions and their impact on coping with the past

People say that if a person is lost, if he or she is alive or dead, people should know what happened to them so that people's hearts become calm. It is very bad that people don't know about what happened to people who disappeared because they cannot trust their lives and make a good life for themselves.

Farahmand, middle-aged Hazara male respondent, Afshar

The families of those who have disappeared, they are always sad and are waiting for them. They are wondering what happened to them because they don't know and they think, "If they are dead, how did they die?" For example, my mother always says "I don't know how they killed my brother." It has a bad effect on the family and we have bad memories about his disappearance and we cannot forget his disappearance. My mother is not sure how he may have died—by a knife, being shot or maybe something else.

Tamana, younger female respondent, Shakardara

One group of people interviewed in which ongoing suffering was perhaps most apparent were those whose relatives disappeared. Uncertainty over the fate of a loved one is often an obstacle in their ability to come to terms with the past. In cases of disappearance, in contrast to the stark finality of death, grieving processes are often delayed because without bodies and funerals relatives are often unable to accept the reality of death. A number of respondents in both areas consequently appeared reluctant to accept that their relatives were likely dead and were living in a limbo state waiting for their return. One such person was Anifa, a middle-aged woman from Shakardara, whose husband disappeared during the communist era. She explained her situation: "Until now, I don't think my husband is dead. For 25 years I have been waiting for him. When someone knocks at the door then my heart feels that he has come back and I look at the door. It means I cannot believe that he is dead."

Cases of disappearance leave many unanswered questions in the minds of loved ones that need to be resolved to assist healing processes, as outlined in Box 10. Moreover, those respondents who were prepared to accept that their relatives had died faced worrying questions, such as how they were killed, did they suffer, and who was responsible? Unanswered fears and concerns, it was suggested, can be worse than brutal truths. Respondents who had experienced the suffering of disappearance first-hand consequently

demanded that wartime events and particularly cases of disappearance be investigated. These demands were also generally supported by people in both areas who had not directly experienced the disappearance of a relative.

Box 11: Reflections on the benefits of AREU's research

I have a good feeling and became more hopeful with your work because maybe this will be good for our children's future. It is good for you to hear our pain and we are happy that you came to ask us what we suffered during the war. Maybe our voices will reach high positions.

Nooria, middle-aged female respondent, Shakardara

At the moment I am very happy that you came to our house to talk to us. We have told you all our sad stories and this has made our hearts empty. I feel whole and calm.

Maghull, older Qizilbash female respondent, Afshar

The most commonly expressed reason for an investigation into past crimes among people in both areas was based on a desire for recognition of their suffering. Aside from cases of disappearance, people generally knew what had happened in the past. Instead, demands for truth-seeking were based on the desire for other people, in particular the government, to demonstrate their interest and concern (the government's role in this is explored in more detail in Section 4.5). These people expressed gratitude that the researchers were asking for their stories and reflected on the cathartic benefits that sharing their experiences had provided. In fact, people who were generally more receptive to discussing their suffering and losses were frequently those who had experienced the greatest pain. This feeling was particularly voiced by elder women in both communities. Overall, men were less concerned about merely being provided the opportunity to speak and placed greater importance on their desires translating into actions, a hope that female respondents also shared. Those who had suffered least were also less receptive to discussions about the past. This is further demonstrated in Section 5.

It should be recognised that not all people supported investigation processes. A handful of people interviewed, largely older men in both areas, suggested that it was dangerous to stir up memories of the past. This desire to leave the past behind translated into hostility to AREU's research, as expressed by Jamal, a middle-aged Tajik man from Afshar:

I have a protest or disagreement. All your questions refer to the past events and they are negative but I believe that we should think about the future. We should all try to keep Afghanistan away from the bad events of the past. What is the reason you are asking negative questions about the past and reminding us about all the bad memories?

“Until now, I don't think my husband is dead. For 25 years I have been waiting for him. When someone knocks at the door then my heart feels that he has come back and I look at the door. It means I cannot believe that he is dead.”

Truth-seeking processes

It was generally desired that the government launch a full enquiry into wartime events in each specific community. Respondents believed this should happen in two ways: firstly, the government should send researchers to enquire about each community's experiences, and secondly, it should question people who were implicated in the conflicts to reveal the truth about past violations and their role in the wars. This was believed to be particularly important in cases of disappearance. These two demands are reflected in the Box 12.

Box 12: Finding out the truth about the past conflicts

The issue is very clear: a research team is needed to understand our views. This team should investigate everything in detail. They should hold separate meetings with military figures in the area and then with other people to hear their views. Then if the world community really wants to know our views they should discuss the issue with people who are experts on Afghanistan. But unfortunately, they just decide about Afghanistan based on pre-judged minds.

Mohammad, older Hazara male respondent, Afshar

Once the government was divided, one part stayed in the government and the other part went to the mountains and joined the mujahiddin. During this time some people who were in the mountains were lost, but the people who were with government were not lost. People should ask about those who have disappeared because some of those responsible from that time are still in the government. They should ask them what they did with those people. People should ask the leaders, "you are in power, but you are not investigating the fate of disappeared people"...This should be investigated.

Hafiz, younger male respondent, Shakardara

Cases of disappearance were perhaps those that most needed investigating to assist people's healing processes. The research explored opinions concerning the exhumation of mass graves, which proved to be a divisive issue. This topic will be more deeply explored in a separate briefing paper on disappearance, truth-seeking and mass graves, which AREU plans to produce in late 2011. Some brief observations will be made here. Firstly, knowledge of exhumation processes and forensic analysis is very basic in Afghanistan; only a few respondents voiced prior knowledge of the potential of these types of processes. Those who possessed some basic knowledge about the possible benefits of forensic identification were generally supportive of exhumation processes. An older Qizilbash lady from Afshar, Maghull, is representative of this group:

It is good to open the graves and now the medical system has improved a lot they can recognise them by their clothes and some parts of their bodies or buttons of their clothes. In Afshar they opened a grave and then they recognised some people by their clothes. They could then give them to their families and the families could bury them one by one.

Many more people expressed doubt that there was much point in opening up gravesites after so many years. However, once the possibilities of forensic analysis were presented, most people were supportive of exhuming mass graves.

Secondly, as reflected in Maghull's quote, respondents' expectations clearly focused on individual identification of bodies in the site. Finding out the fate of a loved one was believed to assist healing processes and enable the family to deal with the past and

move on. Emphasis was also placed on the bodies of identified people being delivered to the families for individual burial.

A minority of people, largely a few older men and women in both areas, objected to the exhumation of gravesites. Most of this group had not directly experienced the disappearance of a loved one. This group suggested that opening gravesites could reopen wounds and that the past should be left behind. Two older male respondents, a Hazara mullah from Afshar and another man from Shakardara, suggested that it was in fact un-Islamic to open gravesites. Ramazan, the Hazara mullah, articulated this view: “Even if science has improved and can identify them, digging up graves is *haram* [not allowed under Islam].”

It is important to acknowledge that there was also widespread recognition that these types of investigation were perhaps impossible in the current context. In particular, many of those who should be questioned were identified to be in government, embroiled in the current phase of fighting or, as voiced in the community in Shakardara, no longer in Afghanistan. An older female respondent in Shakardara, Salma, articulated this generally recognised challenge:

The government should ask them what they did in the past. They are responsible to give answers to people. But those people who were with the communists and others, they are not here now because they all ran away from the country and the Taliban are still fighting with the government. So the government cannot ask anyone about what they did. Also, some of them are with the government.

4.3 Remember and record the past

Once the “truth” had been investigated, respondents in both areas reflected on the benefits of recording it. Recording information about what had happened to them individually and to the wider community was seen as necessary to preserve an accurate picture of the past conflicts, to learn from the suffering of the victims of conflict, and to name and shame those who were responsible for wartime violations in Afghanistan.

The desire for stories to be recorded was not shared by all research participants. In general, people in Afshar were receptive to recording their individual experiences and those of the community in which they lived. In Shakardara, older women and men generally reflected on the benefits of recording facts about the past, but the younger generation expressed more ambiguous views. Many younger people especially expressed concern about the security implications of recording wartime events.

Respondents in favour of recording victims’ stories perceived that this would ensure that their suffering was not forgotten and would instead form part of Afghanistan’s history. As mentioned, this was particularly supported by people in Afshar who desired that people across Afghanistan and globally learn about the specific suffering of the area during the civil war. This was emphasised by younger Qizilbash women in Afshar and aptly summed up Rona:

People won’t forget everything that happened during their lifetime. The war didn’t destroy one or two people, it destroyed all the people who were here. And more than a 1,000 people lost their lives and all their things. This should not be forgotten; it should be remembered so the next generations and the world can now learn about it.

In particular, widespread dissemination of information about the war was seen as essential so that the younger generation would be able to learn from the mistakes of the past to prevent future suffering. This quote from a middle-aged Hazara man, Farahmand, is reflective of this general opinion:

I think the use of remembering past wars is that it helps our new generations to learn. The defects and mistakes of the previous governments and the people will be made clear for the next generation so that they may not commit the same mistakes.

Another argument in favour of recording processes was that this could highlight the primary responsibility of certain individuals and distinguish between them and a larger circle of bystanders and collaborators. This fits with the overall perception of the clear divide between perpetrators and victims that was outlined in Section 3. Registering an individual's guilt and publicising their crimes was perceived by some respondents to be a form of punishment in itself, ensuring that their crimes would not be forgotten and that future generations would learn about what atrocities they had committed. This was strongly emphasised by middle-aged and older female FGD participants from Shakardara, though the sentiment was shared by other groups.

Box 13: Recording processes and registering the guilty parties

It will be a punishment for them if it is recorded and they will know that people can't forget. If it is not recorded they will think that people have forgotten their cruelty.

Noorjan, middle-aged female FGD participant, Shakardara

It doesn't matter if recording increases hatred in the country, there should be a division between the people who serve the country and the people who do harm...It may be hurtful for criminals and violators but it will be useful for the next generation. It is a way of saying to the next generation that these people are bad...It doesn't mean that when you register such incidents people say "this qawm was bad," they just say this person was bad so they should be registered.

Dagrwal Sahib, older Sayed FGD participant, Afshar

It should be noted that while many people emphasised that historical records needed to reflect a division between those who did harm and those who served the country, Dagrwal Sahib (see Box 13) was the only man to reflect on the benefits that individualising guilt would have on ethnic relations in Afghanistan. Identifying specific individuals could help demonstrate that certain people and not entire *qawms* or ethnic groups were responsible for crimes during the war. This might help prevent people from blaming entire groups and assist trust-building processes in Afghanistan. However, cases of mass atrocity, particularly those of an ethnic nature, typically involve vast numbers of people and crimes are conducted in accordance within the framework of a designated group. Individualising guilt could therefore carry the risk of distorting the true picture of the war.

As previously highlighted, respondents in Shakardara expressed more caution and concern about recording processes. Younger male respondents were the most vocal in their opposition. At an FGD, the majority of men present emphasised the futility of recording and registering efforts. They preferred past events to be forgotten, believing that recording them would bring no benefits to Afghanistan. It should be recognised that these respondents would not have been alive during the communist era and many were living elsewhere during the Taliban era. Perhaps because they had not usually directly suffered there was less desire for events to be recorded.

However, a number of respondents from both areas and of all ages reflected generally on the potential negative impact that recording information about the past could have on Afghanistan's security. For example, a middle-aged Qizilbash FGD participant, Lailuma, reflected on the dangers of implementing recording processes without accompanying trials since this could increase hatred between perpetrators and victims: If trials were not implemented perpetrators could be accused of crimes, but not punished, and therefore would be free to take their revenge against those who had provided information against them. On the other hand, victims would realise the extent of crimes committed but not be able to benefit from retributive responses. It was also suggested by a few women in both areas that recording could foster hatred among younger generations.

Security was a key concern for younger, female participants at a FGD in Shakardara. The women present initially supported recording processes as beneficial for Afghanistan. However, when questioned about the impact this could have on security most suddenly changed their mind and reflected on the need to forget the past and concentrate on the future, and on the potentially divisive role recording wartime experiences could have in Afghanistan. They emphasised that they were concerned about shaking the fragile status quo.

However, in a second-round FGD, the same group of women again reverted back to their original opinions. One possible explanation for the change of opinion is that the second-round FGD participants were presented with information about documentation and registration processes in other countries. Hearing that these processes had been implemented in other challenging environments could have made this process more credible and less unrealistic. Another explanation is simply that respondents themselves were often unsure about what was appropriate, especially when they related their personal desire to the wider Afghan context. As is demonstrated in this paper, many respondents changed their mind or expressed uncertainty over certain processes when they considered the security environment. For some, anything that could negatively impact on security was too great a price to pay.

Appropriate recording and registering processes

Recording the past in books that could be accessed by the public was one popular method of preserving information. Books were perceived to be credible sources of information and would consequently be more readily accepted by future generations. This quote from Shakir, a younger man from the rural community in Shakardara, reflected this general opinion:

If they are registered in books and printed, I think it would be useful. For example, if my son or daughter in the future asks me about the past wars, I can refer them to the books. This way they will be informed of what happened to me...I think if wartime events are not registered in books they will be forgotten. Moreover, if I just tell my war memories to my son, for example, he may not accept them. But when they are in books, he will accept them whenever he reads the books.

While this was generally accepted by most respondents as the best way of recording history, many people emphasised the importance of impartial people, such as historians, recording the information. While the government could play a supportive role, considerable doubts were cast on the ability of the government to remain impartial. For example, in one FGD with older Hazara men in Afshar, concerns were raised that if the government was directly involved it might end up further rewriting history in favour of those responsible for the past crimes. Modir Sahib summed up the feeling of this FGD

when he said: "...provided that all the murderers are not announced as national heroes with the support of the government." His concerns were shared by respondents across Afshar and in Shakardara.

A few people in Afshar suggested that the media should be employed to ensure that information reached people, instead of recording wartime events in books. Given the high levels of illiteracy in Afghanistan this was a pragmatic suggestion, reflecting the desires of these people that wartime information be widely disseminated. An older Qizilbash man in Afshar, Jafar, voiced this idea. He said: "If they [wartime events] are recorded in books, there is no use, people will not read them. But they should be recorded in the media. And there should be programmes to broadcast these recorded facts." These suggestions were not voiced by anyone in Shakardara. This is not to say that people in Shakardara would be opposed to this idea, but perhaps merely that the idea did not occur to them.

4.4 Commemorate the past

Memorialisation processes are typically designed to recall and demonstrate respect for things that have happened in the past. On the one hand memorialisation is intended to assist healing processes while on the other it is frequently meant to demonstrate a commitment that these events should never happen again. Questions about the relevance and appropriateness of memorialisation processes in Afghanistan elicited diverse responses. As a community Afshar was perhaps more supportive of commemorative activities, although a significant number still expressed concerns. Memorialisation is, however, significant to Afshar, reflected by the annual ceremony the community holds to mark the events of February 1993. Women in Shakardara were also largely in favour of memorialisation, but men expressed more opposition.

The overwhelming view of those supporting memorialisation was that memorialisation processes should allow people space to remember, reflect and pray for the martyrs of the conflicts. It was perceived that the presence of a designated place to pray for those who have died or disappeared or the existence of a day to mark these losses could assist healing processes.

For some men and women in Afshar the whole concept of memorialisation had been tainted by the commemoration of those they believed to be war criminals. They consequently felt that memorials held no meaning anymore to people in Afghanistan (see Box 15). In contrast, respondents in Shakardara rarely criticised existing memorialisation efforts. Instead, several respondents, such as Tamana (see Box 14), expressed clear support of memorials commemorating the mujahiddin and in particular Masood.

Box 14: Opinions in support of memorialisation

If people mark a disappearance day to pray for those who have disappeared, it would be good for families to help ease their pain and become patient.

Maghull, older Qizilbash female respondent, Afshar

If they make a memorial in the name of the martyred then all the people of the country can remember them. For example, Massoud circle in Macroyan when people cross through, they remember him and that he was good.

Tamana, younger female respondent, Shakardara

Box 15: Memorialisation is tainted in Afghanistan

Now in Afghanistan it is common to remember the people who have done crimes. Buildings, monuments and museums are now meaningless for the current society in Afghanistan. If, for example, you make a museum, just foreign people will come and visit it. These things do not have any meaning for the people now...

Jamal, middle-aged Tajik male respondent, Afshar

If they build any memorial, it will be made for commanders, not for poor people who were martyred. Have you seen any memorial in the name of a poor person's son who was killed during the war? There are only memorials in the name of leaders.

Rahima, middle-aged Hazara female respondent, Afshar

This contrast in opinions surrounding existing memorialisation efforts in Afghanistan reflects the challenges future initiatives will face given that there is no widely accepted version of history. Instead, some of those individuals who are considered heroes to the people from Shakardara are frequently identified as war criminals by respondents in Afshar.

An objection to memorialisation processes came predominantly from older people in both areas and concerned the allocation of funds to such initiatives when Afghanistan has higher priorities to address, such as food and development. In an environment where people are unemployed and lack many of basic requirements of life—food, clean water, schools and clinics—the relevance of memorials was raised. The concern of these people is captured in this quote:

Every year they commemorate Massoud Day and they use 1,000 dollars for their celebration. If they spent that money on schools they could build many. It would be good if they build a school with that money and buy chairs and orphans can study there and have good clothes.

Aamina, middle-aged Qizilbash FGD participant, Afshar

How to memorialise

Memorialisation of the past conflicts in Afghanistan has largely focused on glorifying leaders. While respondents expressed widespread knowledge of memorials in the names of mujahiddin—listing public holidays such as the Celebration of the Islamic Revolution in Afghanistan and The Great Ahmad Shah Massoud Day, and memorials, such as Massoud Circle in Kabul—no one was aware of the “Victims’ Day” in Afghanistan.⁵⁹ This reflects the lack of attention that has been devoted to it and suggests it has failed to become a meaningful annual event in Afghan life. Respondents frequently said that if memorials were to be created or memorial days to be established they should be in the name of Afghanistan’s victims and martyrs and not in the name of the leaders and powerful people. This opinion was well voiced by Freshta, a younger Tajik woman in Afshar:

Yes, there should be a day by the name of martyrs and poor people should be helped, it would make me feel happier...The government makes memorials just for popular and big people, but if instead of that they make one in the name of innocent martyrs, it would be good.

⁵⁹ Victims’ Day was one of the few activities outlined in the Action Plan for Peace, Justice and Reconciliation and falls annually on International Human Rights Day (10 December).

Previous sites of atrocity and genocide, former torture centres and, in particular, mass-grave sites were acknowledged as appropriate locations for memorials. Respondents also suggested renaming squares and circles to commemorate martyrs. The creation of national days to remember martyrs and those who have disappeared also received support.

Given the valid concern that money would perhaps be better invested in development, some people interviewed were supportive of memorialisation if they served development aims. One popular suggestion among women in particular was that schools be built in the name of Afghanistan's victims. This would ensure that the names of victims and martyrs were forever immortalised while serving the practical purpose of enabling children to study. Moreover, it was perceived by these women that this would be a source of pride for the families of martyrs. In addition to the establishment of schools, a few women suggested that factories should be created in the names of those who had died and that these could provide jobs for the families of martyrs, serving both a symbolic and practical purpose.

Box 16: The symbolic and practical uses of memorials

There is a square in the name of martyrs in this area, but if there were schools in the name of martyrs it would be good. Children of martyrs would feel proud. People would pray for them when they cross it. They would never be forgotten.

Murawid, older female respondent, Shakardara

Yes, I want the government to make a memorial for all martyred people. For example, we should make a school in the name of the martyred and also give salaries to martyred families. There should be a factory for the families of the martyred to go and work there. It can help people to heal their wounds because people can't forget the young who were lost during the wartime.

Tamana, younger female respondent, Shakardara

This reflects the overriding perception that should processes of memorialisation be attempted, they should be seen as contributing to wider developmental efforts. Widespread and 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.

Respondents largely agreed that any memorialisation efforts should commemorate all of Afghanistan's victims and did not tend to envisage memorialisation along ethnic/*qawm* lines. Nevertheless, this did not mean that all respondents were oblivious to the ethnic tensions that memorials could create. A middle-aged Hazara respondent, Farahmand, argued that visual remembrance mechanisms were dangerous: "If the past is registered visually or made into museums it will create a complex and will cause conflicts in the future between different *qawms*. They will motivate people's feelings." One way of reducing the chances of memorialisation being abused as a divisive political tool is to pursue efforts to commemorate the past alongside those aimed at investigating and creating historical records. The processes should not be seen as distinct and separate but as providing mutually reinforcing benefits.

