



Twenty Seventh Note

Negotiation and talks with the Taliban:

After the formation of High Council for peace, its members visited officially Pakistan for the first time to discuss reconciliation and peace talks with the Taliban. During this visit the members of High Council for Peace have talked with the Pakistan's main political officials about the talks and negotiations with the Taliban.

News reports reveal that both sides of Pakistan and Afghanistan have agreed to hold a joint peace Jirga with the presence of High Council of Peace members and Pakistani officials. This visit has been the focus of many Afghan print media during past two weeks. Analysis and reports of Afghan print seem to be criticizing the visit of peace council members and their policies of talks with the Taliban. Cheragh Daily calls it a visit with no achievement and Daily 8am also names it as wasting time and money. The Head of High Council for Peace in a press conference called the analysis and reports of the press as propagandas. But, ISAF

commander in Afghanistan called this visit successful with achievements. There are also other reports about the Taliban, joining the Afghan government.

Election Transparency:

After months of debate and talks between the electoral commissions, Attorney General's Office, the President's Office, Special Court and the Supreme Court the fate of Afghanistan's parliamentary elections is still unknown. The head of Special Court says that after the assessment of fraud and violation if any winner candidate is found guilty he will be dismissed and the protesting candidates might be declared victorious if their cases are found true. Meanwhile, Mr. Rafat, member and spokesperson of ECC says that the special court has no authority to bring any changes in the final elections result. Also, the Constitutional Oversight Commission, after months of silence on the crises of elections, calls the formation of special court illegal.

The winning candidates consider the special court against the constitution. The failed candidates also showed strong

reaction against the "first week of introducing parliament to the winner candidates" and argue that the elections results is under assessment and no one should take any step until it is finalized.

Transitional Justice:

"The government has no right to forgive the murderers" is the slogan that many citizens of Yakawlang district raised during the memorial day of the martyrs killed by the Taliban in this district. The people condemned the killings of innocent people by the Taliban and demanded the government to prosecute and punish the violators of human rights.

Corruption:

the local authorities in Heart province have charged five government authorities in connection with corruption. These people are convicted to imprisonment and to pay a fine.

Interviews and articles:

In this part we have an article titled "the prospect of reconciliation". This article discusses the background of the reconciliation with the Taliban and its prospects.

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The prospect of reconciliation

▶ The future prospect of peace seems to be very gloomy and dark. If we pay a real look to it, there is no progress observed in this issue. Now, everyone must have reached to this conclusion that the reactions by the Taliban have none been seen as a sign of hope that would end towards peace. The current process will not end up in peace. Once again peace and war has been tied together in this country.

Page 15



Inside This Issue

Negotiation with armed Anti-Government Groups		Displacement of special court will create crises	10
Who will solve the dilemma of peace and war?	3	Everything about the special electoral court	10
Government's efforts to create a new political image for the Taliban	3	Special Court threatens: Winners will be losers and losers will be winners	10
The reconciliation program with insurgents in 2010 was not successful	3	Special electoral court can only address the criminal issues	10
10 Taliban fighters joined the government	3	Head of Special Electoral Court: We have no problem with the opening of the new parliament	10
High Council for Peace goes to Pakistan on Tuesday	4	If electoral conditions were not met, the special court will make decision	11
Peace efforts and Pakistan's problem	4	Head of Special Court: Full transparency in assessing the cases of dissatisfied candidates	11
Wahid Omar resigned and Moradian was removed	4	Rafat: The Special Court has no authority to bring modifications in the elections results	11
The delegation of High Council for Peace visit Pakistan	4	Winning candidates called the creation of special court unconstitutional	11
The government made peace with the Taliban in Helmand	4	Warning to election commissions: Political or legal?	11
The Prospect of Peace	5	Strong Reaction by the losing candidates to the first introductory week with Wolesi Jirga for new MPs	12
Taliban attacked a Helmand elder for peace talks	5	Constitution Oversight Commission: Special Court is illegal	12
35 Taliban joined the government in Kunduz	5	Dissatisfied Candidates: The New National Assembly should not be inaugurated until the special court has finished its works	12
Peace talks in Pakistan	5	What will happen to the Special Court?	12
Members of High Council for Peace met with Pakistani President	5	Parliament opens, but ...	12
Peace talks will be held with the government of Pakistan	5	Special Court and the legal challenges	13
Holding Jirgas, waste of money and time	6	Corruption	
Afghanistan welcomes the peace Jirga between Pakistan and Afghanistan	6	5 convicted for corruption charges	14
Parallel Lines of Peace and War	6	Articles & Interviews	
Anti-government members continue joining government in Kunduz	6	The prospect of reconciliation	15
The peace program of Afghanistan must be Afghani	6	New Publications	
High Council for Peace supports Taliban office in Pakistan	7		16
ISAF: The visit by the High Council for Peace from Islamabad was fruitful	7		
Burhanuddin Rabbani: The media spread propoganda about the visit of high council for peace delegations	7		
Rabbani: If there is no peace with the Taliban, then there will be killings again	7		
The delegations of peace council returned with good achievements	7		
Taliban members joined government in Dasht-e Archi of Kunduz province	7		
Elections Transparency			
Khost local IEC head is sentenced to 6 months jail	9		
Rafat: The manipulations of Khost IEC head officer has no impact on the elections results	9		
Head of Special Electoral Court: We want the implementation of justice	9		
Formation of special court, the instrument of pressure of the powerful an power hungry	9		

Negotiation with Armed Anti-Government Groups

Who will solve the dilemma of peace and war?

