

# **Former UN Human Rights Investigator Bassiouni: No Military Solution for Afghanistan Democracy**

February 11, 2009

Amy Goodman: the music of Hakim Missouri from the music of Afghanistan. This is democracy [democracynow.org](http://democracynow.org), The War and Peace Report, I'm Amy Goodman. As we turn now to Afghanistan, a country that the Obama administration has made clear will remain at the center of its priorities. United States is over 30,000 troops in Afghanistan and that number is expected to double. At his news conference last night, President Obama emphasized the importance of removing "safe havens for al-Qaeda in Afghanistan and Pakistan" and said he had no timetable for the withdrawal of US troops from Afghanistan.

**[Video clip of President Obama:** "With respect to Afghanistan this is going to be a big challenge. I think because of the extraordinary work done by our troops and some very good diplomatic work done by Ambassador Crocker in Iraq, we just saw an election in Iraq that went relatively peacefully and you get a sense that the political system is now functioning in a meaningful way. You do not see that yet in Afghanistan. They've got elections coming up but effectively the national government seems very detached from what's going on in the surrounding community. In addition, you've got the Taliban and al Qaeda operating in the Fatah and these border regions between Afghanistan and Pakistan and what we haven't seen is the kind of concerted effort to root out those safe havens that would ultimately make our mission successful. So we are undergoing a thorough ongoing review. Not only is General Petraeus now the head of CENTCOM, conducting his own review, he's now working in concert with the special envoy that I've sent over Richard Holbrooke, one of our top diplomats to evaluate a regional approach. We are going to need more effective coordination of our military efforts with diplomatic efforts, with development efforts, with more effective coordination with our allies in order for us to be successful. My bottom line is that we cannot allow al Qaeda to operate. We cannot have those safe havens in that region and we're going to have to work both smartly and effectively, but with consistency in order to make sure that those safe havens don't exist. I do not have yet a timetable for how long that's going to take. What I know is I'm not going to make, I'm

not going to allow al-Qaeda or bin Laden to operate with impunity planning attacks on the US homeland.”]

**Amy Goodman:** President Obama responding to a question from CNN's Ed Henry. As the White House conducts a review of its Afghanistan policy, Richard Holbrooke, the special envoy for Afghanistan and Pakistan, said it a security conference in Germany Sunday that the war in Afghanistan will be “much tougher than Iraq.” Afghan President Hamid Karzai was at the same conference and spoke out about the deteriorating situation in his country and a lack of international coordination on Afghanistan. [President Karzai speaking] “have we achieved that part of our vision, security for our country, the defeat of terrorism, and the return of life to a normal expectation? No, we have not. Did we achieve this? Yes, we did. In 2001 we did have it. The Taliban completely run away, the al-Qaeda run away. Today, the threat is back. So what does it take to succeed? We have Holbrook, we have \*\*, we have troops, we have money, we have the will of the Afghan people, what should happen so we succeed? It's something I think, yes, there is something lacking. Better coordination in the international community is lacking. In spite of all our efforts, it does not come about.”

**Amy Goodman:** We're joined now from Chicago by international law expert and former UN Human Rights investigator in Afghanistan Cherif Bassiouni, law professor at DePaul University, President Emeritus of the International Human Rights Law Institute. In 2005 he was forced out of the United Nations under pressure from the US just days after he released a report criticizing the US for committing human rights abuses in Afghanistan. Professor Bassiouni, welcome to Democracy Now. What about the Obama administration's approach to Afghanistan?

**MCB:** well I'm not really sure there is an approach yet. I think that there is an evaluation that is ongoing and I get the feeling that there is a sort of a distinction between the way the Chairmen of the Joint Chiefs of Staff and the Department of Defense sees things and the way Holbrook and the State Department experts see things. I think on the defense side that the military would be much more comfortable with having a specific military mission of simply going after the Taliban's al Qaeda and their supporters in Pakistan. I think that they're very averse to fulfilling the function of a police support force to help in the economic development of the country. On the

other hand, the country has been basically under occupation, for all practical purposes, by US and NATO forces and the Karzai government has basically been responsive to instructions from the US. And yet there's been very little of a peace dividend, very little economic development in the provinces. The result been, over the last five years in particular, that the government has really shrunk in terms of its control to the Kabul area and the rest of the provinces are just left out there. I am convinced that there is no military solution in Afghanistan. There is an economic development solution, but I don't see that is coming. Hello?