One further option suggested by Jamal, an older Tajik respondent in Afshar, was to name memorials after people who were acceptable to all Afghans and focus on ways of promoting new heroes. He consequently suggested that cultural figures be adopted.

Although this was only voiced by one person the idea could be acceptable to more people. Jamal explained why he believed this was one way forward:

One day I was going toward the airport and I saw a picture that belonged to a person; under the picture he was called martyr and hero. I knew this guy; he was a pilot who had thrown thousands of bombs on people. He was a criminal; indeed at most they could call him a pilot, not a hero, if they have a conscience. In the year 1364 [1985], he and his colleagues bombarded Kapisa Province and killed many people attending a wedding. So, I ask you that if, for example, we make a building or call a street in the name of a hero, who is that guy? Who is qualified for that? I believe if we are supposed to name a street or a square we should do so in the name of cultural figures like Hafiz Sherazi or Saghday who were famous poets.

Considering the tensions and sensitivities that could surround commemoration and memorialisation, focusing on new heroes represents one way forward, in an environment where there is no nationally accepted, objective picture of the war. Memorialisation efforts in this sense are designed to be unifying and reconciliatory. Nationally accepted figures could act as symbols to unify around, emphasising the similarities between people rather than the differences.

4.5 Compensate suffering and loss: Repairing damage

The idea that the people of Afghanistan should be materially or financially compensated for the wide-scale damage caused by war was the most widely supported approach in both communities. 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. Compensation, it was perceived, would have several impacts: firstly, people felt it would help repair the physical, material and, perhaps, some of the emotional damages caused by war; secondly, it would demonstrate that ordinary people's suffering was recognised; and finally, placing perpetrators of crimes during wartime at the centre of compensation processes could be one way of fulfilling desires for accountability. Discussion of the second impact is retained for Section 4.6, since the desire for recognition by the government was a common aim of all the processes mentioned so far.

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. A middle-aged participant of a FGD with Qizilbash women in Afshar captured this general view:

It is very good if they pay compensation for the people, but it cannot make up for those people who were martyred. For houses it is ok. If they need witnesses to describe how our houses were in the past we can bring them. But nothing can cover martyr's blood, but if compensation happens peoples' pain and suffering will be decreased a little.

Nevertheless, in both research sites emphasis was placed on the practical benefits of financial and material reparation when houses had been destroyed and the main wage-earners had been killed, disabled or had disappeared. The general feeling was that the government should conduct an assessment of damage and that people should be compensated as far as possible based on their individual needs. There was also a desire

that assistance should not only repair past losses, but should support welfare and future development. These arguments are presented in the box below:

Box 17: Compensating the physical and material impacts of war

People lost their houses and everything during the war. It is good to compensate them. Their destroyed houses should be remade, otherwise whenever they see their destroyed houses they remember war and their wounds become refreshed. On the other hand they don't have enough money to rebuild them so if the government or any other organisation helps them, it will be helpful.

Basir, younger male FGD participant, Shakardara

They have to come and see how much people have lost, they have to compensate according to that. If they can't compensate all of it, they have to compensate half of it. The government should give some expenses to the families of martyrs who have no one to work, or they have to give jobs for them to enable them to live their lives.

Zainab, older Tajik female respondent, Afshar

Some respondents reflected on the emotional benefits of reparations. This feeling was strongest among Qizilbash women in Afshar and a significant number of older women in Shakardara. These women felt that compensation measures could promote the healing of emotional sorrows. This does not mean that men did not consider the emotional benefits of compensation, as seen in Basir's quote above. However, when men discussed this impact they tended to perceive that healing was derived through public recognition of their suffering rather than through compensation itself, as is explored in Section 4.6. This quote from Sharifa, a middle-aged female FGD participant from Shakardara, captured the potential healing impact described by other women:

It will be good and people's houses will be built. Poor people will become happy. People are so poor; oqda will leave people's hearts. It is helpful for people who lost their family members, such as my sister's family who lost three family members...this compensation can help people to deal with their sorrows.

Section 5 will address processes that can hold perpetrators of war crimes to account, but it is worth exploring here the suggestion from a number of people that perpetrators be placed at the centre of reparation processes. These suggestions came largely from women in both areas who suggested that the healing impact of reparations would perhaps be greater if the perpetrators of crimes were made to contribute to them. One way that was suggested was for the wealth, properties and land of people who had committed violations during the war to be confiscated and redistributed to conflict victims.

This demand was based not only on a desire to hold people to account, but rested on the perception that many perpetrators of crimes during the war had actually gained in wealth, position or power through their involvement in the conflicts. Imposing financial penalties on them was consequently one way of providing both recourse and resolve. Placing the onus of compensation on perpetrators 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 punishing those responsible for violations.

A reparatory approach was, in fact, sometimes presented as an alternative to criminal prosecutions. Some people in both Afshar and Shakardara appeared to support these types of compensation processes at the expense of seeking more retributive or more

punitive measures because they were seen as the best chance of achieving some recourse and resolve. Farahmand, a middle-aged Hazara respondent in Afshar, argued for criminal justice but then suggested that if this was not possible a reparatory approach might be sufficient. His view is perhaps somewhat at odds with other men in Afshar who were less willing to consider compensation as an alternative to punishment:

The government should identify the criminals and then put them on trial so that the families of the martyrs are satisfied. But if it is impossible to find and prosecute the killers or it is impossible to find documents and evidence, the government should support and satisfy martyrs' families. They should create job opportunities for them, give land to them, provide life's needs or other things. The government should give shares to them in the government offices.

This pragmatic approach was most frequently adopted by people in Shakardara. As demonstrated in the section on perpetrators, the majority of people in Shakardara identify the perpetrators of the worst violations—the communists and the Taliban—as strangers to the area and in some cases no longer in Afghanistan. Consequently, people were more willing to consider a reparatory approach as the best case scenario. This was articulated by a middle-aged female FGD participant, Sharifa, who said: “The Russians have gone from here, where we can find them to punish them? This compensation can help people to deal with their sorrows.”

Box 18: The role of perpetrators in providing compensation

They are responsible to compensate the losses they caused because people suffered many things...I mean Sayyaf should pay compensation to people because he was fighting in this area, and now he sits in big cars such as Land Cruisers. But people don't have any food to eat.

Naseba, younger Qizilbash female FGD participant, Afshar

Those who committed violations and robbed people, their wealth should be given to those who suffered many violations. Then our country will become calm and peace will come here. Everyone should get their rights. So, people will be happy with the government; when there is justice, hatred will be removed from people's hearts.

Shabana, younger female respondent, Shakardara

The government should take back the people's land from them and give it to orphans, widows and poor people who don't have land or anything. In my opinion the government should appoint delegations to identify the land they took in the name of poor people and give it back to the people.

Anifa, older female respondent, Shakardara

Compensation insufficient

In contrast, other respondents placed less emphasis on the impact of compensatory measures. This group was dominated by the voices of men and women from Afshar who were more in favour of retributive measures. They argued that reparations, while of practical benefit, were insufficient compensation for the death or disappearance of a family member and that some further mechanism would additionally be required. Reflective of this is the statement made by Rahim, an older Qizilbash man, during an FGD in Afshar. He said: “Their homes and their properties should be given to the poor people and then the violators themselves should be hanged.”

A small fraction of respondents in both areas actually spoke out against administering compensation in cases of death or disappearance. These few people considered that financial reparations could amount to putting a price on the lives of loved ones. A younger man in a FGD in Shakardara articulated this view (his was a dissenting voice to the rest of the discussion participants, who tended to support reparatory measures):

If they pay compensation that means that they have bought the blood of martyrs. And if anything is bought then that is the end of the story, and the pains and oqda in our heart will not be removed.

Najia, an older Qizilbash woman from Afshar, also contested the role of financial compensation for the death of her daughter (her opinion was also not generally shared by other women in the area):

Nothing can bring me my daughter. If someone gave the entire world to me it can't be compensation for my daughter and my brother in law. I don't need anyone's help. Some say that the government will give aid to the families who lost someone, but we have never gone there to get aid. Is there something that is equal to my daughter? No. To get wealth is easy but to get your loved one again it is impossible.

In reality, however, there was no clear divide between people who envisaged that compensation could fulfil wider demands for justice and possibly be an alternative to punitive measures and those who argued for further mechanisms. Respondents often elicited varying responses depending on the issue they were debating. In some instances, people emphasised the healing benefits of financial or material reparation and appeared to view it as sufficient compensation but then argued that punitive measures needed to be adopted in certain cases. For example, two middle-aged female FGD participants in Shakardara, who had previously exalted the benefits of compensation, changed their mind when faced with the issue of kidnapping. Palwasha's words reflect this distinction: "Kidnappers should be hanged in Afghanistan. Nothing can compensate losing one's child. Children should be helped and parents should be given the criminals who kidnapped their children to punish them."

4.6 Implementing restorative and reparative processes

The research demonstrated that the government was generally regarded as the legitimate actor to implement and manage restorative (eg, restore relationships, prevent future crimes) and reparative (eg, financial compensation, symbolic acts) processes. The government was seen to be both responsible to help those they governed and to possess the necessary power to implement these processes. Moreover, the overarching desire in each of the previously mentioned processes was for recognition of people's suffering by the government. In fact, the demand that the government acknowledge their suffering was often more significant to respondents than the actual process implemented. Launching investigations into the past conflicts, supporting documentation and recording processes, or conducting financial assessments and implementing a comprehensive reparation policy would help foster government legitimacy. If the government took the lead in implementing one or all of these processes, respondents considered that this would reflect the collective societal responsibility that was owed to victims and demonstrate that those in power were acting in the interests of ordinary people. Even those respondents who wanted to see perpetrators of war crimes playing a key role in reparation processes emphasised government responsibility in making this happen. This recognition of their past suffering would reportedly help people deal with their pain and calm their hearts. This feeling was shared across both research sites.

Box 19: Government recognition vital in all processes

If the government carried out an inquiry and helped people it will make them a little bit calmer. People's hearts will become whole. We have experienced a war and now we are looking for a way for the government to think about its people and make the country. They have to know and ask us what happened to us and our area. They have to know what poor people and orphans eat, whether they have a good life or not. They will become calm, even those who lost everything, if they have good government and live in an Islamic country. But the government doesn't ask these questions.

Zainab, older Tajik female respondent, Afshar

The people who have died, they cannot come alive again, so being considered is the only way to help people become happy. People will regret it if they keep hatred in their hearts and think only about revenge; they will say, "now that the government has helped us, so the tyrannies have passed"...If our government considers us we will become happy. Compensation will help people so that their hearts become calm. And if the hearts of people become calm, peace will come; otherwise it is hard.

Zafar, younger male FGD participant, Shakardara

The call for the government to implement processes to help the victims of conflict and recognise their suffering came most strongly from Afshar. Many perceived that Afshar's past and present struggles had been largely ignored by the government (and the international community) despite, in their opinion, having suffered some of the worst excesses of civil war violence. In fact, several respondents interviewed complained about the absence of government figures at the annual ceremony they hold to mark the victims of the Afshar massacre, although they have regularly been invited. A younger Hazara FGD participant, Zafar, voiced this complaint (his opinion was shared by other participants in the discussion):

We had a ceremony for the Afshar event and its martyrs but none of the leaders came. Did they not have the capacity to bring a bunch of flowers to the graves of martyrs...How can people forgive these kinds of people?

Moreover, Qizilbash men in a FGD suggested that Afshar had been discriminated against in comparison to government attention in other parts of the country. They explained how they had made repeated requests for government assistance, but that they had been met with silence. As mentioned in the context, Afshar is one of Kabul's many informal settlements, which means residents lack of access to municipal resources. The impact of this was clearly felt by the majority of people in the area. This quote by a Qizilbash *wakil* captured the sentiment of this group and others in Afshar:

The Taliban burned the houses of Shomali people but you see all of those areas have been reconstructed. There is discrimination; our houses in Kabul have not been built yet. Khalili built Qale Shada and Dashti Barchi and also other leaders built their areas. But no one thinks about us. They should come and pay for our losses; they should come and give jobs for the women and children of martyrs.

Moreover, acknowledgement that the government should provide compensation for material damage had a precedent in this area. AREU researchers were informed about a ceasefire that was made in 1995 between Hizb-i-Wahdat, Rabbani's government and Shura-i-Nazar. One of the conditions of this ceasefire was for the government to compensate the property damage and housing loss of the people of Afshar. Following a survey by a commission created by Wahdat, it was agreed that the government would pay around 2 to 2.5 million Afs to compensate Afshar's destruction. Payment

was ultimately incomplete because the Taliban overthrew the government. However, previous acceptance of the government's role in providing recompense in this area is perhaps one reason why people in Afshar, especially those who are returnees to the area, were so in favour of compensation and why they envisaged the government as primarily responsible for implementing this.

While the government was seen as the legitimate actor to implement such processes, some respondents, particularly those in Afshar, had little hope that the government would do so in practice. The fact that repeated requests for government assistance have gone unacknowledged has led to widespread disillusionment about the role of the government among many respondents in Afshar. Rahima, a middle-aged woman from Afshar, captured this general complaint: "In practice everyone says that he will do this and he will do that: he would make hospitals, help martyred families, etc. All of them show sympathy, but we haven't seen anything from the government and others."

A number of respondents consequently envisaged a role for the international community in implementing policies where the government had failed to act or did not possess the necessary expertise. This was perhaps less frequently supported in Shakardara. Those respondents that did mention a role for the international community were often younger and male. This was possibly because they were more accustomed to the international community and could better perceive a role they might play.

Box 20: Role for the international community

It is the UN's duty to assemble people and make them happy by compensation so that their hearts become whole. The United Nations may tell them, "The people who are lost from your families are not alive anymore—take this money and get on with your life." The United Nations wants to make the government and people calm.

Zafar, younger male FGD participant, Shakardara

They have an important role. They have to learn about all the crimes and do research to find out what happened during the past 30 years and how the houses were destroyed. It would be good work if they help. The government won't be able to do anything without the help of the international community.

Maria, younger Qizilbash female FGD participant, Afshar

Respondents also reflected on the reality of the current environment and suggested that while the international community and the government might have the power and legitimacy to investigate the past, they were unlikely to care enough to do so. This general sentiment was captured by Nooria, a middle-aged female respondent from Shakardara:

The international community cannot do anything to find people who have disappeared. If the government doesn't care about its own people then the international community cannot do anything because they don't know Afghanistan and don't know enough about our country and our people to find them.

This section has explored societal-level processes that respondents suggested could help them deal with their wartime suffering. These processes should not be considered exclusive but overlapping and mutually beneficial. Processes of truth-seeking, documentation and compensation received significant support from many people, taking into account the valid concerns some raised. Memorialisation was perhaps the most divisive policy. Compensation was the only policy that was presented as an alternative

to administering punishment against the perpetrators of crimes. However, reparations were only perceived as sufficient to address material losses and not to compensate the death or disappearance of a relative. Consequently, the impression gained is that to address victims' suffering, heal their pain and calm their hearts the discussion needs to include those responsible for their suffering. If Section 4 focused at the victim level, Section 5 will concentrate at the level of the perpetrators.

5. Dealing with the Perpetrators of Wartime Violations

Opinions about how to deal with the perpetrators of war crimes can be grouped into two opposing groups. The first group of opinions reflects the significance of formally holding war criminals to account, typically articulated as the need to “punish.” The second group concerns opinions advocating the need to “forget” or “forgive” the past. On closer analysis this dichotomy is not so simple. Each of these two groups can be broken down further into more specific desires about how perpetrators should be treated. Moreover, while it is possible to divide the opinions into groups on paper, in reality it is difficult, if not impossible, to divide those interviewed into one or the other of these categories. Instead, respondents frequently expressed contradictory opinions, appearing to change their mind within the space of one interview, one discussion group, or over the course of a series of interviews or discussions.

Rather than discounting these fluctuating opinions as unreliable testimony, the fact that people’s opinions change is significant in itself. On one level it reflects the fact that these people have previously had little opportunity to reflect on these issues. Variable opinions are sometimes therefore the result of a respondent developing their own opinions and thoughts throughout the course of the research. This is significant because it demonstrates a readiness to think and reflect on these issues. This is not to say that all respondents had not reflected on these matters and often those that had, predominantly people from Afshar, expressed more clearly defined and consistent views about how to deal with perpetrators of wartime violations.

It is also sometimes possible to identify why an individual may have been prompted to change their mind or express varying opinions. In some cases, respondents attributed varying approaches for different crimes or certain perpetrators. In others, consideration of the current contextual and environmental challenges in Afghanistan caused people to change their mind. Typically, changes of mind went in one direction, from advocating punishment to demonstrating a willingness to forgive or forget. This is depicted in Figure 1.

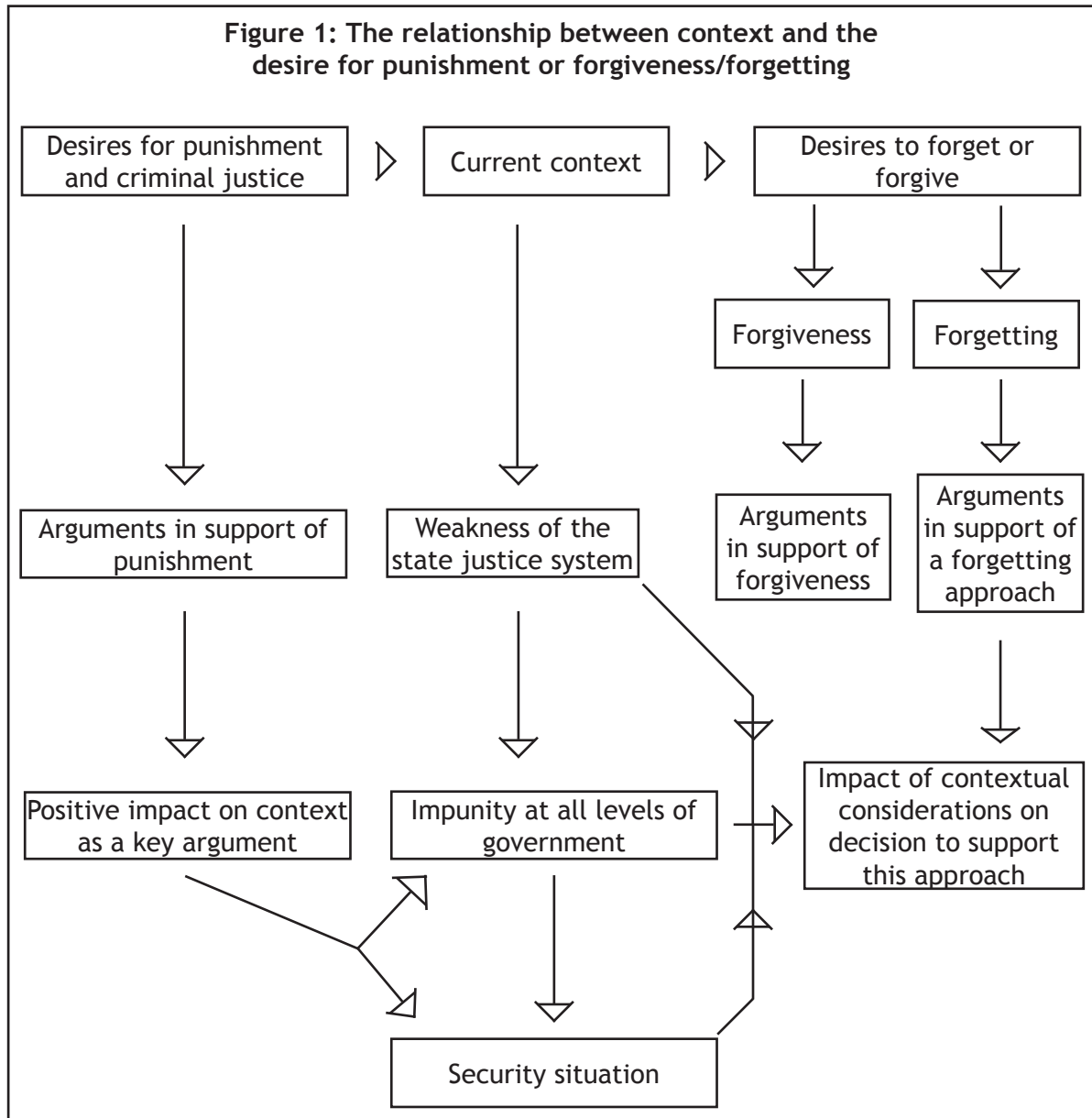
The analysis of this section therefore explores the range of these opinions. Section 5.1 outlines the perceptions of the contextual or environmental challenges that exist in Afghanistan in relation to pursuing accountability for crimes committed during the war. Section 5.2 examines opinions advocating holding perpetrators to account and looks at punishment on a procedural level. Section 5.3 outlines opinions advocating a “forgive” and “forget” approach. Finally, 5.4 outlines legitimate processes and mechanisms involved in an approach based on forgiving or forgetting and appropriate jurisdiction in this area.