Mandegar daily, No 481, Editorial, 1 Jan 2011

The main concern is that the pro-centralization group inside the presidential palace with particular objectives is trying to continue the process of peace.

This group with their specific definition from the process of peace and negotiation has taken steps to bring some of the Taliban leaders to peace talks ignoring the other institutions that they had roles in establishing them. Their efforts were failure because Taliban never showed any leaning towards their demands.

These steps taken by this group is based on dealings and has confronted the process of peace in the country with dead-ends. The funniest and important one was the talks between President Hamid Karzai and fake Taliban leader Mollah Mansoor which showed the real intention of this particular group from peace talks.

A fake man pretending to be the deputy of Mollah Omar set down with the president in the presidential palace and took with him millions of dollars. Later on, he was lost and revealed that he was a shopkeeper from Quetta Pakistan.

The peace process by Karzai is not practical but only dealings to pass his time.



of Taliban. For example during a meeting held in Nengarhar the discussed agenda were in complete agreement with the demands of the Taliban.

The reconciliation program with insurgents in 2010 was not successful

Afghanistan daily, No 1283, Page Four, 1 Jan 2011

The government of Afghanistan started the initiative of negotiation with the Taliban in order to bring an end to the ongoing violence in the country. This process has entered into a new phase. This plan received the support of international community and after passing through many ups and downs is accounted as a top agenda of Afghanistan government.

Despite a series of secret negotiations between Afghan government officials and diplomats and Taliban representatives, the leadership of the Taliban has always declined the possibility of any negotiation with the Afghan government and foreign forces. It is evident that the peace process with the insurgents in 2010 did not bring any success and now, in 2011 we are entering into a new phase to see what results will come out.

10 Taliban fighters joined the government

Cheragh daily, No 244, Page One, 2 Jan 2011

The press office of National Security Department in Herat

Government's efforts to create a new political image for the Taliban

8am Daily, No 1050, Page Four, 1 Jan 2011

The government of Afghanistan is trying in two areas, national and international, to buy a political image for the Taliban to save them from the attacks of foreign troops. The government of Mr. Karzai tried from earliest to separate Taliban and terrorism with the new definition.

Al Qaida is called a terrorist group while Taliban an insurgent group inside Afghanistan.

Mr. Karzai deems Taliban as in international issue and the way to combat them, he thinks, is Loya Jirga's. Therefore, Mr. Karzai criticizes the air bombardments of international forces and always demands them to target terrorism outside Afghanistan border.

Now, every effort of the government is focused on how to bring back their angry brothers to the power by giving them political and financial privileges. The formation of High Council for Peace and their visit from the provinces are the efforts to win the will

province released a communiqué stating that these Taliban militia men led by Mollah Adul Ghani laid down their weapons and turned to normal life.

Based on this communiqué, the commission for strengthening peace and the local people played their role in bringing these people to peace.

Besides, 45 armed anti-government men joined the government in Badghis province during past week.

During past two months, more than 300 Taliban militia men joined the government in Herat and Badghis provinces.

High Council for Peace goes to Pakistan on Tuesday

Rah e Nejat Daily, No. 1603, Page Two, 3 January 2011

The High Council for Peace led by Burhanuddin Rabbani, will go to Pakistan this week to meet with Pakistani officials including President Asif Ali Zardari and Yousuf Raza Gilani the prime minister.

Ataullah Lodin, the deputy of High Council for Peace, says that there will be talks with all the authorities in Pakistan about peace talks.

There have been meetings between the high-ranking delegates of Afghanistan and Pakistan in the past. Hamid Karzai also has had meetings with the Pakistani officials, but these meetings brought no significant achievements in establishing peace.

"It is a start and we don't know about the conclusion, however, we are optimistic about the peace efforts" says Lodin about the result of this visit.

Abdul Basir, spokesperson for the ministry of foreign affairs in Pakistan confirmed the visit of High council members from this country and assured that Pakistan will continue its support for the government of Afghanistan.

Peace efforts and Pakistan's problem

Mandegar Daily, No 483, Page Two, 3 January 2011

It is said that the High Council for peace will go to Pakistan in near future. The selection of Pakistan and talks with the authorities of this country to cooperate in bringing peace in the country is different from other countries. Because majority of the forces involved in the affairs of Afghanistan have concluded that all insurgency activities inside Afghanistan are funded and master planned from the channel of Pakistan. On the other hand, Pakistani government officials have repeatedly stated that any attempt to bring security in Afghanistan without their participation in this process will have no result. The main point in the peace talks in Pakistan with the Taliban is that where to this process will be leading when Pakistan is known as the country harboring international terrorism.