Amy Goodman: Yes, we hear you just fine.

**MCB:** Yeah, I think that that an economic development solution is what needed to be done five years ago, but as I had been there and worked there for the last five years, I can see a substantial, if not total, lack of coordination among the donor countries and the United States. Each one is going their separate way. I mean let me give you an example. I was very much involved in the coordination of the donor countries at the Rome Conference of donors. In fact I was the rapporteur for the Conference and I urged everybody that it was very important to have a comprehensive approach in the justice sector. And I gave an example of the fact that USAID had built 41 courthouses at a cost of over \$200 million and the day the US Ambassador went to the Minister of Justice to sort of hand over these courthouses, the Minister of Justice knew nothing about it and said well that's very nice that's wonderful but what am I going to do with these courthouses. And so obviously the Ambassador said well you're going to use them for, you know, conducting hearings, and things like that. And the Minister says well how about the furniture and the Ambassador says well that wasn't included in the contract we gave up for building the courthouses. And the Minister thought for a while and said, well how am I going to get the money to hire the personnel, for staffing the clerks, for maintaining electricity, water, and the Ambassador says I don't know we're just giving you the buildings. And the minister says, well I don't have the money to run them, and why didn't you ask us first what we needed, and what else we would have needed to make use of the buildings. So the result was that for quite a bit of time the buildings weren't used and now only some are used for courthouses, others are still closed. That's a small example but you can multiply that by thousands of similar examples at all levels. You can't have economic development and nation-building, unless you have a

centralized control, based on a comprehensive plan with a timetable in order to achieve the type of peace dividend that would result in the population itself rejecting the Taliban. Right now, the population has nothing to gain by being supportive of the US and NATO it has everything to gain by being supportive of the Taliban.

**Amy Goodman:** Cherif Bassiouni, I'm looking back at 2005 when we interviewed you. It was a year to the day after the photographs were released at Abu Ghraib. You had just been ousted as the UN rapporteur, as a UN investigator in Afghanistan after you released this report, that accused US troops of breaking into homes, arbitrarily arresting residents, and torturing detainees, estimating around a thousand Afghans had been detained, indicating the US-led forces had committed sexual abuse, beatings, torture, and use of force resulting in death. You wrote, "when these forces directly engage in practices that violate international human rights and international humanitarian law, they undermine the national project of establishing a legal basis for the use of force." You had been in Afghanistan for what about a year, this is now more than three years later. Has a situation changed?

**MCB:** Well I think it has slightly improved because the deployment of US troops and mostly the big mistake of using private contractors in quasi-military capabilities there. Which, you know, is sort of unheard of to have private contractors act in in a military capacity, alongside US troops, and not be answerable to the US commanders. So that the US commanders there had no control over what these groups would do. And, you know, I'll give you an example, which again for the viewer would be very important. A former provincial governor came to see me and said I would like my identity to be concealed because here's what happened. I've been a provincial governor for two and a half years. I worked very close with the US military and the US Special Forces. I helped establish contacts with the moderate Taliban who are willing to cooperate with the US and with the Karzai government. I pointed out to the Special Forces where the more extremist Taliban were, to avoid casualties to the US, and had an excellent rapport with the Special Forces. He's a very honest man. Came from fairly well-to-do tribe. Well, he was changed by the Karzai government and the person who succeeded him was rather jealous of him. And the person who succeeded him was receiving payoffs, if you will, from one of the private contractors groups there. So he called them up and said you know the former government is really in cahoots with