5.1 Contextual considerations

Before examining the views about why perpetrators should be punished, forgiven or their crimes ignored, it is important to reflect on the current environment in which policies and processes confronting past crimes must operate. A previous AREU paper explored the environmental challenges to implementing transitional justice that exist in Afghanistan.⁶⁰ These challenges included: lack of governance and rule of law, specifically a weak and corrupt state justice system; limited attention by the Government of Afghanistan and its international partners to address the culture of impunity in Afghanistan; and deteriorating security in the country. Almost every person spoken to during the course

⁶⁰ See Emily Winterbotham, “The State of Transitional Justice in Afghanistan.”

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



of this research reflected on one or more of these environmental challenges. In fact, consideration of the contextual challenges was in many cases seen to have a direct impact on the way a respondent framed his or her demands for justice. Concerns about these challenges were generally shared by all respondents rather than being specific to a certain area or group.

Weakness of the state justice system

People generally considered that the state and its justice system have an obligation to provide security and protect the rights of Afghan citizens. However, in post-Taliban Afghanistan, the formal system has limited reach and legitimacy and struggles to function in an environment with limited human resources and infrastructure, a legal system in tatters, where local power largely continues to supersede central authority, and where the central authority is largely viewed as corrupt and criminal. 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*⁶¹ to the more traditional councils of village elders or “whitebeards.”⁶² Research suggests that 80-90 percent of both criminal and civil disputes are resolved outside the formal system.⁶³

Research in both Shakardara and Afshar demonstrated that the limitations of the state justice system were widely recognised. It was generally felt that while knowledge of the law and its boundaries existed in theory, in practice neither Sharia law nor the laws of the state were enforced and both were open to corruption and bribery. The specific workings of the state justice system—such as the ability and qualifications of judges and legal practitioners, and the length of legal processes—also came under attack. State justice was criticised for its frequent failure to implement criminal justice. Jamal, a middle-aged Tajik respondent from Afshar, voiced these general concerns:

We have neither reliable judges nor a capable judicial system. I have heard that there is a person in a jail whose files have been burned. He has been in prison for about six years and no one knows why he is there and no one deals with his case...In Afghanistan there is no law.

Opinions about the limitations of state justice were often based on personal experiences. In one case, Farima, a middle-aged woman from Shakardara, explained how no action was taken in her husband’s murder case, despite her referring the case to state officials in the *woliswali* (district administrative centre):

*Nothing can bring justice now. My husband was killed, but when we took it to the *woliswali* they didn’t do anything, they held no inquiry. The two people that we complained about are walking in the area calmly, no one has asked them about their crimes...The police took them and released them without any punishment or any inquiry...If you don’t know a well-known guy in the police, no one will care about you.*

These experiences meant that many respondents in both research sites argued that the state justice system lacked the capacity to handle regular criminal cases, let alone specialised transitional justice cases.

61 The term *shura* is sometimes equivalent to the term *jirga*, but *shuras* sometimes have a more persistent membership and ongoing governance roles rather than being for ad hoc problem solving.

62 Barfield et al, “State and Non State Dispute Resolution in Afghanistan.”

63 Barfield et al, “State and Non State Dispute Resolution in Afghanistan,” quoting an “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.

The widespread existence of corruption in the state justice system was frequently criticised by both communities. Specifically, respondents complained about the role of bribery in securing the release of alleged criminals from prison before their guilt or innocence could be proven. This endemic corruption was considered to stretch throughout governance structures from the provincial and district governors to police and local *maliks*. It is important to note that respondents generally discussed the failure of the state justice system interchangeably with the general failure of the Afghan government to rule properly and ensure the rule of law was upheld. The failure or success of the justice system was consequently seen as instrumental in demonstrating government legitimacy.

Box 21: Corruption in the government and state justice system

As we all know, the government takes the person who wants to commit a suicide attack through one door to imprison him. After few days he is released from the jail through another door because all the people who are in government take bribes and lots of corruption exists.

Maryam, middle-aged female respondent, Shakardara

Because the government is not salim, it has been destroyed and none of their affairs are under their control. For example, they tell a policeman to investigate people but he does not think about doing his duty and just tries to take money from people. The authorities do not threaten and punish these policemen, they just change him...If a chief or boss or director betrays his position he should not be employed again; he should be put in court. If he is not sent to court, at least he should be dismissed from his position; he should not be allowed to work in the government in the future because he has been treacherous.*

Jamil, older Tajik male respondent, Afshar

* *Salim* is used to describe an individual, material and institution that does not have any deficit or shortcoming. In the above quote, if one is talking of “*hoqumat salim*,” it conveys the meaning of a well-functioning government, with no corruption or bribery and with employees selected based on merit.

Culture of impunity

Despite the scale and length of the violence, there has been limited 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.⁶⁴ This was widely discussed by respondents in both areas. While the regimes might have changed, respondents pointed to the familiar faces in power in each regime. Hasiba, a middle-aged female respondent from Shakardara, summed up this general perception: “There are many people who change their faces and get positions for themselves in every regime.”

The continued failure to address issues of impunity was widely felt to have shaped the political landscape of Afghanistan. In Afshar, respondents largely focused on the presence of people with dubious human rights backgrounds in central government organs and parliament. In Shakardara, the focus was more on local perpetrators of crimes during war who lived freely in the community or who had obtained formal positions of power. Discussions surrounding impunity were therefore often more personalised in Shakardara than Afshar as respondents provided examples of people they knew first-hand.

⁶⁴ Trials have, however, been held outside Afghanistan in the United Kingdom and the Netherlands, as discussed in Section 3.1. 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.

Box 22: Examples of impunity

I have a neighbour who is called “x.” He was in government at the time of the Taliban and he is now in this government as well. He should be dismissed. He beat people and was tyrannous at that time and he does so even now.*

Wahid, younger male respondent, Shakardara

I think the government doesn't ask them about their crimes because in the government there is a lot of corruption and they are all in good positions. We all know that Karzai and the government knows about what they did in the past but they don't ask the criminals why they treated people badly and what they did. They don't make people accountable.

Maria, younger female Qizilbash FGD participant, Afshar

* This is how the respondent referred to the individual.

At all levels, the challenge that respondents perceived needed to be confronted was one of power, specifically the unchanging nature of power dynamics in Afghanistan. Focusing on the high-level, respondents emphasised that those who had abused their power in the past were protected by the fact that they held they currently held the strings of government in their hands and would strongly resist any attempt to challenge this. Meanwhile, at the local level, the ongoing power that people who had committed crimes in the past continued to wield in the community was discussed.

Security

Afghanistan's conflicts have not ended. Consequently, security considerations were paramount in the minds of all respondents. The general awareness of the current security environment was clearly summed up by a middle-aged male Hazara respondent in Afshar, Farahmand:

Right now there is not only the problem of the Taliban here, there are some other countries that are interfering in our country. People say that Americans are supporting the government and with another hand they are supporting Taliban, so how is it possible to punish past perpetrators now? Fighting is still here, nothing can change.

Kabul Province was generally perceived as relatively stable and calm, but given the security situation in other parts of the country, respondents remained sensitive to any possible escalation in insecurity and raised concerns that holding people to account would trigger further violence. This is discussed further in Section 5.3.

However, the link between impunity and deteriorating security was strongly drawn. The failure to hold people to account for their crimes was seen to be eroding both government legitimacy and respect for the rule of law among the general population. This was also perceived to have affected the police and national army, which, given their role as enforcers of security, was seen to have a direct impact on security in Afghanistan. Nabilla, a younger Qizilbash female respondent from Afshar, argued that the police and national army could not trust the government because it released people that they had arrested. She argued that their resultant disillusionment was responsible for their failure to uphold security and peace:

It has affected our country badly, the police and national army have become so sad, they can't trust the government anymore because they lose many people

to arrest one criminal but when they give that person to the government to punish, they release him, so that is why they don't care about security and peace. They become so angry. Because of that the police and national army don't do their duty properly.

While her absolution of the police and army of responsibility was unique and respondents more frequently singled out the prevailing corruption that exists in the security sector, her understanding of the far-reaching negative impact of the failure of the Afghan government to uphold justice was shared among many respondents.

These environmental challenges were generally perceived by respondents to present 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. While a number of people firmly argued for punitive measures in one part of an interview or discussion, in a significant number of cases, reflecting on these conditions caused someone to change their mind about the appropriate approach to dealing with the perpetrators of war crimes. This is clearly demonstrated in the ensuing sections.

5.2 Holding perpetrators to account

The research demonstrated wide ranging support in both research sites for holding perpetrators of crimes during the conflicts to account. This section presents the range of opinions in support of punishing perpetrators. Firstly, it looks at arguments in favour of this approach. Secondly, it explores implementing accountability from a procedural angle—exploring how respondents envisaged this happening in practice. Specifically this includes examining legitimate accountability mechanisms, who possesses the appropriate jurisdiction in this area, and, finally, who should or should not be held to account.

It should be re-emphasised that this is not the attitude of a fixed group of respondents; instead it should be viewed as a general presentation of opinions. As has been outlined, while a majority of respondents discussed the benefits of punishing perpetrators, a significant proportion later changed their minds when they considered the contextual reality of Afghanistan. However, it is possible to present broadly that Afshar as a community was most in favour of pursuing accountability. Shakardara was more divided over how to deal with the perpetrators of wartime violations, especially between the men and women interviewed. Male respondents in Shakardara were the least in favour of pursuing accountability and punishment while a majority of women supported administering punishment. In fact, women in both Shakardara and Afshar were the most vocal in their support for a retributive approach. Neither ethnicity in Afshar nor age in both research sites appeared to have a great impact on determining whether respondents were for or against punishment.

5.2.1 Arguments in favour of punishment

Justice and Islam

One of the key arguments put forward in favour of pursuing accountability and punishing people was based on people's understanding of Islamic norms and practices. It should be stressed that the interpretations of Islam (and Sharia) presented here are not the author's own interpretations but those outlined by people in the communities. Understanding of Islam in Afghanistan for the majority of Afghans who do not read or write has been built through oral narratives.

Respondents across both research sites generally expressed the opinion that Islamic law, as written in the Quran, outlines specific punishments for crimes such as murder, rape and looting. This understanding is reflected in the two quotes in Box 23.

Box 23: Islamic law and punishment

In brief, God has said in the Quran that he will not forgive three things: murder without a just reason, rape and the looting of people's property...we cannot forgive these and we are not alone in this regard.

Karim, older male Qizilbash respondent, Afshar

Islam says that if a person commits a murder he should be killed, if one robs, his hand should be cut. Criminals should be punished so that it is a lesson for others not to repeat their crimes. Islam doesn't allow forgiveness of a murder without reason. If not, innocent people's rights will perish. Islam is religion of justice; it never gives the right to a cruel person.

Shiringul, older female respondent, Shakardara

This understanding of Islam was moreover strengthened by historical precedent in Afghanistan. Prior to the establishment of a state justice system, in the event of violations, the general understanding was that everyone had a personal right to punish the transgressor themselves and to take appropriate retribution: an eye for an eye, a tooth for a tooth, a life for a life. Therefore, in the absence of court prosecutions there were blood feuds that operated under specific sets of restraints that defined acceptable limits of action.⁶⁵ The strength of this conviction that people had a predefined right under Islam to seek redress and recompense for crimes committed against them was clearly reflected in conversations with people in both communities.

Justice for victims and their families

A second key argument voiced by a significant proportion of respondents was that the scale of crimes and the number of victims in Afghanistan were too great to go unpunished. This was a fairly general point raised by respondents in Afshar and was also frequently raised by women in Shakardara. These people argued that allowing the perpetrators of gross crimes to walk free with no form of reckoning was morally repugnant. People interviewed in Afshar, in particular, desired that perpetrators of heinous crimes be forced to suffer as their victims had.

This argument was generally only applied to crimes categorised as “serious,” such as murder or rape. People in favour of punishment 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. However, all—even those who argued against punishment—considered that it was more difficult to forget or forgive these serious crimes.

⁶⁵ Thomas Barfield, Nojumi Neamat and J. Alexander Thier, “The Clash of Two Goods: State and Non-State Dispute Resolution in Afghanistan” (United States Institute of Peace, 2006), http://www.usip.org/files/file/clash_two_goods.pdf (accessed 11 December 2010).

Box 24: Crimes too great to go unpunished

They should be punished because all of them who committed murder and were cruel to people don't have the right to live. Whatever they did to others should happen to them so that they know how it feels when people of their family are killed. They should know the feeling of pain and sadness.

Maghull, older female Qizilbash respondent, Afshar

It is possible to forget some things but it is impossible in other cases. For example, we can forget economic issues; our house was looted but we have made do up until now. But when I witnessed so many disasters, the women and children who had lost legs and arms and the Holy Quran burnt and the older man who was slaughtered, these things will never be forgotten... The government should compensate this. It should put on trial the high ranking officials who were involved in the attacks in our area...

Zafar, younger Hazara male respondent, Afshar

Some people who have suffered a lot, they are saying "punish the guilty people," and some who have not suffered the same crimes, they say "don't punish them."

Shabana, younger female respondent, Shakardara

The government should not pardon everyone; they have to punish those who committed too many serious crimes.

Palwasha, middle-aged female FGD participant, Shakardara

Punishing the perpetrators of these serious crimes would also guarantee that the rights of the victims were upheld. If criminals escaped punishment people in both areas believed that poor and innocent people's rights would have been trampled on. Moreover, punishment would fulfil many victims' desires for retribution, which would help remove hostility and "mend" and "calm" people's hearts. In some cases, respondents in both areas emphasised that the healing impact would be greater if they were able to actually witness people's punishment. A few men in Afshar at an FGD explained that they wished to see the perpetrators of crimes publically humiliated and shamed.

Box 25: Upholding victims' rights and assisting healing

I believe the ones who have committed tyrannies, even those who are in power, should be removed from power and should be prosecuted according to Islamic law so that their crimes are judged. I believe the oppressed are not satisfied and their anger will not be removed until their voices are heard and the oppressors are prosecuted; otherwise, the oppressed will try to take back their right through blood. If they want to solve these issues, they should disgrace the oppressors and the violators in front of people.

Dagarwal Reza, older Hazara male FGD participant, Afshar

They should be hanged in front of the people so all can see into their eyes. When the government hangs them they should show it on the TV so that all people can see them and those who are victims will feel cold in their hearts. It will help reduce their pain.

Maryam, middle-aged female respondent, Shakardara

Justice and security

The final key argument put forward by respondents in favour of a retributive approach rested on the perception of the positive correlation between formal punishment and security in Afghanistan. This rested on several different strands of argument. Firstly, men and women from Afshar and women from Shakardara highlighted that many of those guilty of crimes during war had continued to commit crimes during “peace.” They singled out examples of wartime violators who were involved in the opium trade, land grabbing, the arms trade and kidnapping. On a practical level, holding these people to account would remove them from society and ensure that they were no longer able to commit these self-serving crimes. This feeling was best explained by Latifa, a middle-aged Qizilbash respondent from Afshar:

Warlords and murderers are all in power; we don't want them in power. They should be removed from power...They are all involved in the mafia—they have a hand in the opium mafia and in killing people and they are involved in looting. Why should they be in power? It has an impact. If they don't have power then they cannot do anything. Weapons and opium are transported in their black cars from one place to another. Kidnappings are all carried about by these groups.

Secondly, and perhaps more significantly, respondents in both areas perceived that punishment would be a lesson to criminals, to their supporters and to ordinary people that this type of behaviour would no longer go unpunished and build respect for the rule of law in Afghanistan. It was feared that continued failure to address impunity encouraged people to commit crimes. Moreover, records of judicial proceedings would ensure these lessons were imparted to the future generations.

Box 26: The role of punishment in learning from the mistakes of the past

We should learn from the past. When I say the criminals should be put on trial, it will then be registered in history to become a lesson for people. This way criminals and violators will understand that we will not forget their crimes.

Zafar, younger Hazara male respondent, Afshar

No, we won't forgive them because if we forgive them they will repeat their crimes. All of them should be asked why they divided people and made them disunited. Why were they cruel to people? The government should ask them about people's blood and properties, and then punish them. If they are forgiven easily they will do it again, they will make other groups and make people fight again; they will use people again. They have to be punished and they have to know what other people suffered.

Bebegul, older female respondent, Shakardara

So far the analysis has explored the relationship between accountability or punishment and security in relation to the impact on the perpetrators. The third argument employed was that formal punishment was needed to prevent victims taking revenge. Despite acknowledging the right of an individual to seek redress where crimes were committed against them, generally people warned of the dangers of blood feuds, which they perceived in terms of “revenge.” It was considered that if individuals were forced to seek revenge in order to right a wrong committed against them, it would have a negative impact on security and development. Encapsulating the general view, Farahmand, a middle-aged Hazara man from Afshar, explained the dangers of revenge:

In my mind taking revenge does not direct us towards development...Taking revenge will not solve the problems. Years of conflict has taken us nowhere. If the previous hostilities are revived, what will happen? We should all make use of this space for creating mutual understanding, knowledge and insights in the country.

Instead, there was a general preference that justice processes be implemented by the state to mitigate the need or desire for personal revenge. Mohammad, an older male respondent from Shakardara, summed up this general demand:

For instance, someone has killed my son so I should kill him. This is revenge and people will take their revenge even if a thousand years have passed...But it is better to give the oppressors to the hands of the law instead of killing them ourselves. If we give them to the courts that would also be a kind of revenge, so if you do not forgive them then they should put in jail.

The argument that revenge presents a genuine threat to Afghanistan's general security could be challenged because, given the power dynamics in Afghanistan, most victims are unlikely to take revenge against those they consider guilty. However, while examples of revenge killings were not found in Afshar, in Shakardara one clear case of revenge was described by several respondents. This concerned a man who had collaborated with the Taliban who was subsequently murdered in a revenge style killing by people in the community. This story was verified by several male and female respondents. While it is not clear why this man was killed when other collaborators were not, it was a well-known case of revenge in the community. Khan Sherin, a middle-aged man, was one respondent who discussed this case:

In our area there were some people who committed tyrannies at the time of the Taliban and they have now been forgiven. But there was one person who was cooperating with the Taliban and people took revenge and killed him. His body was found in a well.

5.2.2 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 over personal revenge. This section explores these organised processes of holding perpetrators to account, namely: criminal prosecutions administering sentences of capital punishment or imprisonment, and the removal of people from positions of power.

Putting perpetrators of atrocities on trial received positive support in both areas. Afshar as a community came out more in favour of pursuing criminal prosecutions than Shakardara and women in both areas were more supportive of this approach than men. However, these differences were very small, and the quote below chosen to illustrate the support trials received is from a male respondent, since his words were assessed to fully encapsulate the support of criminal prosecutions and trials. Farahmand, a middle-aged male Hazara respondent from Afshar, said:

The oppressor and the oppressed should both be present. There should be an investigation; there should be evidence and witnesses; it should be asked why oppressions have been committed; why people have been killed; why people's properties have been looted. Moreover, the court should listen to the reasons of the oppressor also to find the wrong and right of the issue. Then the court and judge should take a right decision...It may be life imprisonment or even the death penalty...So I believe we can remove hostility, pains and suffering through a just regime and a just court.