Meanwhile, after the fall of the Taliban Pakistan also experienced bitter days of the Taliban insurgency and now the Afghan officials and other involved parties in the affairs of

Afghanistan are hopeful that this country helps in the process of bringing peace in the region.

Wahid Omar resigned and Moradian was removed

8am daily, No 1053, Page One, 4 Jan 2011

Wahid Omar, the spokesperson for the president has confirmed that he submitted his resignation to the president one week before. Meanwhile, Dawood Muradian, head of center for strategic studies in the ministry of foreign affairs was removed from his post in an official letter from the president. Meanwhile, 8am daily reported some days before that Dr. Spanta is also supposed to be removed from his post.

According to some experts, reason behind the resignation and removal of these outspoken faces is the lack of openness in opposing the Pakistani interventions and the speed of government efforts to make reconciliation and peace with the Taliban. Every one of the above mentioned people are famous for good management and high capabilities of performing their duties.

The interesting point is that people who are famous for their bad deeds are appointed in high posts every other time.

The delegation of High Council for Peace visit Pakistan

Cheragh Daily, No. 246, Page One, 4 January 2010

It seems that the High Council for Peace has a hard task ahead. Bringing Pakistan on agreement in changing its strategic interest in Afghanistan is difficult task. If the council wants to have any achievements from its visit to Pakistan then it should try to change the strategic viewpoint of Pakistan regarding Afghanistan. In other words, the visit by the council can be fruitful when the delegation could put an impact on the Pakistani authorities. But, this is the most difficult or impossible task considering the strategic definition those Pakistani politicians and their military men have from Afghanistan.

Yet another issue that should not be forgotten is that it is not the first visit by the members of High Council for peace from Pakistan. There have been many visits by Afghanistan's politicians and ministers and even in the presidential level. What we didn't achieve during these visits is "peace" for which the High Council for Peace is again going to Pakistan.

Thus we can conclude that the visits from Pakistan bring nothing because Pakistan is reluctant to change its viewpoint about Afghanistan. If we put this visit by the council for peace in those lists then the result can be already anticipated.

The government made peace with the Taliban in Helmand

Mandegar daily, No 484, Page One, 4 January 2011

The first ceasefire between the government and the Taliban

based in the Helmand district was established with the mediation of tribal leaders. Helmand provincial governor's spokesman told the media that the meeting to reach ceasefire was to be held between Taliban leaders and the local elders when Golab Mangal, Helmand governor visited the area and confirmed the meeting of negotiation. Dawood Ahmadi, spokesperson for the Helmand governor said to media that the tribal elders in the town have agreed not to allow any foreign insurgents and the Taliban of the town also promised not to use weapons against foreign forces and the Afghan security officials.

Zabihollah Mujahid, Taliban spokesman confirmed the ceasefire talks in his talks with the media and said that Taliban will not use arms as long as government forces do not shell on them.

The Prospect of Peace

Afghanistan daily, No 1287, Page Four, 5 Jan 2011

Since last three years the Afghan government has understood its failures in many areas. In order to amend those weaknesses the process of peace was initiated with many propagandas and a handsome amount of money as budget. This process is rejected by the anti-government forces repeatedly with deadly suicide attacks.

But, the government has not missed any opportunity to invite insurgents to peace talks.

The international community also declared their support from the peace talks with insurgents. The government convened a consultative Loya Jirga with the participation of 1600 political figures and the Jirga legitimized the peace process by issuing a resolution.

The removal of Taliban leader's name from the black list of UN and liberty of accused prisoners of the Taliban group were the privileges the government of Afghanistan considered for the process of negotiation with the Taliban. The visit by the High Council for Peace from Pakistan is the first initiative by this organization but what will be the achievements by the High Council for peace from this visit is not yet clear.

Taliban attacked a Helmand elder for peace talks

Afghanistan daily, No 1288, Page Eight, 6 Jan 2011

Taliban affiliated men attacked a tribal elder who had entered into ceasefire talks with the Afghan government in the south.

The reporters say that Taliban had shown similar behavior towards those who entered into negotiations with the government, but it was temporary.

It is reported that Mollah Omar, the Taliban leader have issued a decree to kill those people who want to negotiate with the Afghan government. Syed Badar Agha with a group of 40 men belonging to tribal elders had entered into negotiation talks with the afghan government.

35 Taliban joined the government in Kunduz

8am daily, No 1055, Page Four, 6 Jan 2011

According to Abdul Rahman Syed Kheili, the police chief of Kunduz, during past two days following the cleaning operation of the Gul Tapa and Chahar Darra district from Taliban 35 members of this group joined the government.

Mr Syed Kheili said that these Taliban members are from Gul Tappa and Chahardarra districts that have laid down their weapons to support the peace process.

Peace talks in Pakistan

Afghanistan daily, No 1289, Page Four, 8 Jan 2011

The efforts of peace council show that they have not been able to show any practical and acceptable work yet. Inside the country the council is limited only to send invitation to the Taliban to join the government and formation of local Jirgas to support the peace initiative.