the bad Talibans. And so the Special Forces kidnapped the man, five members of his family, held them for four days, tortured them, sexually abused them, and it was only when the team of Special Forces that worked with the former governor discovered that, they literally had to force their way into a stronghold of the American private contractors to free the governor and his family. And the captain of the Special Forces had tears in his eyes when he told the governor how much you regretted what the private contractors did. And my understanding is that this captain finished his term and refused to re-enlist because he figured that all of the good that the Special Forces were doing was being undermined by the private contractors. So this is an example of where you have confusion, when you have different missions by different groups, and when you have private contractors who are not under the control of the military. The second thing is that the military at the time that is 2004, 2005 were really very much involved in security in the police sense of the word. They had a completely different mission in the cities than they had, for example, if they were out in the field and the mountains where you clearly have a distinction between a civilian and a combatant. When you're in the city, it's very difficult to distinguish who's a combatant and who's a civilian. And you have to realize that that the US Army is composed mostly of volunteers, young people from all over America, who do not necessarily have any cultural and historical understanding of what Afghanistan is all about and what the Afghani people are. So as far as that they're concerned, you know, anybody who wears a turban and a beard looks fierce and maybe can be considered an enemy. So there was a lot of mistakes done because simply they didn't have the sensitivity training that they needed to. They are very young, it's a it's a totally unknown terrain to them, I think the same thing applies in Iraq as well and that's why there were so many mistakes there at the beginning...

**Amy Goodman:** And you're talking about where we're headed right now in Afghanistan following the example of Iraq. I wanted to read you a report from AP, Associated Press, saying a classified Pentagon report urges President Barack Obama to shift US military strategy in Afghanistan, de-emphasizing democracy building and concentrating more on targeting Taliban and al-Qaeda sanctuaries inside Pakistan with the aid of Pakistani military forces. Your response, Professor Bassiouni?

**MCB:** well my response is that this is the position that I believe the Joint Chiefs of Staff have taken in the recent report to the president, which has not yet been released. But this is understandable. It's an understandable mission for the military. The military like to have a clear-cut mission, which is of a combat nature. They're not paramilitary. They're not police. They're not equipped to protect civilian economic development project or if you will governance projects, the democracy project. That's not their task. And they want out of it and that's understandable. But if they want out of it, then what we need to think of in connection with economic development, is to build a special sort of an international police force, for lack of a better term, or to simply spend what is necessary to train the Afghan police to be able to fulfill that role. The fact that we are going to have exclusively a military role to try to push the Taliban away from attacking, you know what, the Taliban did that five years ago. They realized they could not defeat the American forces. So they went underground. They put their Kalashnikovs under the mattresses and they waited. A year ago they resurfaced again. They can do the same thing. They can go back in the mountains, push the Kalashnikovs under the mattress, wait out five years. They have been doing that since the 1800s with any foreign and every foreign invader. So that's not the point.

**Amy Goodman:** Professor Bassiouni, how could it be that you have President Obama, who opposed the war in Iraq, pushing for the same model in Afghanistan. For a surge, at least doubling the forces. I mean when I asked you if the situation was the same on human rights abuses committed by US soldiers in Afghanistan today, after three years reading very egregious examples from your report, you said slightly. That's not very encouraging.

**MCB:** well I, the more US troops are away from highly, densely populated civilian areas, the less likely they are going to commit violations against civilians. The more they are located in mountainous terrain, where they are dealing with an enemy,

**Amy Goodman:** we have 15 seconds.

**MCB:** they will be more effective. I think President Obama is trying to show his credentials as being tough, as being pro-military.

**Amy Goodman:** You think it's a mistake?

**MCB:** I think it's a mistake.

**Amy Goodman:** Professor Cherif Bassiouni, I want to thank you for being with us. Professor of Law at DePaul University, President Emeritus of the International Human Rights Law Institute. Former UN Human Rights Investigator in Afghanistan ousted in 2005. [Democracynow.org](http://Democracynow.org) our website, I'm Amy Goodman, thanks for joining us.