As can be seen in Farahmand's quote, criminal trials were often perceived not only to deliver punishment but to be appropriate forums for truth-seeking. In many of the interviews conducted, there was a clear need for people to try and make sense of past crimes; in particular, to understand why people committed such atrocities. People in both areas in favour of criminal prosecutions suggested that courtroom processes could fulfil their demands for truth.⁶⁶

While criminal trials received significant support from a wide-range of respondents, discussions about the specific punishment that should be administered elicited varied responses. On the whole, imprisonment was a more popular option than the death penalty—typically conceived as hanging. Two contradictory reasons in support of imprisonment were articulated. The first was discussed by older and middle-aged women in Shakardara participating in an FGD who preferred moderate punishment because capital punishment should not be administered against fellow Muslims since God would not be satisfied. One older female participant summed this up, concluding: “We don't want them to be punished as badly as being killed or hanged; God will not be satisfied with us. They are Muslim too.”

The second reason was expressed by younger female Qizilbash respondents in an FGD in Afshar. These women argued that people should be made to suffer for a long time in prison rather than being granted the quick option of death. Naseba's words represent the feelings of this group: “They have to be punished more than death and they have to be punished all the time. If they are just killed then they would be calm, they have to be imprisoned and be punished all the time.” This opinion was also shared by Tabasom, a younger female respondent in Shakardara, who voiced this sentiment more eloquently:

They should be imprisoned for all their lives so they have to gradually die. And in that jail they lose their mind and their health...And in jail slowly they can feel innocent people's pain.

Although imprisonment received more support overall, a smaller number of men and women in both areas, predominantly from the older generation, came out in favour of capital punishment, employing Islam to justify this approach. It should be noted that older and middle-aged women interviewed in Shakardara were the one group who preferred the death penalty. This is in contrast with the sentiments voiced by female participants in the FGD discussed above. The example serves as a reminder of how difficult it is to generalise about how different groups might want to deal with the crimes of the past. One reason behind this contrast in views, however, could be that people felt more able to speak their mind during individual interviews. Moreover, most of the middle-aged and older women who took part in individual interviews in Shakardara had lost a male relative through death or disappearance. The gravity of the crimes experienced could provide further explanation why these women came out in favour of harsh retribution.

In fact, in both research sites, female respondents were generally more in favour of hanging than men. This perhaps reflects the fact that many women interviewed had suffered the loss of a male relative. While it should be acknowledged that significant numbers of women died or disappeared in both research sites, men were perhaps more frequently targeted due to their potential or actual role as fighters.

⁶⁶ However, Rigby highlights that on a specific procedural level trials have certain limitations since a courtroom's focus lies on prosecution or defence and all evidence and facts are channelled for this purpose. These courtroom truths may therefore hold little relevance for the victims themselves. See Rigby, *Justice and Reconciliation*.

Box 27: Support for the death penalty.

Islam says those who did something should see the same treatment. If they were cruel to people they should be punished in the same way. Also, Islam says that if someone killed someone they should be given the punishment of death because it is not allowed in Islam to be cruel to people.

Mohammad, older male respondent, Shakardara

They should be hanged or they should be stoned to be a lesson for others. If I was in Karzai's place I would hang all of them; except for hanging I wouldn't do anything...They should be punished, it is better if they are hanged so they don't repeat it again. The government should ask them why they killed people and destroyed them. Why should they walk free? They have to be killed like poor people.

Shiringul, older female respondent, Shakardara

They have to be hanged, or they have to be stoned...They have to face whatever they did to people; if they murdered someone they have to be killed, they have to be punished. If they killed someone's son, their sons should be killed, if they raped someone's daughter or wife, it should be done to them. They have to be aware of people's hearts and during the time that they are alive they have to remember not to repeat such deeds again.

Najia, older Qizilbash female respondent, Afshar

Box 28: Reflections in favour of removing people from positions of power

Unfortunately, His Excellency Karzai has given them good positions in government. These people have killed millions of Afghans...Firstly, they should be dismissed from their current positions. They did not do jihad, they only killed Muslims and this was jihad against Islam itself...If the government is not able to put the violators on trial at least it should dismiss them from their positions and not support them. The people who are talking about forgiveness or leaving everything to God and to the day of judgement, surely they have not seen all those horrible crimes.

Hussain, 30-year-old male Hazara FGD participant, Afshar

In our village there is a person who is in a good position in the government; he should not be because in the past he was with the Taliban government. Why does the government give positions to these kinds of people? They should not be in power.

Nooria, middle-aged female respondent, Shakardara

Those people killed someone's son and now they are in high positions in government and they don't care that a mother has lost her son and suffered in her life. We want them to fall out of their chairs. As we all know those people have a good chair in parliament.

Shagofa, younger female Qizilbash FGD participant, Afshar

Many of those believed to be responsible for serious crimes were easily identifiable to respondents due either to their role in central government or their positions at the district or community level. Removing people consequently gained significant support due to the visibility of alleged criminals and due to the perception that these people had gained these positions and power partly as a result of their dubious past. It was felt across both research sites that these people had no legitimate right to rule in the eyes of the people and that their positions of authority appeared as a reward for their past wrongs.

The analysis demonstrated that people largely appeared to support a range of processes. In fact, those advocating punishment were generally more concerned that perpetrators were held to account rather than with the specific process. This is demonstrated in the quote in Box 28 from Hussain, who argues that if trials cannot be implemented then at least people should be removed from their positions.

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

Three sources of jurisdiction⁶⁷ were discussed in relation to administering justice: the Afghan government, typically referred to as the *hoqumat* (government/executive part of the state) or *daulat* (state, but used here to mean Karzai and his government),⁶⁸ applying state justice procedures; the international community; and the local community.

Those supporting a retributive approach generally argued that the government possessed the appropriate jurisdiction to administer justice for crimes of this nature. In fact, it is generally accepted in Afghanistan that in the case of serious crimes, state authority is essential with punishment dealt out in agreement with Islamic or Sharia law.⁶⁹ The evidence from both sites demonstrated that many people felt that the government possessed not only the responsibility to punish perpetrators of crimes, but also the sufficient power to do so, while state justice processes were clearly supported as legitimate mechanisms to punish those guilty of wartime violations.

Interestingly, this emphasis on the government possessing the appropriate jurisdiction in this area exists despite widespread acknowledgement of the weakness and limitations of the state justice system and the lack of government legitimacy. Section 5.1 on environmental challenges explored how problems of corruption and inefficiency have damaged the legitimacy of the government and the state justice system. In one sense, therefore, delegation of jurisdiction was largely dislocated from reality. It should, however, be recognised that although often conceptualised as a real entity, a state is more precisely an ideological project—the site of “institutionalised political power” where ideas of the state itself draw it into being.⁷⁰ Thus, the extent of the state’s role is largely determined by the perspectives of its citizens.

Indeed, a significant proportion of middle-aged and older women from Shakardara suggested that as the leaders of the country the government “knew best.” This is despite being highly critical of the government in practice. In another sense, however,

67 This paper adopts the definition of jurisdiction provided by Rebecca Gang in “Community-Based Dispute Resolution Processes in Balkh Province” (Kabul: AREU, 2010): Jurisdiction 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.

68 In both research sites, *hoqumat* and *daulat* was used interchangeably to mean the state and the government.

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 studies on Nangarhar, Bamiyan, Balkh and Kabul City (all available from www.areu.org.af).

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).

respondents expressed no illusions about the government and the state justice system, but still argued that it had the primary responsibility to implement justice for crimes of this nature. Instead, as was discussed in Section 5.1, they argued that government legitimacy was intrinsically linked with the successful implementation of justice. In fact, the failure of the government to address serious war crimes had delegitimised the government in the eyes of many people. This quote from Modir Sahib, an older male Hazara FGD participant in Afshar, captured this opinion:

Have you seen the government sentence people to death or life imprisonment? So, you see, no such thing has happened, so nobody accepts this government. When the government comes enthusiastically and repays the losses of people, people will believe in it but at the present time nobody believes in the government. The only way for gaining justice is through a court.

One additional consideration should be mentioned here. Conversations about government jurisdiction often appeared heavily informed by respondents' experiences of extended displacement abroad within different models of state functionality. For example, respondents in both rural and urban areas frequently reflected on the role of the state in Iran. These experiences resulted in an increased appreciation for the state's role in providing services that many refugees, predominantly the rural and urban poor, had never experienced before in Afghanistan. Thus, collectively, urban returnees and rural migrants brought with them a host of new demands and expectations regarding the state and their places within it.⁷¹

Box 29: Government has responsibility to implement justice

The government should do justice because the government is like the elder of the family and has a responsibility to ask about poor people.

Salma, older female respondent, Shakardara

Who will claim our huq [rights] from the Taliban so that we are compensated? And where are those particular Taliban who oppressed us? There are no Russians here in Afghanistan to take our rights from... Only the government, if it wants to, can ask for our rights, not anyone else.

Mohammad, older male respondent, Shakardara

Given the general awareness of the unwillingness and inability of the Afghan government and state institutions to punish the perpetrators of war crimes, a significant number of respondents, largely from Afshar, but also a few women in Shakardara, considered that the international community, and specifically the International Criminal Court (ICC), should administer justice in Afghanistan. This is in fact the principle that underpinned the establishment of the ICC, which creates an opportunity for redress for the victims of conflict if the national state is unwilling or unable to do so appropriately.⁷²

While people in Afshar were receptive to a government-led process or an international one, respondents in Shakardara largely believed that only the government possessed the necessary jurisdiction. Only a few women interviewed in the area, such as Hadisa (see Box 30), envisaged a role for the international community.

⁷¹ This observation is discussed in more detail in Gang, "Community-Based Dispute Resolution Processes in Kabul City."

⁷² Juan E. Mendez, "National Reconciliation, Transitional Justice, and the International Criminal Court," in *Ethics & International Affairs* (Review of the Carnegie Council on International Affairs) 15, no. 1 (2001): 39-43. The Rome Statute creating the ICC is dated from 17 July 1998. Sixty countries were needed to ratify the Rome Statute before it entered into force in 2002.

Box 30: Appropriate jurisdiction: The international community and international criminal court

The government should prevent crimes, people can't do anything. But the government also doesn't have any power. If the world community does something it is possible, but the government can't do anything. The criminals are afraid of the world community, not of the government.

Hadisa, older female FGD participant, Shakardara

The ones who are in the front row, they are so powerful that the government does not have any authority over them; these people should be prosecuted and put on trial by the ICC. Like Commander Zardad, who was prosecuted and put on trial by the ICC. If the ICC prosecutes these people, the government can prosecute the lower rank officials.*

Wakil, middle-aged male Hazara FGD participant, Afshar

The international court should punish them because the national court still cannot punish anyone. We hope that the international court will become quickly established here and they will start their work so that all the world will know about the criminals. We want the criminals to become shameful in front of all the other countries.

Raihana, middle-aged female Qizilbash FGD participant, Afshar

* In July 2005, Zardad Faryadi Sarwar, a former Hizb-i-Islami commander, was sentenced to 20 years in prison in the United Kingdom for conducting a campaign of torture and hostage-taking in Afghanistan between 1992 and 1996.

Given the significant body of knowledge that respondents in Afshar generally possessed about transitional justice and international law (as explained in the context), it is not surprising that they were more willing to support an internationally-led accountability process. Given that people in Shakardara had less knowledge about transitional justice and far less awareness of the jurisdiction of the ICC, it is not surprising that they were suspicious of international involvement and were concerned about the ability of the international community to prosecute Afghans. This concern by people in Shakardara is reflected in this statement from Shakir, a younger male FGD participant:

It is not possible that people from other countries try Afghans. It is not clear to the international court who committed more cruelties—the government knows better. If the government tries them it will be better than the international court.

It should be recognised that this desire to see Afghanistan's crimes addressed in Afghanistan and by Afghan authorities was not confined strictly to Shakardara and was shared by a small proportion of (largely younger) respondents in Afshar. This group argued that Afghanistan should be independent in this matter and was better placed to deal with its own perpetrators. Afghanistan, it was argued, is a Muslim country and so perpetrators should be prosecuted or dealt with under Islamic law. There was significant resistance to referring cases to the international criminal court given that it does not apply Islamic law. This view was captured by the words of Zakira, a younger female FGD participant in Shakardara, who argued:

Now, there are many countries here in Afghanistan, but the international court is useless in Afghanistan, because our people are Muslim. It is impossible to try them in international courts, it will increase people's hatred... Yes, we are Muslim, and our entire nation is Muslim. They should be tried according to Islam's rules. There is specific punishment for all kinds of crimes. Those

rules should be implemented here. The government knows better what to do, because the government belongs to the people, they shouldn't let other people interfere in our country. The government should punish them in front of people. If they take them out of Afghanistan to the international court, then people will not see what has happened to them. The people have to see them punished.

Zakira, younger female FGD participant, Shakardara

Moreover, as can be seen in the quote above, there was a general fear among this group that if trials were to take place internationally victims would be denied the potentially cathartic benefit of witnessing the punishment of those who had committed crimes against them.

For the majority of respondents supporting 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, it is not surprising that some respondents, particularly those from Shakardara, emphasised the need for local involvement in these processes. Several male and female respondents of varying ages in the area favoured an integrative approach involving state justice processes and well-respected local authority figures, such as whitebeards. These people emphasised that long-term problems could only be solved with the participation of these people. 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.

In contrast, respondents in Afshar did not reflect greatly on the role of community structures in accountability processes. Possibly one of the reasons for this difference of opinion between the communities in this area lies in the prior experience of the role of community elders in each community. In the rural site, some evidence was collected about cases where the community appears to have dealt with people who committed wartime crimes against the villagers through marginalisation or, in some cases, through excluding them from the community. In contrast, no evidence of this type of practice was collected in Afshar. Customary law⁷³ practice in Afghanistan allows for this type of community punishment. Under this system, the worst punishment a community can inflict on transgressors is not death but permanent exile because it severs the individual from the community, a form of social death.⁷⁴ In these quotes, two people from Shakardara discuss this process of inclusion/exclusion:

The people who committed oppressions and tyrannies are not in the area anymore. They have left behind their lands and gardens because they are not coming to the area and people do not like them. In fact, there are some who are not able to come back to the village.

Mohammad, older male respondent, Shakardara

If they were good, now people have said they should come back, and if they weren't good, people said that they shouldn't come back. People say bad prayers for them.

Nooria, middle-aged female respondent, Shakardara

73 Customary law is the practice through which disputes are resolved or managed at the local level by reference to oral or written ethical and behavioural codes developed over time by community members.

74 Barfield et al, "State and Non State Dispute Resolution in Afghanistan."

However, it should be noted that at a third-round FGD where women were specifically asked about the workings of this marginalisation process, none present had any prior knowledge of this happening in the rural community. It is consequently important to not overestimate the significance of this process.

A second reason is that historically Afshar was populated by the Qizilbash and Hazara—two ethnic groups which, albeit under dramatically different circumstances, had attained a degree of inclusion within the state apparatus.⁷⁵ Many Afshar residents were employed by state institutions and, unlike their rural counterparts, looked to the government for resolution of disputes.⁷⁶ Although this pattern was disrupted by the onset of civil war in 1992, this historical experience of relying on the state for the resolution of issues could have left a lasting impact on the area.

5.2.4 Who should be punished, who should be forgiven?

This section has so far addressed why people in Shakardara and Afshar 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. Research demonstrated that respondents generally drew a clear line between “leaders” and “followers.” This understanding of culpability determined the manner in which an individual guilty of crimes during the past conflicts should be treated. On the whole, respondents agreed that a retributive approach should be adopted for the leaders of the conflict only and not for their followers or ordinary people. Perhaps the most helpful categorisation was described by a Hazara *wakil* from Afshar, who explained that violators should be divided into three categories: leaders, “commanders”⁷⁷ and ordinary militants. In his view, the first category should be prosecuted because the leaders were perceived as responsible for organising and triggering the conflicts. In the second category, certain commanders should also be prosecuted because they implemented the views of leaders and gave orders to ordinary people. The ordinary militants should, however, be absolved of guilt because they were merely following orders.

From a pragmatic perspective, people pointed to the vast numbers of people who had committed crimes during the different phases of the conflict. They argued that it was impractical to try and punish everyone. This is a common challenge to confront in the aftermath of cases of mass atrocity, which typically involve vast numbers of people, and it is usually unfeasible to hold all those implicated to account. Jamal, a middle-aged Tajik respondent from Afshar, encapsulated this view:

In my mind, there are some people who created the environment for violations to happen. If we now want to prosecute the violators from the approximately 32 million people in Afghanistan, more than five million should be prosecuted. Each of them has done crimes and violations. But I believe that we should find

75 For background information on the Qizilbash, see T. Barfield, *Afghanistan: A Cultural and Political History* (Princeton, NJ: Princeton University Press, 2010). On the Hazaras, see Dorronsoro, “Kabul at War,” and Barfield, *A Cultural and Political History*, 26.

76 Historically, the Afghan state has focused on consolidating its authority and administrative reach within its urban centres, leaving rural areas to develop semi-autonomous systems of self-governance. One effect of this was to instill highly differential views among urban and rural Afghans regarding the role of the state and their place within it. For background information on historic patterns of state-building in Afghanistan, see Barfield, *A Cultural and Political History*, and Barnett Rubin, *The Fragmentation of Afghanistan: State Formation and Collapse in the International System* (Yale: Yale University Press, 2002), referenced in Gang, “Community-Based Dispute Resolution Processes in Kabul City.”

77 “Commander” is a general term for a military leader in Afghanistan, and commanders can be perceived in a positive or negative manner, depending on the circumstances.

the ones who had a 100 percent role in violations. I mean the high-ranking people.

Consequently, as Jamal noted, the emphasis should be on punishing those who were *most* responsible for wartime crimes, thereby granting absolution to a far greater number of followers, collaborators and bystanders. Moreover, not only were the leaders of the conflicts perceived to be primarily culpable, they were widely perceived to have gained from their roles. This prompted considerable hostility and added weight to many respondents' determination that these individuals should face punishment.

It should be noted that while this determination of who should be punished was shared by most respondents in the research sites, a small minority, largely women, from both areas suggested that followers should not be treated any differently, but should be dealt with according to their crime. As Farima, a middle-aged woman from Shakardara, succinctly put it: "Crime is crime, there isn't any difference between little people and leaders. Anyone who committed a crime, whether he is a leader or common person, has to be punished." One possible reason for this group arguing that punishment should be delivered according to the crime is that a person deemed responsible for a violation or crime against them personally would be absolved under a position-based categorisation. This is certainly the case for Farima, whose husband was killed by local people in Shakardara.

It is important to highlight that people sometimes distinguished between the culpability of different leaders. As has been previously discussed, people in Afshar generally blamed all leaders from each regime, but tended to name people involved in the civil war most frequently. In contrast, the general approach in Shakardara, although not shared by all, was to absolve the mujahiddin leaders and blame the Taliban and communist leaders instead. This occasionally prompted some middle-aged and older respondents in Shakardara to clarify which leaders should be punished. One person voicing this opinion was Hasiba, who said:

They have to be punished and the Taliban shouldn't be in power again. The communists have disappeared; if they are found they should be tried and punished. People's rights should be taken from them. They have to be killed like they killed innocent people...Mujahiddin were good, they didn't do anything wrong. If they did something wrong they have to be punished like other criminals so that people are freed from their cruel hands, but most of the mujahiddin are good.

5.3 Forgive and forget

This section presents opinions regarding the need to forgive or the willingness to forget. A clear distinction is made between these two approaches in the analysis. "Forgiveness" is described as a genuine belief that this is the best way forward. In contrast, the inclination to "forget" is perceived more as a political decision on the behalf of some people to give up their right to hold criminals to account, often due the contextual challenges that exist in Afghanistan. The distinction is made in the analysis, but it should be recognised that respondents and participants sometimes used these words interchangeably and it has in some cases been left to the author to discern their true meaning. This section firstly addresses specific arguments in favour of forgiveness; secondly, it explores reasons why people argued they could or should forget wartime crimes; and finally, it examines conditions, which, if fulfilled, might encourage people's willingness to forgive or forget.

As previously mentioned, opinions in this area are not fixed and people frequently changed their mind or expressed contradictory views. However, generally, Shakardara as

a community came out more in favour of forgiving or forgetting past crimes than Afshar. Men from the rural site were the most in favour of this approach in comparison to all other groups. Women in the area were less willing to forgive, but they were also most likely to change their mind. In Afshar, roughly equal numbers of both men and women supported forgiving or forgetting.