Which such a background it is very unlikely that the council could have a reasonable and clear plan in their visit to Pakistan in order to pursue the peace talks. What we have seen so far from the visit of high council for peace is the agreement between the delegations to form Loya Jirga about peace.

Members of High Council for Peace met with Pakistani President

Cheragh Daily, No 248, Page One, 8 Jan 2011

The high council for peace delegations met with the president of Pakistan and discussed the situation of Afghanistan and the efforts to bring peace in the country.

Burhanuddin Rabbani thanked the president of Pakistan and the people of this country for their continuous support for the reconstruction of Afghanistan and said: the close and warm ties between the two countries will bring peace in the region.

Zardari also welcomed the peace process in Afghanistan and promised that Pakistan will keep continue its support from peace process in Afghanistan.

He added that the Parliament of Pakistan has acquired three dimensional policies; first and second option is talks and development and the third option, only the previous two did not reach a result, is intimidation and deterrence.

Peace talks will be held with the government of Pakistan

Rah e Nejat Daily, No 1606, Page Three, 8 January 2011

The delegations of High Council for Peace are visiting Pakistan to draw their support for the peace efforts with the Taliban and they have agreed to form a join peace Jirga with the Pakistan. Pakistan Foreign Ministry spokesman said that the agreement was the result of talks between the delegations of peace council

in Islamabad with Pakistani officials.

Abdul Basit said that the representatives of both the countries will come together in the coming months. But he didn't mention about the date and place where the Jirga will be held. Mowlawi Ataullah Lodin said that the Jirga was proposed by the Afghani side.

Abdul Basit also added that both parties discussed about the Taliban representative office to be opened in Istanbul.

He added that if Afghanistan and Turkey are ready to accept for such representative office then we do not have any problem with that and we continually support every effort of Afghan government for establishing peace.

Holding Jirgas, waste of money and time

Sam daily, No 1057, Page Four, 9 Jan 2011

Burhanuddin Rabbani head of High Council for Peace is in leading a delegation to Pakistan and says that Pakistan can help bring peace in Afghanistan and this country wants to establish stability in Afghanistan.

Meanwhile, some of the experts believe that the regional peace Jirga did not have any achievement so do the current Jirgas. Unless Pakistan doesn't destroy the terrorist networks and their safe heavens inside its territory, Afghanistan will not experience peace.

Ahmad Saedi, political expert says that holding such Jirgas means nothing but waste of time because many as such Jirgas are hold in past years and we didn't see any important achievements out of them.

Meanwhile, Ahmad Behzad, an MP from Heart province also seems unhappy about the Jirga being emphasized by Pakistanis and Afghan peace council members and says that the joint efforts by the both countries of Pakistan and Afghanistan has had no positive results.

Mr. Behzad says that we can be hopeful about the peace process in Afghanistan when Pakistan changes its policies about the insurgent groups. According to him, there are some particular people inside the Pakistan military and intelligence that support the terrorist network inside Afghanistan.

Afghanistan welcomes the peace Jirga between Pakistan and Afghanistan

Afghanistan daily, No 1390, Page Eight, 9 Jan 2011

The Afghan government has declared its support for holding peace Jirga between the two countries of Pakistan and Afghanistan. Ahmad Zia Siamac Hirawi, deputy spokesperson for the president says that any effort that aims to establish peace in the region will be supported by the Afghan government. Mr Hirawi added: Afghanistan has always emphasized on negotiation with the insurgents and peaceful solution of Afghanistan's dilemma and any meeting that aims towards bringing peace in this country Afghanistan supports that.

Three years before almost 7 hundred representatives from Pakistan and Afghanistan gathered in Kabul under the name of regional peace Jirga to establish peace in Afghanistan.

But, some experts say that the decisions by this Jirga are not implemented and thus it didn't have any effect.

Parallel Lines of Peace and War

Afghanistan daily, No 1290, Page Four, 9 Jan 2011

Currently two parallel movements from two different sources are going on to bring stability in Afghanistan but they have not found a common point yet.

The International Community is trying hard to exert military pressure on the Taliban groups. These authorities believe that with the withdrawal of foreign troops the Afghan army should be able to take over and they should be empowered in quality and quantity aspects. In the first stage those foreign soldiers should be pulled out who are appointed in the repeated and costly positions.

In the meanwhile, the government is trying hard to show the peace process successful. The anti-government forces have been rejecting the negotiation and there is no sign observed by the insurgents to accept peace dialogues in the future.

Considering the achievements of the government in establishing peace in the country the current plan of negotiation will not be successful and it will cause nothing but huge of money and making busy the hearts and minds of people. Therefore, in current situation the policy of expanding military operation to strengthen the geopolitical sovereignty of this country should be the top priority and the peace talks as the second option.

Anti-government members continue joining government in Kunduz

Afghanistan Daily, No 1291, Page Eight, 10 Jan 2011

A group of 15 men joined the government in Kunduz province. From the start of cleaning operation in Chahardarra district from presence of insurgents 32 anti-government fighters have yet joined the government.