5.3.1 Arguments in favour of forgiving or forgetting

Forgiveness as the best way forward

As a group, men from the community in Shakardara were the most likely to support *gozasht* (forgiveness) rather than just expressing a willingness to forget crimes committed against them. A smaller number of men in Afshar were also willing to forgive perpetrators. Very few women in either area expressed a genuine willingness to forgive and instead made the political decision to forget. Older female respondents from Afshar were the least forgiving of all the groups.

One argument put forward was that to achieve peace and reconciliation it was better to leave the past alone and forgive the past crimes. This was largely voiced by men in Shakardara, as well as some men from Afshar and smaller numbers of female respondents in both areas, all reflecting on the merits of forgiveness. These respondents believed that nothing would be served by punishing the perpetrators of wartime violations and that forgiveness would help Afghanistan move forward. Mo Jahed, an older Qizilbash male respondent from Afshar, clearly explained this view:

Indeed, there is nothing now between us. Everything has been finished. I think we should all forgive each other and be unified...There is nothing better than forgiveness and patience...The people who have experienced and witnessed tyrannies and oppressions should leave the oppressors to God. Through televisions people should be made to understand, and they should be encouraged to make peace. We, the people, should leave our hatred alone.

A second reason argued by a few men from Shakardara about why it was better to forgive people was that people had already addressed their pains, had largely forgotten past events and that nothing would be gained by reviving interest in them. One man who expressed this view was Asad, an older male respondent from Shakardara, who said:

When something happens to someone, at that exact time he would be very passionate and excited. After a month or two the pains grow less. And after two or three months the pain is gone. After 20 or 30 years bones have become ashes. So, I am saying again that steps should not be taken for murder and killings.

It should be recognised that this was not the general view and was only expressed by a few individuals in the area. One possible reason why Asad and a couple of others appeared more able to deal with the legacies of the conflict is that no one from his family was killed in the conflicts. This analysis was supported by several respondents in both communities who argued that people who had suffered the least were more willing to forgive while those who had experienced the worst atrocities supported punishment. A younger girl from Shakardara, Shabana, clearly voiced this opinion: “Some people who have suffered a lot, they are saying to punish the guilty people, and some who have not suffered, they don’t say to punish them.” While this conclusion does not always hold true, it is worth bearing in mind when considering why people wanted to forgive or to punish.

Involvement in past conflicts (and possibly therefore in some of the accompanying violations) provides a possible explanation for the higher levels of support for forgiveness expressed by the male inhabitants of Shakardara, in comparison to other groups. As discussed, many male inhabitants of Shakardara, including Asad, fought with or supported the mujahiddin against the communist regime and the Taliban, and some evidence exists that some people from the area were involved in the attack on Afshar. Moreover, given the fear in the community of some powerful commanders that the research team observed, it is possible that male respondents, who had perhaps fought alongside these powerful figures, would shy away from discussions surrounding punishment.

Islam and forgiveness

Another argument that was put forward in favour of forgiveness by older and middle-aged men and women from Shakardara in focus groups was that God preferred forgiveness. While the concept of the right to pursue justice outlined in terms of the interpretation and application of Islamic law was widely accepted in both research sites, it should be recognised that a small number of people chose to give up this right and argued that God would be happy if fellow Muslims were forgiven instead of punished. This view is illustrated in this quote from Khan Sherin, a middle-aged male respondent from Shakardara:

May God put mercy in heart of every Muslim; revenge is right but forgiveness is more valuable. We have forgiveness in Islam. Although God says the one who has murdered should be killed, if so many years have passed since a murder, people should leave it alone. Whatever they did is past and finished.

Moreover, despite arguing that God would prefer people to forgive does not mean that people envisaged violators escaping punishment altogether. Instead, they emphasised that they could forgive in this lifetime because God would punish in the afterlife. This belief was accepted by all people interviewed in both communities. However, those who supported a retributive approach wanted people to be punished by God *and* by the state (or international community) while those in favour of forgiveness were willing to give up this right to state justice, safe in the knowledge that God would administer punishment. This difference is revealed in the two quotes below. Latifa's words are representative of people supporting both organised and formal punishment and punishment by God, while the words of a male respondent reflect the opinions of the second group:

God will punish them. We are poor people and poor people don't have power to do anything. God can see and knows everything and has power. God can give them a very hard punishment...God will punish them in this world and the next world. I am sure that finally they will see the results of their crimes and they will see their punishment. The government should also punish them and send them to court.

Latifa, middle-aged Qizilbash female respondent, Afshar

God says I will take revenge for the underdogs and poor people; if poor people don't have the power, God will get their rights from cruel people. There is the good habit of being patient in Islam. We have to be honest with cruel people so that they become shameful. Yes, if we forgive them God will punish them. We have to leave all to God; no good will come of taking revenge. God will punish them.

Father of female respondent, Raba'ah, Shakardara⁷⁸

78 This quote came during an interview with a younger female respondent from Shakardara. The father actually dominated the conversation and so the interview was discounted from the total number of women's

5.3.2 Arguments in favour of “forgetting” past crimes

On the whole, it should be recognised that only a limited proportion of people genuinely felt that forgiveness was the best way forward. A far greater number of people in both areas made the political decision that they should give up their right to seek redress, based largely on a consideration of the Afghan environment. In many cases, it is clear that people still desired to see perpetrators punished but the environmental challenges seemed too great to conceive how this could happen in practice. It should be acknowledged that many of the arguments outlined below were shared by those who desired forgiveness.

The fluctuating opinions of this group mean that it is hard to draw conclusions about which people were more likely to support this approach. However, some tentative observations can be made: In Afshar, younger and middle-aged women were more likely to be influenced by environmental considerations and a number of them changed their mind during the course of a focus group or interview. In contrast, older women from the area tended to continue to advocate a retributive approach, although there were exceptions to this trend. Female respondents in Shakardara generally expressed many contradictory ideas and appeared far more uncertain about how to deal with perpetrators. Many appeared to desire the punishment of perpetrators but were still concerned about the result of this approach and so then argued in favour of forgetting the past. Men in both areas changed their mind less frequently and argued either to forgive or punish.

Security and forgiveness

One of the major considerations involved in discussions about how to deal with perpetrators of serious wartime atrocities was the impact on security. While people strongly argued that holding people to account would have a positive impact on the general security environment, significant numbers, especially women, expressed concerns about the potential negative consequences. This was particularly true in Shakardara, where there was a consensus in FGDs held with women of all age groups that the security risk was perhaps too great to contemplate criminal justice. Younger women in Shakardara had previously argued strongly in favour of punishment and then changed their mind due to security concerns. A similar pattern was observed in an FGD with middle-aged and older Qizilbash women in Afshar. The general sentiment of both these FGDs is reflected in the box below. A few women in individual interviews in Shakardara also changed their mind and decided they were more in favour of forgetting the past in light of security concerns.

These people considered that while it was difficult to forget crimes, this should be done in the interests of national security. They highlighted that punishing criminals would increase tensions in the country and could prompt the followers of those held to account to rise up in protest. This group clearly linked forgiveness with securing peace and security in the country. They argued that they were prepared to sacrifice individual rights and entitlements for the sake of compromise and harmony in the country. This was well worded by Malik Mashor and Marzia (see Box 31). Also outlined in Box 31 is the argument made by older and middle-aged women in Shakardara that forgiveness was the best option for securing peace for the next generation. In their opinion, trials could incite hatred and revenge in the children of those punished.

interviews. However, some of the father’s views were interesting and so have contributed to the analysis.

Box 31: Need to forget past crimes for security

If people are punished, guilty people will form against the government and explosions will increase. Fighting between parties will start again.

Zarmina, older Qizilbash female FGD participant, Afshar

Yes, it should be forgotten, though it is very difficult to forget them. They had power to do whatever they wanted, they were cruel to people...God has to punish them. If the government or someone else punishes them, then their followers will not sit quietly.

Farkhunda, middle-aged female FGD participant, Shakardara

If our people become calm this way, I myself will sacrifice everything for my people and my country. Our life and soul should be sacrificed for our people and our namos (honour and reputation).

Malik Mashor, older FGD participant, Shakardara

At first I didn't want the perpetrators to be forgiven, but for the peace and calmness of my country, if they are forgiven it will be good.

Marzia, younger Hazara female respondent, Afshar

It is dangerous because they have family, sons and other followers. If they are tried their family and followers will think about revenge, so the situation will be worse.

Sharifa, middle-aged female FGD participant, Shakardara

Rule of law, justice and forgiveness

People in both communities also argued along pragmatic lines that it was not possible to implement justice. As previously described, Afghanistan's state justice system is weak, impunity is prevalent at all levels of governance, and victims have insufficient power to ensure their rights are upheld. In fact, a number of mostly male respondents argued that discussions on dealing with the perpetrators of war crimes were largely pointless because in the absence of a strong justice system, it would be impossible to pursue judicial processes that would be accepted by the majority of the population. As Farahmand, a Hazara man from Afshar, explained:

I think all injustices and all tyrannies should be forgotten; taking revenge cannot solve the problem. All have committed oppressions against one another. If they want to take revenge and put one another on trial, it is impossible to solve the issue. We should forget the past, this is the solution...If, for example, Hazara people say that we have been oppressed, nobody will accept it because there is no just regime and there is no strong court to prove it.

Farahmand was one of several men from Afshar who decided to change his mind and argue in favour of forgetting past crimes after considering the practical realities of the justice system.

Even if the justice system was deemed capable of handling these cases, to many interviewees it seemed unfeasible that government figures would implement a justice process that would work against them. Given the power dynamics in Afghanistan, there was a strong awareness among people that it would be very difficult to remove these people. Additionally, there was a great sense of fear about potential acts of retaliation if people tried to do so. Those guilty of crimes during the conflict were assessed to be those who possessed not only power and influence but the control of arms. This

amounted to a general despondency in both areas. Ongoing impunity presented an almost insurmountable challenge in the eyes of a majority of respondents.

Box 32: Reigning impunity and power dynamics

It is not possible for justice to be implemented. The ones who have done crimes are now in power. If, for example, I want them to be prosecuted they will kill me and the ones like me using different excuses. Implementing justice now in the country is very difficult...if they are all prosecuted there will be no one in the government...Once Malaly Joya said that warlords should be prosecuted. This was also said at the international level, but they were not prosecuted because they were supported at the higher level. I think they can only be prosecuted if a new regime comes to office to arrest the violators as criminals.*

Hadi, middle-aged Qizilbash FGD participant, Afshar

No, we can't do anything, what we can do with our neighbours? All the criminals are surrounding us. We can't compete with powerful people. They are all from this area. They killed my husband's cousin; we could not do anything and still cannot do anything. Still they have power and they are saying that they have killed powerful people so why should they be afraid of us...Yes, they are still here, they robbed in the past and they live off that now.

Bebegul, older female respondent, Shakardara

* Malaly Joya is one of the most outspoken critics of warlords and the mujahiddin in Afghanistan and was a former MP in parliament. She was expelled from parliament by other MPs and then left Afghanistan.

A final pragmatic consideration that was raised by people, largely from Shakardara, was that it was not clear who was guilty or where they were. These respondents pointed to the different regimes, the lack of information and the great masses of people involved and argued that it would be impossible to discover and prove who was guilty of individual crimes. In this case, it was perceived as better to forget the past. As Wais, a younger male respondent from Shakardara, explained, since they had no knowledge about which Talib was guilty of his brother's murder, they had to leave punishment to God:

We do not know the ones who hurt my brother and we have not seen them after that. We just left them for God. Who knows which Taliban were guilty? Even Karzai does not know which Talibs are guilty in his seven years of presidency. If he knows them, why he does he not arrest them? The Taliban were from different parts of Afghanistan like Kandahar, Helmand and Ghazni. Only God can punish them.

Moreover, even if people were able to identify who was guilty of a crime, a number of respondents argued that it would be impossible to hold those most guilty to account since they were no longer in Afghanistan or were embroiled in the current phase of fighting. As previously explained, for people in Shakardara the worst perpetrators had belonged to the communist or Taliban regime. The majority were seen to have come from outside the area and had now left, or, in the case of the Taliban, were a party to the ongoing conflict. It was consequently widely questioned there how realistic it was to discuss punishment when there was no one available to hold to account. Tabasom, a younger female respondent from Shakardara, came to this conclusion when considering the feasibility of finding those responsible for wartime violations:

The government should punish them in the same way that they did to people. If they looted the people houses, if they forced people in any way, the government do the same. (She laughs). Actually, the government cannot do anything because those people have mostly run away from Afghanistan and

the government cannot find them. So if it is to become calm everyone should come together and not see the bad in each other. Then everyone will get their own rights and justice.

5.3.3 Conditions for forgiveness

In both areas people suggested perpetrators of wartime crimes should fulfil certain conditions in order for them to be forgiven and their crimes amnestied. In fact, even people who had previously argued for punitive measures appeared more willing to forgive if perpetrators fulfilled the following conditions: acknowledged their complicity in the conflicts, showed regret for this role, and promised that they would never repeat the same crimes again.

Acknowledge complicity and regret

Genuine apologies were widely accepted by people in both communities as appropriate demonstrations of complicity and regret and were perceived as key to creating an environment in which forgiveness could happen. A number of respondents in Afshar and Shakardara who had previously argued strongly in favour of retribution changed their mind to support forgiveness if apologies were involved. For example, Lailuma, a younger Qizilbash respondent, initially expressed desire to see the punishment of those responsible for the attack on Afshar. However, she suggested that she could forgive if people apologised, saying: “It will be good if they are forgiven. People’s hearts will become clean and calm if they come and apologise to the people. But if they don’t apologise to people first, I won’t forgive them.”

Most people in both areas, even those who maintained their support for holding criminals to account, supported the view that apologies would assist reconciliation and peacebuilding processes. Many felt that admissions of guilt and regret would assist victims’ healing processes and could help calm their hatred toward those who were responsible for their suffering. Ghazal, a younger female respondent from Shakardara, clearly worded this widely supported belief:

If they apologise to people and promise that they will not repeat their crimes again, to forgive them is better for all. Because by forgiving, hatred will be removed from people’s heart, and they will feel relaxed.

Apologies were largely perceived to be meaningless unless people demonstrated true contrition. In fact, demonstrations of regret by some local perpetrators who had been involved in the past conflicts in Shakardara was one reason why respondents in the area were perhaps more willing to consider forgiveness than those in Afshar. It was generally reported in this community that those responsible for wartime crimes were now ashamed and regretted their past actions. Some of these perpetrators had apologised for their crimes, which had been largely accepted by the community. One specific example was discussed by several men in individual interviews and in FGDs. These men described how a few years ago, a former general under the communist regime had publically apologised in the mosque for his role in violations committed during that era. He was subsequently forgiven by the people present in the mosque. One eye witness, Asad, described this event clearly:

A few years ago, we were holding funeral prayers for my mother, and he came to the mosque and apologised to the people. He said: “If I cut down your trees and I ate your fruit or did any other things I apologise to all you. I hope that you all forgive me.” Then people forgave him.

Moreover, as previously mentioned, a process of inclusion or exclusion was sometimes applied against certain perpetrators in Shakardara. Since this community had to some extent addressed wartime crimes of local people, this is another possible reason why, as an area, Shakardara was more in favour of forgiveness.

However, people in both research sites also questioned whether those guilty of crimes would actually admit their complicity, express regret and ask for forgiveness. In Afshar, there was widespread doubt, specifically, that those guilty of the attack on Afshar would ever want to “lose face” by apologising and admitting their guilt. Male and female respondents cast doubt on whether the criminals were even sorry. An older Qizilbash female FGD participant, Nasiba, succinctly worded this: “They will never show that they are sorry. They do not admit that they did such deeds, they deny everything. They go about very proudly and acting like they didn’t do anything.”

It is also important to recognise that some, largely Hazara, female respondents, stated that even if those guilty of atrocities showed appropriate remorse, they would still not be able to forgive them. In discussions and interviews they angrily remarked that people had lost loved ones and they could never be brought back. These words from Rahima, a middle-aged Hazara woman, capture this feeling:

People will not forgive them, they made children orphans, and they killed people’s brothers and sons. What is the benefit of their apologising? Will people’s loved ones become alive by their apologising? No, people will not forgive them.

Promise not to repeat crimes

The second major condition for forgiveness is that having admitted their complicity in the crimes of the past wars, people then demonstrated their regret by not repeating these crimes. Apologies would be perceived as meaningless if they did not reflect an intent to change. The concept of *tawba* (literally “repentance”) was applied here. *Tawba* encompasses the full range of repentance, which involves an individual willingly admitting their complicity, repenting for their crimes and promising that they will not repeat this behaviour. In a sense, a willingness to undertake *tawba* reflects that a person has changed and is therefore worthy of forgiveness. An older man from Shakardara clearly explained the concept:

If tawba is done honestly God will accept it. When they are in obligatory situations—I mean when they do not have any choice and they are forced to make tawba, but if they were able and free they would continue fighting and committing violations—God and his prophet do not accept such kinds of tawba...When in your village or in my village or at any point of our country, the violators voluntarily enter your house and apologise and make genuine tawba, we should forgive, it is our culture.

The need for people to change their ways and to not repeat their past crimes was especially emphasised by the younger generation in both research sites. Among those who were willing to consider accepting people’s apologies, there was a clear demand that if people committed future violations the full force of the law should be administered against them. A number of these younger respondents stipulated that if the government was to pardon and forgive perpetrators, it should take official promises and commitments from people to not repeat crimes.

Box 33: Criminals should promise not to repeat their crimes

If they only come and apologise to people it is not beneficial because this cannot make people's empty stomachs full and cannot rebuild their destroyed houses and cannot rebuild their lost lives. What is the benefit if they only apologise to people? Nothing! If they want to come and apologise to people, first they should promise that they won't do it again and repeat violations against our people. It should not be that in the evening they say sorry and then in the morning they repeat their violations again.

Rona, younger Qizilbash FGD participant, Afshar

God is a forgiver. But the government should forgive by some terms and conditions. It should take a sanad [letter of guarantee] from the violators...The government should say: "Those of you who have committed tyrannies will be put on bail. Next time there won't be any forgiveness, if you repeat violations and tyranny I will not leave you alone." This way the violator will not commit violations again.

Wais, younger male Pashtun respondent, Shakardara

5.4 Organising forgiveness

Should perpetrators be ready to apologise and repent and victims willing to forgive, respondents discussed the most appropriate ways of organising this process. Generally there were two strands to this discussion. Firstly, who possessed the appropriate right and authority to implement a policy to forgive those guilty of crimes during the war; and secondly, what mechanisms were deemed legitimate and suitable in the eyes of community members in both research sites.

5.4.1 Who has the right to grant forgiveness?

In terms of forgiveness for serious crimes, it was widely considered across both research sites that under Islam the rights of *huqooq-ul-ibad* or the "rights of God's servants" (the individual) took precedence. In this case fulfilling individual rights meant that the consent of the victims of the crimes was required to grant forgiveness. In essence, the right to forgive was perceived to lie with the victims only.

In a sense, this point of discussion is largely redundant in Afghanistan since the Afghan government has effectively granted amnesty to all parties currently or previously involved in Afghanistan's wars through the *National Reconciliation, General Amnesty and National Stability Law*.⁷⁹ This is despite the legislation contravening Afghanistan's international legal obligations to pursue accountability for serious human rights abuses.⁸⁰ Significantly, when Afghanistan ratified the Rome Statute in February 2003, it assumed a duty to exercise criminal jurisdiction over those responsible for international crimes.⁸¹ There was limited knowledge about the existence of the amnesty law, although a few men in Afshar mentioned it. The presentation of people's honest opinions over the right of the government to forgive

⁷⁹ Government of the Islamic Republic of Afghanistan, *National Reconciliation, General Amnesty and National Stability Law* (Official Gazette no. 965), 3 December 2008 (available in Dari at http://www.moj.gov.af/OGs/OfficialGazette/Browse/Dari/OG_0965.htm). For more information on the amnesty law, see Winterbotham, "The State of Transitional Justice in Afghanistan."

⁸⁰ Under the Bonn Agreement, Afghanistan is bound by the Geneva Conventions of 1949, the Genocide Convention of 1948, the Convention on Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity of 1968, the International Covenant on Civil and Political Rights, and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984.

⁸¹ Rome Statute of the International Criminal Court (<http://untreaty.un.org/cod/icc/statute/romefra.htm>).

or grant amnesty for these types of crimes is therefore an interesting reflection on the legitimacy of the amnesty law itself.