Abdul Rahman Aftash, the security chief of Kunduz says that these people were led by Mohammad and handed over their weapon to government to join the peace process.

The peace program of Afghanistan must be Afghani

Cheragh Daily, No 250, Page One, 10 Jan 2011

SM, Krishna the foreign minister of India on Jan 9 said in a news conference in Kabul that they support the peace process initiated by Afghan government. But, these programs should be Afghani. Although, the Indian foreign minister did not point out the involved parties he seemed to be concerned about the role of Pakistan in this process. India and Pakistan are two main

rivals in the region and always concerned about the influence of one and other in Afghanistan.

High Council for Peace supports Taliban office in Pakistan

Mandegar Daily, No 488, Page One, 11 Jan 2011

The deputy of High Council for Peace supported the proposition of opening a representative Taliban office in Pakistan and also informed that Pakistan has agreed with this issue too.

Ataullah Lodin, deputy of HCP told the media that in order to make easy the process of dialogue exchange with the Taliban and having a particular address it is necessary that Taliban open its office in Pakistan and peace Jirga welcomes it.

Lodin was the member of peace delegation that went to Pakistan and said that Taliban demanded for a political representation in Pakistan and the peace council has agreed with their demand. The council also asked Pakistan to agree with this demand of the Taliban.

He added that we sent messages to the Hezb e Islami members and received their positive feedback. Also they met their representatives in Pakistan during their visit from this country.

ISAF:

The visit by the High Council for Peace from Islamabad was fruitful

Rah e Nejat daily, No 1609, Page Three, 11 Jan 2011

ISAF called the visit by High Council for Peace delegations from Pakistan successful while many experts seem pessimistic about it.

General Joseph Blads, spokesperson for the international forces in Afghanistan in a news conference in Kabul said that the efforts by the High Council for Peace to bring back the insurgents to normal life have been effective.

He pointed that the latest visit of the peace delegations from Pakistan indicates that this issue should be discussed as wide regional talks and this visit sends the same message which is a positive step towards peace and stability in the country. General Blades also said that beside the peace efforts their operations in Afghanistan will be extended to exert more pressure on the insurgents.

According to experts, the support by ISAF from peace process in one hand and increasing their operation in the other hand is two different policies that may not have an effective impact.

Burhanuddin Rabbani:

The media spread propaganda about the visit of high council for peace delegations

Eslah Daily, No 2122, 11 Jan 2011

Burhanuddin Rabbani, the head of High Council for Peace called the news published in the media about their visit to Pakistan

propagandas.

Earlier the media reported that this delegation has agreed with the Pakistani authorities to create a representative office for the Taliban in Pakistan.

Rabbani:

If there is no peace with the Taliban, then there will be killings again

8am Daily, No 1059, Page Four, 11 Jan 2011

The head of High council for peace says that if the international community leaves Afghanistan and there are no peace talks with the Taliban then the criminal incidents and killings of 90s will be repeated.

Burhanuddin Rabbani the head of this commission was talking to the media about the result of the 13 delegations of the peace council from Pakistan. He also said that the peace council and the government of Afghanistan are accustomed to bring peace in Afghanistan.

The head of peace council also said that in talks with the Pakistani officials; military, intelligence and the political and religious parties they showed their readiness to bring peace in Afghanistan. Rabbani said that the Pakistani authorities and groups are asked to use their influence on the Taliban to make them agree to bring peace in Afghanistan as Pakistan has trained them in their Madrassas.

Regarding the presence of many Jihadi leaders Rabbani said that it is an effort to bring peace in the country as everyone is afraid of war.

The delegations of peace council returned with good achievements

Anis Daily, No 1306, Page One, 12 Jan 2011

It is to mention that the High Council for peace has had beneficial achievements for peace and stability.

The last visit of its delegation from Pakistan has opened a new window of hope for the people to drive the country towards peace and stability.

With the efforts of peace delegation, it was agreed that the Pakistani counterpart express their cooperation with the proposition of peace by Afghanistan. Also, both the parties agreed on one more point: formation of a commission between both countries. This joint commission will try to make successful all the efforts and decisions of regional peace Jirga and the activities of High council for peace.

Taliban members joined government in Dasht-e Archi of Kundoz province

8am daily, No 1062, Page Two, 15 Jan 2011-02-21

After the security forces took control of Gul Tapa village, Chahar

Darra district and Ali Abad district from the Taliban, now cleaning operation has begun in Dasht e Archi and Imam Sahib Districts.

According to Shaikh Sa'di, the district chief of Dasht e Archi, in the early days of operation after 17 Taliban were killed, 8 armed Taliban members surrendered. The defeat of Taliban in Kunduz started when joint operation by the military forces increased in the area and more Taliban fighters surrendered and joined the police and other security agencies.

The local people in Kunduz province believe that it is the start of Taliban downfall in Archi, Imam Sahib and Khwja Ghar districts of Takhar province. They thank the leadership of police to bring back security in their area.

Shaikh Sadi said that this group of 8 people was led by Mollah Pacha Khan and it is the third group in the vicinity districts joining government forces.

Elections Transparency

Khost local IEC head is sentenced to 6 months jail

Afghanistan Daily, No 1283, Page Four, 1 Jan 2011

The primary court of Khost province has sentenced the local electoral chief of this province to six months imprisonment. Head of primary court in Khost province, Abdul Hanan Mansoori has trialed Shehzada Hassan, IEC head officer in Khost province based on evidences and proofs of frauds and violations in the elections.

Rafat:

The manipulations of Khost IEC head officer has no impact on the elections results

Afghanistan Daily, No 1284, Page Eight, 2 Jan 2011

Ahmad Zia Rafat, a member and spokesperson of the Electoral Complaints Commission said that the fraud and misconduct of provincial IEC head in Khost province was declared before the final results and it has no impact on the final results. ECC spokesman says that the head of Electoral Complaints Commission has not been able to bring any changes in the final elections results. He said that the Khost IEC head was suspended from his position and introduced to attorney general's office before the final elections result was declared by IEC.

Head of Special Electoral Court: We want the implementation of justice

8am Daily, No 1051, Page Eight, 2 January 2011

Sidiqullah Haqiq, head of special electoral court for assessing the legal claims of angry candidates on Jan 1 said that the members and head of this commission is committed to carry out all the legal cases of elections according to the law and the constitution.

The head of Special Court expressed his regrets over the ongoing crises and said they will not surrender to anyone under no circumstances. According to Haqiq, the special court will carry out its work to establish justice. Meanwhile, the winner and loser candidates express different opinions about the result of elections. Moain Marastiyal, former MP in the parliament says that the special court should declare the elections result invalid based on the violation of constitution and the elections law.

However, Ahmad Behzad, former and current MP in the House of Representatives claims that he has strong evidence that Abdul Salam Azimi, head of Supreme Court resisted interfering in the affairs of elections but the president emphasized on this



point. According to Behzad, the head of Supreme Court has said that the president is responsible for any outcome of the Special Court interference and thus he proposed for its formation.

Formation of special court, the instrument of pressure of the powerful an power hungry

Mandegar Daily, No 482, Page 6, 2 January 2011

The controversial issue of the elections results or modifications in the results reveals the fact that everything is sacrificed in this geographical locale for the interest of a particular group. The fundamental problem lies with the law and the misinterpretation of the law in accordance to one's interest. These days there talks about approving new laws and amending the previous statutes that could overcome the weaknesses and deficiencies of previous rules.

The special court will be formed and it will declare its decision. Since it is confronted with the crises of lacking legal legitimacy then how its decision will be implemented according to the law. Rather, it will make more complex the situation. There are behind the curtain hands that are trying to strengthen the anti-government forces in order to reach their objectives.

If parliamentary elections of this year requires special court which could filter some particular people an infuse some others, then what guarantees that other elections will not require such courts- in case, our democracy remains alive.

Is this not for the interest of the powerful figures to form the special court and use it as a tool to exert pressure on others?

Displacement of special court will create crises

Mandegar daily, No 482, page one, 2 Jan 2011

The opposition group has seriously demanded the special court to pursue electoral frauds in the presidential elections of last year.

The spokesperson for the opposition says that the Supreme Court should not have acquired dual behavior and partial behavior about the frauds in the parliamentary and presidential elections of last year. According to the spokesperson for the national coalition of "Taghyeer and Omid" or Hope and Change" any displacement by the special court instead of assessing the criminal cases, will bring further social and political crises in the country. Meanwhile, Electoral Complaints Commission says that if the special court wants to assess the cases of parliamentary elections then the candidates of last year's presidential elections also has the right to consult this court for their claims.

Ahmadzia Rafat says that if we open a new phase of assessing the electoral frauds then other candidates of provincial elections and the presidential elections will also demand for the assessment of their complaints.

In the meantime, Fazil Sancharaki, spokesperson for the coalition of "Taghyeer and Omid" says that the special court can only assess the criminal cases of elections. But, it is against the law if they decide on the result of elections because this decision is only in the authority of IEC.

bring modifications to the elections results and the winner candidates have threatened that if they are declared losers then they will react seriously.

The special court says that if it is proven that some of the candidates are deprived of their rights then they will punish the culprits.

Judge Sidiqullah Haqiq, head of this court claims that they are not under pressure from any person or any organization.

He said that all the documents related to frauds and manipulations in the elections are assessed one by one. Haqiq added that if it was found out during the process of assessing frauds that any one's right is violated then he will be declared winner and his right will be given to him.

He emphasized that anyone who is involved in this violation will be punished.

Special electoral court can only address the criminal issues

Afghanistan daily, No 1286, Page Eight, 4 January 2011

The election observer organizations and the Afghan government opposition group warns that if the special election court tries to act beyond their legal authorities then the elections issue will become a crises.

The coalition of "Taghyer and Omid" led by Dr. Abdullah says that if the court's decision results to modifications in the elections results then he will not accept it.

President Hamid Karzai has said that any decision taken by this court should be accepted by all the parties.