Hazara men in Afshar came out firmly in favour of the need to uphold victims' rights and argued strongly that the consent of victims and the families of martyrs was needed before forgiveness or amnesty could be granted. They considered that the government had no right to act in these issues since the crimes had not been committed against them. Essentially, the crimes were not theirs to forgive. If the victims and their families wanted to forgive then the government could proceed with this policy; if they did not, then the government had to respect the victims' wishes and uphold their rights in this regard. A significant number of female respondents in Afshar, particularly Qizilbash women, and women of all ages in Shakardara also supported this view.

Box 34: Individual versus government rights in the realm of forgiveness

The issue of killing and rights is another thing. In this case, the consent of the victims should be taken. It is an issue of huqooq-ul-ibad. It is a personal issue...In the future the government has to uphold people's real rights.

Farahmand, older Hazara male respondent, Afshar

The ones who attacked us, for example Sayyaf, who is now in power—I have heard that they had forgiven the blood of the people of Afshar. Who are they to decide to forgive things that even God cannot? What authority do they have to decide to forgive the blood of martyrs and the rights of people; it was us that gave martyrs, it was us that got ruined, they are not higher than us in this respect so why did they forgive?..No, if the government asks the families of martyrs to forgive the violators and if the families of martyrs forgive then the criminals will be forgiven, otherwise it is meaningless.

Ramazan, older Hazara male respondent, Afshar

I feel very bad because who is the government to forgive them? The government doesn't have the right to forgive for others because poor people suffered many things: they lost their family members and they lost their houses and things and their lives. They emigrated to other places and they suffered badly day and night. At that time where was the government to ask what happened to them? People should themselves say what they want and what should happen with them.

Maryam, middle-aged female respondent, Shakardara

Some respondents, largely from the rural community, argued that, given government power, if it decided to forgive perpetrators then people should follow this. However, government actions in this area still did not influence their personal decisions to forgive. This was clearly voiced by Salma, an older female respondent from Shakardara:

The government knows what it should do, I think it is the government's choice to forgive or not. If the government forgives, God won't forgive and we won't forgive those who are cruel and bad. And people cannot say what the government should do because the government has the power and authority to do anything. So I don't have any feeling about it, only I say if the government forgives them God will punish them.

5.4.2 What processes are appropriate?

Research revealed that in administering justice for crimes of this nature the state, or in certain cases the international community, bore the primary responsibility. In contrast, people largely perceived a greater role for community-level processes in implementing

an approach based on forgiveness. Acts of apologies and forgiveness were generally perceived as ways to heal relationships between victim and perpetrator, helping rebuild the fragile bonds between different groups in the country. In these processes, the desired goals were reconciliation and peace.

These are often the goals in community-based dispute resolution, which is frequently rooted in the Islamic notion of *islah*, in which peace and social cohesion are pursued through a process of negotiation and reconciliation. In discussing how these processes of forgiveness should be organised in practice, many respondents consequently rested heavily on existing practices. In this context, respondents largely perceived that whitebeards, *maliks* and *wakils*, as respected figures in the community, possessed the legitimate authority to implement processes of apology and forgiveness. As this quote illustrates, most frequently respondents also perceived this occurring in local *shuras* or *jirgas*:

In Afghanistan, the people who are knowledgeable should refer themselves to the whitebeards' jirga. The one who has committed crimes and violations should go the jirga and say: "I have made a mistake; my mind was frozen so I did not know what was doing." This way the people of Afghanistan, who are in most cases very forgiving, will forgive that guy. So on the whole revenge will decrease through shuras...Those who did the crimes should go to the shura and promise that in the future they will not repeat violations and honestly show regret...We people know how to solve our problems; the courts may prosecute the issues on the surface but if they are solved by the people it will be better.

Jamal, middle-aged Tajik male respondent, Afshar

Despite Jamal's words, as a community Afshar expressed far less clear ideas about how this approach could be carried out than the Shakardara community. In some cases this was because respondents from the rural site based their suggestions on knowledge of previous practices that had occurred in the area. For example, Ghazal, a younger female respondent from the area, provided a clear example of a community mechanism used to resolve tensions and animosity created by wartime experience:

*Yes, during the Taliban time a person reported another person to the Taliban. The Taliban beat him and tortured him badly. When he was released and found out who reported to them, he hated that person. Then all the great people and elder people of the area came together and made him apologise and made them do *aashti* [reconciliation] so as to not have any more enmity in the future. Like this, if there is any problem in the area people can solve that.*

Moreover, it should be acknowledged that the aim behind these types of processes was to achieve reconciliation and not retribution. This is perhaps the reason that many respondents in Afshar did not reflect greatly on the specific workings of this approach, given the greater demand for retribution in the area.

While most respondents argued that apologies and forgiveness should happen at the community level through the *shura* or *jirga* system, a few men and women from both Shakardara and Afshar suggested employing the media. These people shared the view that if perpetrators asked for forgiveness on the television these apologies would reach many victims across Afghanistan. Mo Jahed, an older Qizilbash FGD participant from Afshar, was one of the respondents who suggested this approach:

The leaders and commanders should apologise [mazerat⁸²] on the TV to people, and then we the people will forgive them...For example, my sister's whole family was killed and their properties were taken. So if these people apologise in this way for their deed, probably my sister will forgive them.

As the analysis has demonstrated, the community should take the lead role in organising processes of apologies and forgiveness based on the perception that the structures and mechanisms that already exist at this level are the most capable of achieving the overall goals of this process: reconciliation and peace. However, people in both areas also envisaged a role for the government because it possesses the power to ensure through force or persuasion that those responsible for crimes during the war apologise to their victims.

Box 35: Government involvement in apologies, forgiveness and reconciliation

The government has the power, they can do this easily. The government can bring them by force or by their own willingness to apologise to people. In such a case, people would agree to forgive them.

Marzia, younger female Hazara respondent, Afshar

They have to be pardoned. Some people from government and some elders should come together and do reconciliation, and make peace between them. Criminals should come to apologise and elder people should make the situation so that they are forgiven. Witness and testimonies will make the security worse. Criminals are still in power here in our country, it is impossible...By this process enmity will be removed from here and friendship will come. People's heart will be cleaned from hatred. All people will become friends with each other.

Sharif, middle-aged male FGD participant, Shakardara

In another sense, the government was also perceived as possessing the necessary authority to ensure that those who had repented did not commit crimes in the future. A process described by a few men in the rural site appeared very similar to one that is used in community-based dispute resolution to prevent or manage disputes and as a mechanism of enforcement. In this process, known as *teega*,⁸³ if a disputant continues to commit crimes, he or she will face ostracism from the *qawm*. These respondents appeared to conceive that this process could be adapted to deal with serious crimes committed during war, with the government performing the role of the *jirgamaran* (those who resolve problems in a *jirga*) in guaranteeing that the commitment to not repeat crimes is upheld and determining and administering punishment if the commitment is broken. Mohammad, an older man from Shakardara, explained the manner in which the practice could be used:

If the government wants, they should sit with people in the village and with maliks and whitebeards and encourage them not to repeat such things; and then these problems will be solved by the government. The government should use a teega and say that if anyone commits crimes they will be punished, and the punishment should be determined.

As the discussion turns to the wider goal of achieving peace and reconciliation in Afghanistan, it is worth highlighting one key lesson: in exploring both desires for

⁸² For big and serious issues people tend to ask for *mazerat*, which is stronger and more formal than *baksheesh* (sorry) in Dari.

⁸³ The literal translation of *teega* is "stone," but it describes a process to put a halt to a conflict between disputants for a set period of time and is used as a mechanism to enforce future good behaviour. For more information see Smith, "Community-Based Dispute Resolution Processes in Nangarhar Province."

punishment and retribution alongside forgiveness and reconciliation it has become apparent that both these approaches are relevant if the long-term goal is peace in Afghanistan. While it was generally accepted that in crimes of serious nature and gravity, the state should administer retributive and punitive justice, community-level actors and mechanisms are required to address the wider goals of resolving antagonisms and achieving reconciliation. The framework of community-based dispute resolution might be the most appropriate forum for organising this approach. It is highly unlikely that the peacekeeping and reconciliation aspects available at the community level could be replicated by a state justice system, however efficient and effective it might be.⁸⁴ Given that the goal in countries torn apart by internal conflict is often reconciliation rather than retribution, the mechanisms available in each approach could be seen as equally valuable and complementary. In fact, the need for both is aptly demonstrated by this quote:

The only good way is for criminals to come and say sorry to people and make friends with them. They should come together and it is the government's responsibility to make reconciliation between people. If someone is killed by someone else, the government should take the killer and punish them and not let the martyred person's family take revenge. Also, it should be said to the family, "If you do anything to take revenge, then we will punish you." Then they should make the killer go and say sorry to the family.

Tamana, younger female respondent, Shakardara

84 Smith, "Community-Based Dispute Resolution Processes in Bamiyan."

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 communities where the research was conducted and more widely across Afghanistan. It ends with addressing perceptions about how to achieve reconciliation and assist peacebuilding processes at the community level. Section 6.2 addresses the analysis from the high level, arguing that to achieve peace it is widely perceived that reconciliation should be driven by the leaders of the conflicts. Subsequently, the analysis then explores appropriate reconciliation and peacebuilding processes at this level. Finally, Section 6.3 focuses on perceptions of reintegration and reconciliation with the Taliban.

6.1 Current state of peace and reconciliation

While respondents generally agreed that some level of security had been achieved in their respective areas, this did not mean that they felt peace had been reached. To most respondents, peace quite clearly did not entail only the end of violence but encompassed a range of processes. Processes to address victims' suffering and hold perpetrators to account for their crimes during war have been demonstrated to be one component of some people's ability to feel at peace. The first part of this section looks at other components identified as fundamental aspects in achieving peace.

What is peace?

When you have a bad feeling and there is insecurity, it is not peace. Peace means when there is peace in every single part of Afghanistan, not just in your place of living. When you go out of your home and nobody has an issue with you or disturbs you, then that is peace. When you leave home in the morning and come back with a full hand for your family in the evening, that is peace. There should be changes to people's lives; there should be investment in the country to improve people's lives. These things bring peace.

Jamal, middle-aged Tajik male respondent, Afshar

As this quote reflects, respondents generally felt that peace in Afghanistan rested on the fulfillment of certain key conditions: security; justice, including distributive and economic justice; and reconciliation. All people interviewed mentioned each of these conditions though they placed varying weights on their significance. Having explored the concept of justice in the aftermath of mass atrocities and the wider demand for a functioning justice system in Sections 4 and 5, it is briefly important to highlight the link between justice and peace. As was outlined in the previous section, while one group of people argued that pursuing accountability for war crimes would improve security and help achieve peace, for others, the risk that implementing justice processes would disrupt the fragile peace were too great. Links between accountability, forgiveness, reconciliation and peace will be further drawn out in the synthesis paper of this research. Instead, the discussion in this section focuses specifically on demands for distributive justice alongside security and reconciliation. Achieving these was revealed to be as important to respondents as achieving justice for wartime violations.

Firstly, respondents overwhelmingly desired that stability and calm be brought to Afghanistan. As outlined in Section 2, respondents generally considered that a certain level of peace had been reached in their communities and indicated that the security

situation was greatly improved in the current period. However, the fact that violence continued around the country, including in Kabul, meant that respondents did not feel that genuine peace had been achieved in Afghanistan. Many in fact feared that the fragile stability that existed would not last. Achieving durable security and bringing long-lasting calm to all of the country was seen by both communities to play a vital role in their ability to put wartime events behind them. This general sentiment was clearly explained by Latifa, a middle-aged Qizilbash woman from Afshar:

If there is peace and calm and security is good, it will be good and I will cope a little. It is like putting ointment on wounds and injuries because people suffered a lot of pain and people's houses were looted and their lives were lost. If now there is calm then they would also feel calm.

While the need to achieve security was obviously of great significance to both areas, respondents in Shakardara expressed more positive opinions about the state of security in their area than people in Afshar. Residents of Afshar expressed greater concerns about the state of security, reflecting on explosions in Kabul City and violence in the rest of the country. This is perhaps not surprising considering Afshar's location. While Shakardara has remained largely calm since the collapse of the Taliban regime, Kabul City has experienced numerous attacks and explosions. The fact that Afshar is "closer to the action" largely explains why the respondents expressed more negative reflections on the state of security in the country.

Box 36: Perceptions on security in Afshar

For example, if rockets are not fired at your home and you, yourself, are living in peace, is it peace? No, it is not peace. When we say peace it should be in the whole of Afghanistan. So when there is conflict in a province it means that there is no peace in the entire country.

Jamil, middle-aged Tajik male respondent, Afshar

No, where is peace? Now look how many people were crossing Darulaman road. Lots of people were killed by that suicide attack. All of them had come out of their home to go to work. What happen to them? Most of them were killed on that day.

Nabilla, younger Qizilbash female respondent, Afshar

Secondly, distributive justice was a key goal for both communities who argued that without financial security and development opportunities peace would never be reached. People wanted better access to jobs, good schooling and resources, such as electricity. Empowering ordinary people was seen as one way of challenging the stronghold of commanders and the current status quo in the country. Hussain, a younger Hazara FGD participant, captured these ideas:

The government should provide job opportunities for people, and create the opportunity for education. This way the commanders will be weakened and people will be busy with their jobs. There should be a strong, country-wide policy. The people should understand that they should stand on their own and not behind the commanders.

In particular, the key demand was that people achieve greater access to employment in order to be able to provide for their families. Despite men traditionally being seen as the main wage earner,⁸⁵ female respondents more frequently emphasised the significance of

⁸⁵ Previous AREU research investigated gender norms in Afghanistan in relation to location and types of work. The majority of boys work in the public sphere, in the bazaars or mountains, and girls work in the private sphere of the household; see Pamela Hunte, "Beyond Poverty: Factors Influencing the Decision to

jobs. This was particularly apparent in Shakardara. Hadisa, an older FGD participant from Shakardara, was one woman who perceived the far reaching benefits of employment: “If people have good jobs they will become busy. If they are jobless, from one angle they remember past sorrows and from the other angle poverty will make them feel weak. Hunger should be removed from people.” One possible reason why women from the area placed such emphasis on work opportunities is that unemployment and economic insecurity have been found to be contributing factors toward stress and frustration among men and can lead to certain negative effects in the home, such as violence towards children.⁸⁶

A third component of peace was reconciliation, known generally as *aashti* in Dari.⁸⁷ *Mosaleha* (compromise; come together) was also frequently used by respondents, who largely emphasised that, to achieve peace, reconciliation between different *qawms* and their leaders needed to be achieved. As a concept, reconciliation was perceived by respondents as a process of people coming together to build mutual trust and respect through collaboration and cooperation. To do so, the creation of a shared national identity taking precedence over *qawm* identities was emphasised.

Box 37: Reconciliation needed for peace

I would like the country to become calm, and people should be reconciled with each other. I and you [addressing researcher] should become one and we should have mutual understanding and respect for each other, and have the same values and then the homeland will become calm.

Zafar, younger male FGD participant, Shakardara

In my mind, justice means brotherhood, equality. Justice does not mean division of positions among qawms. Reconciliation, sazish [to make up/compromise], cooperation and connections between Hazara, Tajik and other qawms is justice.

Farahmand, middle-aged Hazara male respondent, Afshar

It is all in the hands of people. They are all from one nation and one land, they have to be united; all of them should be one and make their country. We hope to God that these people will have unity and be one. They have to negotiate with each other, listen to each other, and make the country calm.

Murawid, older female respondent, Shakardara

Current relations inside and outside the community

Afghanistan’s conflicts impacted on the bonds that exist between people. At various phases, the population was divided into ideological, factional and religious groups and different ethnicities were often positioned into the role of victims or perpetrators. The instrumentalisation of ethnic identity proved highly effective in mobilising support and resources. The pinnacle of this was perhaps the civil war, which was often expressed in ethnic and religious terms. However, the Taliban regime also had an ethnic dimension with the identification of perpetrators as largely Pashtun, as the community of Shakardara frequently did, and the perception that Hazaras were singled out for particular victimisation, as some people in Afshar reported.

Use Child Labour in Afghanistan” (Kabul: AREU, 2009).

86 For more information about unemployment and violence, see Deborah Smith, “Love, Fear and Discipline: Everyday Violence Toward Children in Afghan Families” (Kabul: AREU, 2008).

87 This term encompasses the full range of meanings of reconciliation outlined in Section 1.3.

Regardless, in the context of research and policymaking in Afghanistan today, it is critical to understand that Afghanistan's conflicts were largely not the result of ethnic competition and, instead, ethnicity was deployed for political purposes.⁸⁸ Many people in both areas emphasised that, in reality, there were, and are, very few divisions between people. Residents of Afshar repeatedly informed researchers that any ethnic and religious tensions had been manipulated by mujahiddin leaders and external powers, including Iran and Pakistan.⁸⁹ It is important to recollect examples of inter-ethnic cooperation and collaboration throughout the different phases of the conflicts. In particular, the experience of Tajiks or Pashtuns helping their Hazara neighbours to escape mujahiddin foot-soldiers in the midst of civil war chaos left a lasting impact on Hazara survivors in Afshar.

At the same time, however, there are reasons that these ethnic divisions endure since many of the people interviewed were survivors of violence fuelled by a discourse of ethnic hatred. These wartime experiences have left varying impacts on relations within the community and perceptions of people outside in each of the research sites. Generally, residents of both the rural and urban communities were more positive about the relationships between people within their communities than those externally. Many people in Shakardara were quick to dismiss any suggestion of existing tensions as a result of, for example, factional divisions, Taliban collaboration, *qawm* loyalties or incidents of looting. A number of younger female respondents suggested that this was largely as a result of the ethnic homogeneity of the area. Tamana, a younger female respondent, articulated this view:

There is no enmity and there is calm. People are friendly and visiting each other. During the last five or six years the relations have become good. Before that, relations were not good. Even the women were in separate parties, they were in two parts. If their husband was in Hizb-i-Islami, they sat on one side of the room, and those whose husband's were with Massoud's party, they sat on the other side. They didn't have any relationship, they didn't talk. Now it's ok, it's finished. But this is because only Tajiks live here.

However, while the research site is predominantly Tajik, a significant number of Pashtuns and a smaller number of Hazaras also live in Shakardara district. While Tamana and other younger women failed to take this into account, reflecting their limited movement within their specific village, male respondents noted the nearby presence of other ethnic groups but indicated that all people living in the district had close relationships and that ethnic differences did not play a divisive role in the wider area.

The research team found it necessary to treat information told about community relations in Shakardara with caution. On exploring further, the researchers observed that relations were not as healthy as depicted. In some cases, contentions remained related to specific events that had occurred as a result of the conflict. For example, Farima, a middle-aged female respondent, discussed how she would leave Shakardara if she could afford to because "people are enemies with each other." She added:

Many changes have come in the relationships between people. A brother doesn't know his brother and a sister doesn't know her sister. Here in this area

88 Key scholars in the field of Afghan studies argue that misplaced assumptions regarding Afghanistan's potential for ethnic disintegration contributed to a process of political reconstruction that unjustifiably and problematically amplifies ethnic competition. For detailed analysis in this regard, see T. Barfield, "Culture and Custom in Nation-Building: Law in Afghanistan," *Maine Law Review* 60, no. 2 (2008): 358-73, and Conrad Schetter, "Ethnicity and the Political Reconstruction in Afghanistan" (Bonn, Germany: University of Bonn, 2003).

89 Schetter, *State Reconstruction and International Engagement in Afghanistan*.

we had to cook spaghetti and all the women came together to eat it. Every woman had to cook in her turn every day. But now, no one likes someone to go to her home.

This feeling is perhaps largely explained by the fact that Farima's husband was killed by members of the community due to his collaboration with the Taliban (as discussed in Section 5.2.1). In other cases, the legacy of factional divisions and wartime power structures were still apparent in the community. Through informal discussions, the research team observed that tensions and fear existed in the community due to the power of certain commanders, in particular the *malik*, who was a former Jamiat commander. While the ongoing legacy of factional divisions was rarely directly discussed in formal interviews and focus groups, one older man, Mohammad, did reflect on this issue: "The relationships among people are good but there is some opposition between the parties. Apart from this there are no other antagonisms among people here. Still, there are ones who are loyal to their previous parties and against other parties."