Head of Special Electoral Court: We have no problem with the opening of the new parliament

Daily 8 am, Issue 1053, Page Three, 4 January 2011

Sidiqullah Haqiq, head of special electoral court in a news conference told the media that more than 400 complaints are received from dissatisfied candidates and based on the constitution and the authorities of this court, they will assess these complaints.

Haqiq said that as we are waiting for the president to open the new parliament in the first of Dalv (20 Jan 2011) the court will try to finish all the complaints until that time.

He also said that some of the candidates who could not make it to the parliament, because of wrong decisions by the IEC, may be declared winners and replace the current winner candidates.

According to Haqiq, they will ask the authorities in the IEC and ECC to explain about their decisions related to the candidates and if their decisions are not based on the law then the court will make decisions about them.

Haqiq says that he cannot make decision on canceling the

Everything about the special electoral court

Afghanistan daily, No 1285, Page One, 3 January 2011

Based on the report from reliable sources, about 313 cases are registered with the Special Court for consideration. 57 of the cases are referred to the winner candidates who are not pro government and 28 refer to those MPs who are pro government but they are rejected by the legal organs. About 200 cases are referred to the fraud and manipulations of the IEC workers and some tribal elders who were involved with them.

Less than 8 of these cases belong to the Hazara victorious candidates. Less than 6 of them belong to Ozbeks, more than 10 to Tajiks and more than 20 to Pashtuns. However the pro government MPs are said to be those 28 persons who are declared disqualified by the IEC. One of the winner MP in condition of anonymity said that he closely followed the work of special court and believes that government wants to bring its 28 candidates to the parliament.

Special Court threatens: Winners will be losers and losers will be winners

Irada Daily, No 953, Page One, 4 Jan 2011

The Independent Electoral Commission and the Electoral Complaints Commission insist that no one has the authority to

elections results. According to him the cancellation of elections results is the authority of other organizations.

He said that their assessment will not stop the president from inaugurating the new parliament.

If electoral conditions were not met, the special court will make decision

Rah e Nejat daily, No 1604, Page One, 4 Jan 2011

The special court judges, assessing the cases of angry candidates, say that they seriously review the complaints regarding the elections.

Head of special electoral court said in a news conference in Kabul that if they found out any case indicating that people had not participated in the elections then the court will make its decision. Sidiqullah Haqiq, head of special court says that they will declare their final decision after assessing all the cases.

He added that based on constitution and the laws of the country, the special court has particular authorities. We have not yet assessed the cases and if the elections conditions were fulfilled like general elections with the participation of the people then the result will be accepted. However, if it is found out that these conditions are not taken into account then the special court will make its final decision.

Head of Special Court: Full transparency in assessing the cases of dissatisfied candidates

Afghanistan daily, No 1287, Page One, 5 Jan 2011

The special court, created to pursue the legal claims of angry candidates and criminal cases in the elections has warned that if their decision about the elections result creates tensions in the country then the responsibility goes with those who had parts in the frauds of this year's elections.

Head of this court said the above statement in a formal meeting with angry candidates.

Sidiqullah Haqiq, head of the special court said that the assessment of the cases will be carried out in a transparent manner.

However, Mr. Haqiq did not reject the probability of crises after their decision is declared.

Rafat:

The Special Court has no authority to bring modifications in the elections results

Afghanistan daily, No 1288, Page One, 6 January 2011

The Electoral Complaints Commission says that the Special Court for elections has no authority to bring modifications in the final elections results. Ahmadzia Rafat, member and

spokesperson for the commission said that the law clearly explains that the Electoral Complaints Commission is the organization that reviews the complaints and makes the final decision. He also said that the Commission is responsible for its decisions. He added: "No other institution has the right to challenge the decision of the commission." Rafat said that the election process, from the perspective of IEC, has finished and no institution has the right to bring modifications in the final results or assess the electoral frauds. Regarding the reaction of the commission if they are accused by the special court, he said that all the nominees and people could have registered their complaints within three days of the declaration of elections results to the commission.

Winning candidates called the creation of special court unconstitutional

Afghanistan Daily, No 1288, Page Eight, 6 Jan 2011

The winner candidates of the second parliamentary elections called the formation of special court unconstitutional and their decisions illegal. This is part of the resolution declared by the new MPs in a news conference on Jan 5 2011. Based on this resolution the creation of special court is against the articles 69, 127 and 78 of the constitution.

The participants of the meeting said that special court can be formed as mentioned in the constitution and in other times it is unconstitutional. However, the Supreme Court reasons that the created special court is in compliance with the article 122 and article 32 of the constitution.

Warning to election commissions: Political or legal?

Daily 8 am, No 1055, Page Four, 6 January 2011

Sidiqullah Haqiq, head of special court for the electoral complaints said, " If anyone is found guilty of neglecting the votes or committing electoral frauds during their assessment they will be punished, regardless of their positions or status and I should say now that he should not complain from us."

The legal experts believes that the Special Court is primarily is illegal and its formation has no legal bases.

Political or legal?

Two points to be pondered about in this regard: one is political and the other is legal.