In Afshar, a number of people of all ages and from different ethnicities were slightly more open about fractures in community relations. Women from all three ethnicities interviewed, in particular, reflected on the change that had come in the area, emphasising that people no longer visited each other's homes freely. They discussed how the conflict had brought tensions between neighbours belonging to the same and different ethnic groups. Changes in trust between people were perhaps more evident among women because they are more likely to socialise in intimate settings, such as the home. An older Hazara respondent, Sakina, clearly captured this opinion:

Before the war people's relations were good, they were loyal to each other. Neighbourly relations were good; they had to share their sorrows and happiness with each other, whether they were Pashtun, Tajik or Hazara. They were good with each other. But this war made conflict among them. Now it is ok but not very good.

While wartime experiences might have fuelled some of these tensions, contemporary migration patterns were also held responsible. Only a portion of original residents returned following the end of major hostilities and many new migrants arrived in the area. Relations are not close between these new migrants and original inhabitants and some tensions exist, as Mahmooda, a middle-aged Qizilbash female respondent, explained:

Here there are different qawms and we don't know them. They are Shomaliwal [people from the Shomali area], Arghandiwal [people who live near and around the river Arghandab in Kandahar] and many other different qawms who have come here. So the relationships are not bad but not very good either. They don't have relationships with each other. For example, here there are two mosques, one for Sunni and one for Shia people. Before there was only one for Shia people but now there is a mosque for the Sunnis as well...Because the Shia and Sunni people could not get along with each other and they had problems regarding prayers, so that is why they built another mosque for the Sunni people.

However, other residents of Afshar, particularly older people, repeatedly assured researchers that any existing ethnic and religious tensions had been manufactured by the mujahiddin and were being actively erased now. This group emphasised the goodwill that existed between the different ethnicities, especially in comparison the past. Farahmand, a middle-aged Hazara man, represented this view:

In this area, there are Tajiks, Pashtuns and a majority of Hazaras. I have not seen any negative attitudes. We have common meetings and ceremonies. We all attend wedding ceremonies and funerals. There is no obvious hostility in the area. Thanks God there is mutual understanding among us.

Moreover, an older Tajik woman, Zainab, emphasised that despite being a Panjshiri (frequently identified as the group responsible for the Afshar massacre), she had experienced no discrimination: “I think there has been no change in relations. I am as happy here as I was before the war. No one has ever said to me that ‘you are Panjshiri.’ We all lost our houses.”

In discussions in both communities regarding the state of relations across Afghanistan and with other ethnicities, two distinct groups of opinions can be identified: those highlighting the existence of lingering tensions between people from different areas and different ethnic groups, and those who emphasised that these had been largely resolved. In the first group, people belonging to all *qawms* suggested that the trust had disappeared in Afghanistan and that wartime divisions remained. In some cases, respondents highlighted personal animosities towards a particular group as a result of their wartime experience. For example, Aman in Box 38 explained how his perception of the Pashtun community had been altered due to his wartime suffering under the Taliban.

Box 38: Tensions between communities exist in Afghanistan

Why would the war not have brought changes to the way we think about people? The Pashtun people destroyed our lives. Why would we not feel differently? I am thinking about why such things happened to us. We are all Muslim, what was the reason for our suffering...

Aman, older male respondent, Shakardara

Kindness has disappeared from society. As I heard, before people were loyal to each other but now they aren't. Why? Because of the war, its effect is still in the society.

Nabilla, younger Qizilbash female respondent, Afshar

Another example of prevailing tensions in the country was reflected in the claims of discrimination in the current political makeup of Afghanistan. Older female Tajik respondents in particular appeared to feel, rightly or wrongly, that Tajiks had been discriminated against in favour of the Pashtun population. These few women felt that Karzai had placed people from his ethnicity in the key positions. Malalai captured the resentment of these few women:

Karzai's party is one part of the problem because he is a Pashtun and so he has placed Pashtuns in the key positions in the government. In the Ministries of Defence, Interior and Education he has placed Pashtuns in the key positions. We have got other people who have experience from different qawms but Karzai does not give them work in the government. People have been put in these positions because they know each other and are from one qawm.

However, in the second group, a significant proportion of people in both areas from all *qawms* expressed more favourable impressions of the state of current relations in Afghanistan. Providing an illustrative example, Hazara respondents explained that they experienced less personal discrimination in the current period. This group emphasised that many of these differences had been manipulated by leaders and foreign powers in the first place. Moreover, this group also emphasised that in any case the crimes of certain individuals or even small groups should not be held against entire ethnic groups in Afghanistan.

Box 39: Past tensions are now resolved

When we returned to Kabul [during the Taliban time], I was standing in a bus stop and some Panjshiris teased me and said to each other: “Don’t stand there, you will get the smell of a Hazara.” But now with the Karzai government there is less teasing.

Qudsia, middle-aged Hazara female respondent, Afshar

The relationship has become good and people have become united. The hostility of wartime has finished now. In our area it has been very good, even in Afghanistan among Hazara, Tajik and Pashtun there is nothing left. All has become good.

Ghazal, younger female respondent, Shakardara

Well, now all those oppressions have passed and finished. All of the people of Paghman didn’t oppress us, nor all the Tajiks nor all the Pashtun people. The oppressors did those things, not all the people or all the qawm groups did so.

Ramazan, older Hazara male respondent, Afshar

Reconciliation among ordinary Afghans

Despite a significant number of respondents playing down discussions of divisions between the ethnicities and generally between ordinary people, there was still significant support for processes to help build reconciliation in Afghanistan. While the primary need for reconciliation was overwhelmingly felt to be between the country’s leaders, which will be addressed in Section 6.2, there was still general support for processes designed to build trust, understanding and unity between people in different communities in Afghanistan.

Both communities generally felt that the ethnicities should not see the distinctions between each other but should instead reflect on their similarities and identify themselves as all Muslim and all Afghan. Strengthening an Afghan national identity in relation to more local, *qawm* or ethnic identities was seen to play a vital role in emphasising the equality between groups. Maryam, a middle-aged female respondent from Shakardara, captured this general view: “We can reach unity when people don’t think they are from different *qawms*. They all should think they are Afghans and Muslims and brothers of each other. Then we can have unity and peace.”

A number of suggestions about how to promote a national identity were proposed. Firstly, there was general support for the elders of each *qawm* in a particular area to resolve any lingering issues and to facilitate cultural learning and sharing processes. This was specifically outlined by a number of younger men in Shakardara and Afshar. They hoped that as respected members of the communities, the elders would be able to impart messages of unity and discuss together how to resolve any tensions in order to assist the development of peace and calm. This idea was captured by a younger Qizilbash FGD participant in Afshar, Shagofa (his views were generally accepted by participants present):

I think the elders of the qawms in the area should collect people and they should all sit together so they can resolve this issue and remove people’s oqda. We all belong to Afghanistan and we should all know each other better. We respect our elders. We all are brothers. We should know this.

Secondly, a number of men from all age groups and in both areas emphasised a role for education. These men perceived that educating people about their religious and

political rights and the constitution could help reduce “*qawm parasti*” (favouring one’s own qawm). Education in schools and universities could help people to understand the similarities between each other and assist trust-building processes. Moreover, some emphasised that this impact would reach beyond the walls of academic buildings since students could spread this message of unity in their communities around the country. Bashir, a younger Hazara FGD participant from Afshar, represented this viewpoint:

University students can play a great role for solving these issues in their villages. Solving these kinds of problems in meetings is difficult because it is difficult to gather many people from different qawms and sects...I think university students should understand first [that we are all the same]. If they understand the reality then they can go and help their people in their villages and cities.

While these are worthwhile endeavours, it is important to recognise that in a hostile political environment all community initiatives, no matter how well designed, would likely fail. In order for the processes above to succeed, people generally perceived that political leaders and institutions need to be involved. Reconciliation between different Afghan communities was believed to rest on reconciliation at the high level between leaders.

6.2 Achieving reconciliation and building peace

Reconciling the leaders of the country was seen as paramount to future peace in Afghanistan by all people interviewed. This section explores the demand for reconciliation at the high-level and perceptions concerning appropriate ways to achieve this. While discussions about how to reconcile the Taliban specifically are presented in Section 6.3, the overall argument about achieving peacemaking between leaders is relevant to discussions concerning the Taliban.

6.2.1 Reconciling the leaders

An overwhelming finding of the research was a belief that “ordinary” people played a minimal role in fuelling Afghanistan’s conflicts. Despite the tensions and evidence of bitterness and jealousy outlined in Section 6.1, there was a general agreement that there were few major conflicts between the different ethnicities. Afghanistan’s conflicts were generally perceived as triggered and prolonged by the various leaders. Consequently, the leaders were perceived to be responsible for resolving these. Both communities emphasised that if leaders stopped employing divisive politics and were reconciled, their followers across Afghanistan would follow suit.

The lack of trust among the country’s leaders was felt to be a stumbling block for general reconciliation in Afghanistan. Respondents widely perceived that if the leaders did not trust each other, the people could not trust the leaders, which created a pervasive environment of mistrust in the country. Once trust was created at the high-level, it was felt that the effects of this would spread through society. This feeling was well-worded by Farkhunda, a middle-aged female FGD participant in Shakardara:

If they don’t trust each other, how can we trust them? First they have to build trust among themselves. The president says one thing, then the ministers and MPs reject it. All of them are rejecting each other’s ideas. So, how can people trust them? The big people, leaders and elders should trust each other. And try to build trust among people. Then people should follow them.

Box 40: Leaders need to be reconciled

How do we solve the conflicts? There was nothing between people before—these big people created all the conflicts between people. So they have to sit together and solve all the conflicts.

Nargis, middle-aged female FGD participant, Shakardara

There is a way: if the elders gather for reconciliation and consult with each other. There should not be separate parties and bad relations between them, which cause anarchy. In this case, I would be calm and my heart would be released of sadness. If leaders do trust one another, people will follow them and their relations will get better, but if leaders aren't united, people will not get better also.

Ihsan, younger Tajik male respondent, Afshar

If they now are together, that is because of their personal interests and goals. They don't allow different qawms to come together because of these personal interests. It is a fact that here in society, on the one hand Hazaras are backing Khalili, Panjshiris are backing Fahim and Badakhshis are backing Rabbani. The leaders are behind people and create divisions among people. Indeed, they divide and rule.

Wakil Akbar, middle aged Hazara FGD respondent, Afshar

6.2.2 Processes of reconciliation and peacebuilding at the high level

Government-led processes

As leader of the country, the national government was perceived by people in both research sites as primarily responsible, and possessing the necessary power, to orchestrate reconciliation and peacebuilding processes. While community structures were also identified as vital in this regard, it was generally felt that the leadership and initiative should come from the government. In this sense, people felt that the government should act as a focal point for gathering all the relevant actors together to resolve the tensions and differences between them. In particular, the government was held to be responsible for negotiating peace with the Taliban, as is discussed further in Section 6.3.

Box 41: The role of the government in reconciling people

I mean all those who have influence among people, for example the head of the village or wakil gozar, that people respect, have a role, but I believe the government should be the focal point. These figures should be gathered and should hold meetings and cooperate with the government so that coherence and cooperation is created.

Dagarwal, older male Hazara FGD participant, Afshar

Only the government can make all the qawms one. They have to call all the elders and maliks of different places and sit with them to talk and finish the hatred in their hearts. All people should come up with all the problems and clean their hearts from hatred. Until they can clean their heart, no one can finish hatred from their hearts. They have to gather all of them and make them one.

Shiringul, older female respondent, Shakardara

In addition to organising the logistics of reconciliation, the government was perceived as responsible for creating the environment in which reconciliation can take place. One suggestion that was made by an older man in Shakardara, Mohammad, was that the government could ask for forgiveness on behalf of the past regimes. This approach has

been applied in other countries, such as Argentina, Canada and Australia, where the current government chose to publically ask for forgiveness from the victims of conflict on behalf of past regimes. This served as a way of publically acknowledging that the violations committed against victims were unacceptable and demonstrates a break from the past.

Clear demonstration of equality between the different ethnic groups was perceived to be essential in creating the environment in which reconciliation might take place. At the high-level, several female respondents in both areas emphasised that the need for parity and equality in the designation of governmental positions. Summing up this view, Rahima, a middle-aged Hazara respondent from Afshar, explained how she would approach this if she was President:

I would give governmental positions to all qawms. I wouldn't make one qawm high and other one low. I would think about all equally. I wouldn't think about only about my qawm. I would try to build trust between people; when they trust me, they would trust each other.

On the other hand, there was one indication that this approach would not necessarily be welcomed by all. Wais, a younger Pashtun man from Shakardara, argued that while everyone should be unified and power divided, the primary responsibility to rule lay with the Pashtuns due to their population majority. Wais argued:

When there are not two kinds of people in Afghanistan—one that is called Hazara and one called Pashtun—there will be peace. All are the same, they are Afghans. Freedom is for everyone, not just for Hazaras, for example. When there is war between Hazaras and Pashtuns, there will be no peace. When all become unified, there will be permanent peace. When everybody is trying to get the power, there will just be war. The power should be divided among all. But I believe just Pashtuns can rule in the country...The population of Pashtuns are the most and others are little. Seventy percent of the Afghan population is Pashtun, I believe.

While this was only expressed by one person and respondents generally stated the need for equality at all levels between the *qawms*, it does hint at an ongoing challenge in relation to *qawm* and ethnicity in Afghanistan.

Community-based mechanisms

While recognising the authority of the government in organising peace and reconciliation, most respondents in both areas also reflected on the need for local community power structures to be involved. Not only did people consider that elders and *maliks* should be involved in reconciliation endeavours as legitimate and respected community figures, but the most widely accepted mechanism available to organise these processes was the *jirga* or *shura*. Respondents from Shakardara provided the clearest information about how they envisaged these processes being organised. While respondents in Afshar clearly envisaged a role for community elders, *maliks* and *wakils* in peacebuilding and reconciliation processes, most did not specifically identify recognised existing structures such as *jirgas* or *shuras*. Instead, they spoke in more general terms about elders and leaders needing to sit together and discuss issues. Consequently, the following information was largely provided by respondents in Shakardara.

Respondents in Shakardara presented the idea that elders should sit together in some form of *jirga* or *shura* to discuss and solve issues, make reconciliation and build peace. It should be noted that the term “*shura*” was less frequently used and respondents

preferred the term “*jirga*.” In a significant number of instances, respondents specifically named what type of *jirga* was deemed appropriate, for example, an elders’ *jirga*,⁹⁰ a *qawmi jirga*⁹¹ or a *loya jirga*.⁹² The fundamental goal of a dispute resolution *shura* or *jirga* is to restore harmony and arrive at an equitable settlement to correct harms done. In this context, *jirgas* or *shuras* are perceived as acting as forums where elders, leaders and *maliks* can come together, speak honestly, build trust and address ongoing hatred between them.

Box 42: Reconciliation through *jirgas* or *shuras*

Maliks and elders have to sit together around a dastarkhan to eat food. They should be united with each other. People accept elders’ words. An elders’ jirga can make all one because this is common from the past...All the elders should come together and have unity. They have to gather all the people and remove disunity and hatred from their hearts.*

Hadisa, older female FGD participant, Shakardara

Again we have come back to the loya jirga issue, that four elders sit together and solve the problems. The four qawms have problems with each other, and they should sit together to solve the problems during Eid Qurban and other religious ceremonies, and they should say to each other, “You should not do anything to us and we will not do anything to you,” so that the problems are finished and resolved.

Agmal, older male FGD participant, Shakardara

* Literally “tablecloth,” but has connotations of reconciliation; see the glossary for a fuller description.

While respondents in Afshar were not as specific as those in Shakardara, a couple of older male respondents from Afshar spoke in more specific terms and suggested that there should be a religious element to proceedings. Reflecting the perceptions of these men, one middle-aged Hazara respondent, Farahmand, felt that alongside the government and *qawm* elders, *rohaniat* (religious figures) should work to ensure that unity was achieved. An older Qizilbash *wakil* also felt that work was needed to resolve religious tensions. This was particularly relevant in Afshar where it was reported that there are some issues between the Sunni and Shia communities. He explained: “A commission should be created combining Shia and Sunni and different ethnicities. By holding these kinds of religious meetings negative propaganda will be decreased.”

On the other hand, younger Hazara women attending a FGD clearly disagreed with this suggestion, arguing that mullahs had played a detrimental role in Afghanistan’s conflicts and were no longer respected by people. Moreover, these women argued that some mullahs continued to commit violations in the current period. One younger woman, Saraa, described one known case:

Who will gather to listen to them? Who will listen to the mullahs? All the corruptions are under their turbans. In Pol-i-Khushk a mullah raped a 14-year-old girl, I heard this in Herat on the TV.

90 An elders’ *jirga* includes elders from a community, potentially from different ethnic or *qawm* groups.

91 A *qawmi jirga* is for elders of a *qawm* to discuss issues internal to or directly affecting it.

92 “*Loya jirga*” is a Pashto term meaning “grand council.” This is a much larger national meeting of the representatives of *jirgas* and other local groups. Historically, national figures have called a *loya jirga* when they were seeking a stamp of approval from local entities to a national policy or proposal and prepared for major events such as choosing a new king, adopting a constitution, or discussing important national political or emergency matters as well as disputes.

This group also argued that *jirgas* were insufficient mechanisms to resolve the issues between people. In their opinion, since there was no trust and cooperation between the leaders or elders of different *qawms*, *jirgas* would not be able to create a unified position. Anisa explained the feelings of this group: “No, I don’t think it will be solved because everyone says that his idea is better and important. They will not accept each other’s idea. As I think, it is not possible to be solved by a *jirga*.”

It should be acknowledged that while respondents generally emphasised that peace needed to be made between leaders, a number of female respondents from both areas suggested that warlords or mujahiddin leaders should not be allowed to sit with elders to discuss peace. Those who should be excluded were generally singled out as having committed gross violations during the conflicts. Through these acts they had delegitimised themselves and so should not be allowed to be involved in processes involving respected figures from the community. Moreover, if they were involved it was feared that they would disrupt and derail the process. Zainab, an older Tajik female respondent from Afshar, explained this attitude:

The leaders who are criminals and committed crimes, they shouldn’t sit. If they come among the elders, the elders won’t be able to think clearly. There should be people who are knowledgeable and educated. Those who are not with political parties, they have to sit and talk.

The role of the international community

A number of respondents from both areas advocated a role for the international community in gathering the relevant people in Afghanistan together. This was particularly emphasised by younger female respondents in Shakardara who considered that the international community, and specifically the UN, possessed the necessary power to ensure that people came together. There was also the perception that the international community had a responsibility to help war-torn countries, and Afghanistan in particular, due to their direct involvement in the country. They considered that if the international community told elders and leaders to meet and resolve their issues, people would do so out of respect or fear. Moreover, the international community was seen to possess the necessary military power to ensure that talks between different groups did not disintegrate into violence. This was perceived to be particularly significant in organising negotiations between the government and the Taliban.

Box 43: Fears of international involvement in peace and reconciliation processes

If they want to make peace, the Afghans should sit together—not the foreigners—because the war is among the Afghans not foreigners. Afghans should sit together and solve their problems, and should build our homeland.

Abdulwodod, older male respondent, Shakardara

If the world community considers its responsibility and avoids interfering into our affairs everything will be ok. We ourselves have our jirga, we have the Meshrano Jirga [Council of Elders; upper house of Afghanistan’s parliament]; we can solve our problems through these jirgas. If the world community respects our customs and rules everything will be solved.

Dagarwal Reza, older Hazara male FGD participant, Afshar

America or the international community are enemies of the Taliban, they are afraid of them. So how can the Taliban can trust them? It is impossible.

Farkhunda, middle aged female respondent, Shakardara

However, a greater number of respondents saw the international community as an obstacle to peace. A few men, in particular, accused the international community of interfering in Afghan affairs. In this view, rather than the international community imposing solutions from outside, peace was considered to be an internal affair for which relevant and appropriate mechanisms already existed. Moreover, some older respondents in both areas felt that the lack of trust between the international community and the Taliban prevented them from being able to act as mediators of the peace. There was a fear that international involvement could block any will on the part of the Taliban to negotiate.

6.3 Specific perceptions about peace and reconciliation with the Taliban

In July 2010, the Afghan government and the coalition together launched a new “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” has also been established, along with provincial- and district-level committees, to oversee and direct the programme. AREU’s research in Kabul was completed before this programme was announced and while some of the findings presented may be relevant to the APRP this paper does not intend to critique the current approach to peace and reintegration in Afghanistan. The analysis explores perceptions concerning the demand for talks with the Taliban and what peace with the Taliban entails, and concludes by presenting expectations on whether peace with the Taliban will be achieved in Afghanistan.

6.3.1 Talking to the Taliban?

There was widespread recognition that the Taliban presented the most serious obstacle to peace in Afghanistan and most respondents in both communities supported talks with the Taliban. In fact, reconciliation with the Taliban was largely seen as the *only* way to ensure peace in Afghanistan. Shabana, a younger female respondent from Shakardara, clearly captured this general view: “The Taliban who are fighting, they don’t allow the country to be calm. It is better for them to sit together and finish all of this. The Taliban is the only problem that people are worried about.”

Consequently, there was a desire to see genuine talks between the fighting forces and the Afghan government. The biggest obstacle to conducive and productive talks with the Taliban was generally perceived to be mistrust between the warring parties. Noorjan, a middle-aged female FGD participant from Shakardara, captured this general understanding:

Now look at the government, which doesn’t trust the Taliban—and the Taliban doesn’t trust the government. They are afraid of each other. Poor Karzai, he is saying to them to come and stop fighting but they don’t accept. This is all because of a lack of trust.

A key confidence-building measure generally described by respondents was a desire to find out substantive details about Taliban desires and demands. This included collecting detailed information about how they viewed the government and governance to what conditions they placed on ending their fight. Interestingly, this demand was despite most respondents reflecting a clear awareness of Taliban views and goals. Consequently, the intended aim of holding talks was perhaps designed to serve the goals of trust and relationship building rather than information gathering. Through these processes the implied hope of many was to transform the identity of the Taliban from “the enemy” to

viewing them as Afghans and part of Afghanistan; especially since, as a number of male respondents from Shakardara emphasised, the Taliban were Afghan.

Box 44: We need to talk to the Taliban

We people should say that whatever bad things these commanders and Taliban have done, we will ignore them, but someone should bring these people—the Taliban and commanders—and sit with them and negotiate in order to build a good government.

Mo Jahed, older Qizilbash male respondent, Afshar

The Taliban should negotiate with the government...All of them should be united and share their ideas with each other.

Lailuma, middle-aged female Qizilbash respondent, Afshar

I hope they will come and talk, why do they want to be in the mountains? They are also Muslim and they are from Afghanistan. We have talibs (religious students) in the madrassa of the village, they are reciting the Holy Quran and they are aware of Islam.

Shakir, younger male respondent, Shakardara

Going against the general view, a few female Tajik respondents from Afshar rejected any form of talks with the Taliban. They desired to see retribution, not reconciliation, with those they considered guilty of heinous crimes. Moreover, they argued that even contemplating the issue was pointless since the Taliban did not support peace or reconciliation. A younger woman, Freshta, summed up this sentiment:

No matter how many times the government suggests holding a peacemaking process, they still don't agree and don't come. My idea is this that when the government arrests the Taliban, they should just execute them. They have to finish them and there shouldn't be anyone by the name of Talib here. They don't accept anything, neither peace nor reconciliation.

6.3.2 What does peace with the Taliban look like?

As outlined above, generally respondents expressed a willingness to hear what the Taliban wanted and the conditions they placed on ending their fight against the government. However, what community members were willing to accept varied widely. On the one hand, a small number of people seemed prepared to fulfil every Taliban wish and desire in order to achieve peace; and specifically, accepted a role for the Taliban in government. A second group, while supporting reintegration of Taliban foot soldiers, strongly resisted any potential government role for the Taliban. A third group was perhaps prepared to accept integration of the Taliban in government, if certain guarantees and conditions were fulfilled. Which respondents fell into which group is examined below, but it is important to realise that these should not be considered fixed and that, once again, a number of respondents oscillated between these positions.

The first group of respondents who were willing to accede to Taliban demands in the interest of peace was dominated by people from Shakardara, largely younger male respondents from the area, but a small number of younger women and older men also supported this view. This group argued that if the Taliban desired government positions this should be met. Within this group, a number of largely male respondents perceived that the Taliban represented a significant part of Afghanistan and so should be given positions of authority, while others appeared more concerned about appeasing the Taliban in the interests of reaching peace and calm (see Box 45).

Box 45: Acceding to Taliban demands

The Taliban should be given a share of the government because they think they are important and should have a share in the government...If they are punished or investigated, the country will go toward anarchy; again another war will break out. I believe they should be given a share in the government; they should be busy with some work, so that you can go everywhere in a calm situation—like Iran, where you can move around day and night.

Hafeez, younger male respondent, Shakardara

They shouldn't be in power. God should not bring them again. It is all because of the Taliban that still fighting is going on in Kabul. However, they will not accept anything until they are given positions. The government is compelled to give them a position, there isn't any other way. We don't want them to come, but we are tired of war—by fighting nothing will be solved, negotiation is the only way to do that.

Shiringul, older female respondent, Shakardara

It is interesting that the community that suffered comparatively more from Taliban violations was more willing to contemplate allowing the Taliban back into positions of authority. This perhaps reflects the tiring nature of the conflicts on this area, which suffered for prolonged periods during the communist and Taliban regime, although younger people in the community, who had not experienced the communist period and, in some cases, largely escaped the worst excesses of the Taliban, voiced similar views. This perhaps reflects the impact that the conflicts had on their parents. Moreover, a pattern can be loosely drawn between those who were willing to forget past crimes and those who were prepared to accede to Taliban demands. This suggests the overriding sense of fatigue in the research site and the overwhelming desire to see peace in respondents' lifetimes.

Far greater numbers of respondents in both areas resisted the idea that the Taliban would be allowed to return to power in any form. While acknowledging that they were prepared to accept the reintegration of most of the Taliban, they voiced alarm that this would allow the Taliban to assume positions of authority. Women from both areas were the most vocal in their opposition to this scenario. Generally, the major concern was that allowing the Taliban back into power would trigger further violence and insecurity. Moreover, respondents emphasised that the crimes that the Taliban had committed while in power had delegitimised their ability to rule. On a more specific level, a significant number of women expressed fear that their freedoms would once again be curtailed and their access to education inhibited. Returning to the previous conditions of Taliban rule was a path they strongly opposed (see Box 46).

Consequently, while there was a willingness to reconcile with low-level Taliban and reintegrate them back into communities, there was resistance to allowing those deemed responsible for conflict back into power. This supports the earlier indication that most people in both communities drew a clear line between forgiving ordinary people and the leaders.

The final group consisted of a small number of respondents who were supportive of a government role for the Taliban if they fulfilled certain conditions. Firstly, both women and men demanded that women should not face heavy restrictions and, specifically, should be able to attend school. Secondly, the Taliban needed to accept the Afghan constitution and the law of the country. Thirdly, any return to power should be predicated on a commitment to peace and a promise to not repeat crimes. While a number of respondents specifically voiced these as conditions, it is clear that, at a minimum, these demands would be accepted and desired by a majority of people in both areas.

Box 46: Taliban should not be allowed to return to power

It is good to do negotiations with the Taliban. But if these negotiations are for the return of the Taliban we don't want this, and if they do negotiations for peace and security then it is fine, we are happy.

Anifa, older female respondent, Shakardara

If they come to power, all the violation and tyrannies of the Taliban will be repeated. A murderer always enjoys murdering.

Ramazan, older male Hazara respondent, Afshar

The Taliban, I don't want them to be back in power. If they come back in power, the system will be damaged, they will destroy schools. I don't want them to come back and make us sit at home and be away from education.

Ghazal, younger female respondent, Shakardara

Box 47: Conditions on the return of the Taliban

I would be glad if they came back because there were no robberies [when they were in power], provided that they do not be tyrannous and let people go to school.

Hafeez, younger male respondent, Shakardara

We want the Taliban, if they don't do any oppression against women. It is ok if they are saying "wear the hijab" but they should let women go out.

Lailuma, middle-aged Qizilbash female FGD participant, Afshar

I have a positive view; all qawms, either Taliban or others, should have a share in the government. But it should be based on a frame and on the Afghanistan constitution. It proves there is justice in the government when it allows others who belong to this territory to return and take a share in the power.

Farahmand, middle-aged Hazara respondent, Afshar

The government should let them go and remake their lives and the government should ignore the past and not let them start fighting again. The government should take promises from them after they have given up their weapons to not start fighting again.

Anifa, older female respondent, Shakardara

It is important to remember that the Taliban and Gulbuddin Hekmatyar's insurgent faction are not a united force and neither were they perceived to be by the communities. In fact, for some respondents in Afshar the idea of the return of Hekmatyar was perhaps less desirable than that of the Taliban. Hekmatyar was held responsible by a great number of men and women for the devastation unleashed by rocket attacks in Kabul during the civil war. Consequently, while a small number of respondents in Shakardara perceived a government role for Hekmatyar as a result of his Afghan nationality, a larger number of respondents from Afshar strongly resisted the idea. These divergent views are outlined by these two quotes:

We want them to let us build our country; let us make reconciliation with our opposition to end this killing of our brothers. If Gulbuddin wants to possess a position let him have it, because he is also from this country.

Samad, middle-aged male FGD participant, Shakardara

I will remember that once a rocket fired by Gulbuddin killed eight people, but now they want to reconcile with him and he wants to become prime minister. They fired at mosques and destroyed them. We support the idea that we want them to be put on trial. If the government does not do so our youth will take revenge.

Older Qizilbash *wakil* FGD participant, Afshar

6.3.3 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. However, respondents did not generally hold out much hope that such negotiations would prove fruitful. The most pessimistic were women in both areas.

A few people in Afshar contemplated the prospect of peace, though not with any great conviction. Jamal, a middle-aged Tajik respondent, argued that fatigue might force the Taliban to accept negotiations and be able to return to their families. An older Qizilbash woman, Maghull, commented that there may still be hope since:

Most of the people are saying that the Taliban are relatives of Karzai and they are both Pashtuns and from Kandahar. They both have good relationships behind the curtain so they might come and sit and reach peace because of that.

Generally, however, respondents expressed far more pessimistic views about the prospect of bringing the Taliban to the negotiating table, arguing the existence of intractable issues on which neither side were likely to find agreement.

Firstly, it was generally agreed that the Taliban would not contemplate peace while international forces remained in Afghanistan. Since significant numbers considered that the “*kafirs*” (non-believers) were unlikely to leave in the immediate future, the prospect of peace was bleak. A number of older men and women from both areas therefore expressed the desire for all internationals, in particular the United States, to withdraw from Afghanistan, believing that the international community was an obstacle to peace. A number of these actually held the international community responsible for violence committed by the Taliban and the anti-government forces. Mo Jahed, an older Qizilbash male respondent from Afshar, summed up this view:

It would be good if they go from here. The Taliban are from our own country, they will not kill Afghans. [International forces] have come here for our security, but they have made the situation worse. The government thinks that people are ignorant and no one knows anything, but people know that Americans are the reason for the insecure situation.

However, it should be noted that many respondents felt that the international community should stay. A number of female respondents from Shakardara questioned the desirability of foreign forces departing Afghanistan, expressing fears that once they left the security would further deteriorate. Hasiba, a middle-aged female respondent from Shakardara, summed up opinions surrounding this challenge:

Yes, they will never surrender themselves to the government. They fight because they don't want foreigners, but if there are no foreigners, they will still not be calm; they will find some other reason to fight. They will never get on with the government. If there are no foreigners the situation will get worse.

The second perceived insurmountable challenge was that the Taliban would never accept the Afghan constitution or the current regime. Respondents in both areas argued that the key insurgent goal was the resumption of power and the ability to recraft the state. Since one of the key conditions of the government is that insurgents accept the Afghan constitution,⁹³ which was considered unlikely, respondents reflected on the futility of negotiations. Farahmand, a middle-aged Hazara man from Afshar, summed up this general feeling:

The important condition of the government is that the opposition should accept the constitution, but they want to change the constitution. The condition of the opposition is that the foreign forces should go out of the country but it is impossible and the government will not accept this term...They have lots of conditions and demands so I don't think they will be ready to sit for negotiation.

The final point raised by a small number of largely female respondents and a couple of older men in both areas was to question whether the Taliban had any desire to negotiate or reconcile in any case. They considered that the Taliban demonstrated no regret over their past actions and so were unlikely to change. Instead, respondents expressed doubt that all parties to Afghanistan's conflicts would ever be genuinely reconciled and emphasised the perpetuating nature of Afghanistan's conflicts. Ending the analysis on this depressing note, this conclusion was captured by an older female Hazara respondent, Najiba from Afshar:

If they negotiate 100 times again it is not possible to bring peace. If it was possible, during these many years they would have stopped fighting and peace would have come...They don't like each other, instead they use people to make more and more conflicts.

93 This is outlined in the *National Reconciliation, General Amnesty and National Stability Law*, along with the Afghanistan Peace and Reintegration Programme. Significantly, Section 3, Clause 2, extends immunity from prosecution by the government to "armed people who are against the government of Afghanistan, after the passing of this law, if they cease from their objections, join the national reconciliation process, and respect constitutional law and other regulations of the Islamic republic of Afghanistan. They will have all the perquisites of this law."

7. Conclusion

This was the first case study written in a series of three exploring these issues 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 these. Vastly different opinions about how to achieve justice in the aftermath of conflict were collected within this one province—between the different communities and between the different groups within these. Moreover, the project deals with perceptions and opinions, which produce fluctuating and contradictory data rather than fixed information. Moulding these perceptions into presentable frameworks is therefore difficult. 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 that will be further developed as the data from each province is analysed:

Experience of conflict

- How an individual experienced each phase of the conflicts was largely determined by where they were living at a specific period in time. Perceptions of conflict were largely based on the community's experience rather than those of the individual. However, ethnicity and sex was demonstrated to play a smaller role in determining how different groups perceived different regimes.
- The identification of those most responsible for the conflicts and their violations were generally based on community perceptions. Across both communities, however, people held the leaders of the country responsible for their wartime suffering and identified ordinary people as forming the bulk of the country's victims, playing down any suggestions of antagonistic ethnic divisions between people.
- During all conflict phases, competition for power was consequently perceived to play a major role in triggering and prolonging the violence.

Dealing with the legacies of conflict

- The impact of past conflicts was felt to be the cause of considerable ongoing emotional suffering in all groups, but was most frequently observed in women. Ability to deal with the past was complicated and hindered by ongoing violence in the country and, in particular, in Kabul City.
- As individuals, people who had suffered the death or disappearance of a loved one or those who had witnessed shocking scenes of violence were the most likely to discuss their inability to deal with the past.
- As a community, the specific experience of the attack on Afshar appears to have caused the greatest impact and residents of Afshar have found it harder to deal with this experience than those in the community in Shakardara. A key reason for this was the visibility of those held responsible for civil war violence in Afshar as opposed to the absence of communist and Taliban perpetrators of violations in the rural community.

- Processes aimed at addressing some of their ongoing suffering received varying support. Memorialisation was the most contentious, given the current trend of memorialisation processes in Afghanistan, and the more pressing demands were for development.
- While truth-seeking processes were generally supported by both communities, recording this information elicited varying levels of support. The potential negative impact of recording processes on security was a key cause for concern among different groups of people.
- Financial and material compensation for physical wartime damage was the most popular approach in both communities. Reparations were only perceived as sufficient compensation for economic losses, 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 in building government legitimacy. In fact, the specific policy was found to be not as significant as government acknowledgement of victims' suffering.

Dealing with the perpetrators of war crimes

- Questions about how to deal with those guilty of wartime crimes elicited the most varied, fluctuating and contradictory responses. Awareness of the current contextual challenges was the key factor in determining how people wanted perpetrators of crimes to be handled.
- Criminal justice processes received support in both communities. The strongest support came from women generally, with men in Shakardara the least in favour of punishing people. In the view of those who were supportive of this approach, criminal justice was seen to be in accordance with Islam, as key to promoting healing processes and vital in developing respect for the rule of law, security and government legitimacy.
- Only a tiny minority of people, mostly men from the rural site, genuinely felt that forgiving those guilty of crimes was the best way forward. Instead, the bulk of people arguing against punishment had made the political decision to forget the past. The decision to forget was largely based on an assessment that in the current environment, expectations of achieving criminal justice were unrealistic and possibly had dangerous implications for security.
- The government was seen as primarily responsible for administering retributive justice, in some cases with international support. Respected community actors and community-level processes were perceived as key to forgiveness where the overall goal was reconciliation.
- In assessing desired mechanisms of dealing with the past, including legally punishing perpetrators, most respondents ultimately tended to measure these against their expected impact on "healing *oqda*" and helping to "calm" or "mend" people's hearts, rather than on a strict demand to uphold criminal justice.

Achieving reconciliation and peace

- To achieve peace requires far more than an end to violence, but obtaining security was the primary concern for all people interviewed. Concern over the impact of various policies on security was seen to be the primary influencing factor on people's demands and desires.

- While obvious tensions as a result of wartime experience still existed in both research communities, the residents generally downplayed these differences. Ethnic differences were also perceived to hold little significance for the communities though they strongly supported the need to build unity and understanding between people.
- Since leaders were primarily responsible for driving the conflict, peace was perceived generally as resting on their ability to cooperate and build trust. Reconciliation between leaders was therefore perceived as essential to peace in Afghanistan.
- The government was primarily responsible for organising peace processes but existing community mechanisms were perceived as legitimate avenues.
- The Taliban was perceived by all as presenting the most serious obstacle to peace. In the desire to achieve peace, some people, particularly those from the community in Shakardara who had argued against punishment, were willing to accede to Taliban demands, including a return of Taliban power. Others, particularly women, drew a clear line between reconciliation with and reintegration of Taliban foot soldiers and Taliban leaders, and rejected the prospect of any political settlement that gave them a role in power. A third group was more pragmatic and would accept a role for the Taliban in power providing that they demonstrated a willingness to change past behaviour, allowed women to attend school and accepted the Afghan constitution.
- There was limited belief that these conditions would be fulfilled and that the Taliban and the Afghan government would reach an agreement acceptable to both sides. Consequently, there was limited expectation that peace was possible.

These are key lessons to bear in mind as data from Bamiyan and Ghazni Provinces is analysed. The project ultimately aims to present mechanisms and strategies that can help communities move forward. Such a section is not included in this first case study because the author hopes to identify processes that could hold some relevance to Afghanistan as a whole rather than only to the specific communities. The final synthesis paper will consequently tie together all the lessons learnt from the three case studies and reflect on what implications they hold for potential processes designed to address legacies of conflict in Afghanistan.

Appendix: Respondent and FGD Data

Table 1: Respondent data in Kabul Province

<i>Respondents in urban area (Afshar)</i>					
Age category	Ethnicity	Men		Women	
		First round	Second round	First round	Second round
Younger (18-29 years old)	Qizilbash	2	1	1	1
	Hazara	2	1	1	1
	Tajik	2	1	2	2
Middle (29-48 years old)	Qizilbash	1	0	2	2
	Hazara	2	1	2	2
	Tajik	1	1	1	1
Older (49-100 years old)	Qizilbash	2	2	2	2
	Hazara	2	1	2	1
	Tajik	1	1	2	1
Sub-totals urban		15	9	16	13
<i>Respondents in rural area (Shakardara)</i>					
Younger	All Tajik	4	4	5	4
Middle		3	3	4	4
Older		4	4	5	5
Sub-totals rural		11	11	14	13
Total by sex		46		56	
Grand Total		102			

Table 2: Focus group discussion data in Kabul Province

<i>FGDs in Urban Area (Afshar)</i>							
Age	Ethnicity	Men			Women		
		First round	Second round	Third round	First round	Second round	Third round
Younger	Qizilbash				x	x	
	Hazara	x		x	x	x	
Middle + older	Hazara	x	x				
	Qizilbash	x	x		x	x	
	Tajik			x			
	Mixed						x
Total urban		14					
<i>FGDs in Rural Area (Shakardara)</i>							
Age	Ethnicity	Men			Women		
		First round	Second round	Third round	First round	Second round	Third round
Younger	All Tajik	x	x	x	x	x	x
Middle + older		x	x		x	x	
Total rural		10					

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