First, the term "special court", can be formed in four cases: for the trial of the President, for the trial of the ministers, for the prosecution of the Supreme Court members or the military courts. Therefore, out of this framework the formation of the special court has no legal and constitutional bases. Secondly, in terms of executorial authority the special court lacks legitimacy to assess the elections complaints.

Third, in proceeding the special court has legal problems and has no legitimacy.

Political statements:

the harsh remarks by Sidiqullah Haqiq, shows that the special court is not formed to assess the criminal cases of the elections. It is true that the special court has no legal bases; but political. When an illegal institution wants to assess the legitimacy of elections and punish the authorities in IEC and attorney general's office to maximum penalty (death) then it is obvious that who is responsible for this situation.

Strong Reaction by the losing candidates to the first introductory week with Wolesi Jirga for new MPs

Afghanistan Daily, No 1291, Page One, 10 Jan 2011

On 16 Jan 2011 the Secretariat of Wolesi Jirga is due to start the first week of introducing the Wolesi Jirga to the new MPs. On the other hand, a number of unsuccessful candidates demonstrated regarding this issue.

Dawood Sultanzoi an unsuccessful MP from the Ghazni province condemned this act by the Wolesi Jirga and called it a provoking and clumsy.

Sultanzoi said that when a court is discussing a national issue and its result is still under discussion then how can that be ignored.

He added that the list of people that is come out of frauds and manipulations and whose legitimacy is under discussion in the court, how are they legitimate and why should they be introduced to the parliament.

Constitution Oversight Commission: Special Court is illegal

Mandegar Daily, No 488, Page vi, 11 January 2011

The Constitution Implementation Oversight Commission deems illegal the formation of special court for elections.

During the meeting of some representatives with the members of constitution oversight committee on Jan 8, 2011 in Kabul the text of their decision read as follows:

The constitution implementation oversight commission declares its stance regarding the jangles over the elections results:

The result of second round parliamentary elections endorsed by the Independent Elections Commission is final.

The formation of special court to pursue electoral frauds is illegal.

Those MPs who are elected by the people will remain in their position until they are dismissed by an authoritarian institution.

The intervention by the attorney general's office about the electoral affairs is illegal.

Delay in the start of Wolesi Jirga is also against the law and the new parliament must be inaugurated soon.

Also based on a reliable source, after the decision of the

commission was declared Nasrullah Stanekzai, legal advisor to the president rushed to the members of the commission to change their views.

Sources close to the commission says that during the long discussion between president's legal advisors it was acknowledged that the formation of this special court to assess electoral frauds is against the law.

Dissatisfied Candidates: The New National Assembly should not be inaugurated until the special court has finished its works

Daily 8 am, Issue 1060, Page One, 12 January 2011

Some of the loser candidates of the recent parliamentary elections who could not gain required votes to enter the parliament gathered in front of the building of special court on Jan 11, 2011 and demanded that the new parliament must not be opened until the special court declares its decision.

The angry candidates asked for the cancellation of the current elections results.

These candidates also issued a resolution and in one part of this resolution it is written that we demand the special court not only cancel the current elections results but also punish the culprits who were involved in this act.

What will happen to the Special Court?

Mandegar daily, NO 489, Page VI, 12 January 2011

The Special Court deemed itself as the implementer of justice and enforcing impartial assessment and added that it will bring an end to the electoral crises so that the righteous gets tis right and the national process of elections reaches an end without any fraud cases.

It seems that there exist "Ifs and Buts". As many legal experts says that the formation of this institution is against the laws of the country and any kind of decision by this court is an obvious violations of the national law.

According to the law, the elections result is declared legally by the related institutions and thus, it should be accepted (whatever it is) and the special court must be stopped.

Now the latest position of the Constitution Implementation Oversight Commission also shows that the special court is illegal and their activities have no legal bases.

Parliament opens, but ...

Iqtidar Milli Weekly, No 395, Page One, Jan 15, 2011

The winner candidates referring to the constitution say that there are particular cases outlined in the constitution that a special court can be formed and formation of special court regarding electoral cases is against the law and the result of

their work is unnecessary. However, the loser candidates regard elections as an important national event and emphasize on the wrongdoings of the electoral institutions and reason that the formation of such a court will re-adjudicate those whose rights are violated. Another reason of these people is that they consider differences between the terms special court and the particular court. They say that a particular court and the conditions for its formation is outlined in the constitution while a special court is not and it is in the authority of the legislative organs and higher authorities of the country to form special court.

The reality is that the governing body is trying to be effective in the parliament and fill out the power gape in the parliament. Therefore, they are trying from other ways to use the current opportunity to absorb the minorities towards themselves.

With no doubt the governing body has endured great loss in the parliamentary elections. It may not be unrealistic to consider this defeat from the perspective of ethnicity and lingual and let's say that the governing body as the representative of a specific ethnicity has lost the elections. The president has not been able to draw the support of its people in the South and East to make victorious more candidates from these regions. Efforts and investments, widespread frauds and cheating have deprived many from their due rights, but failed to make victorious the supporters of the executive body and it is a great psychological defeat that has impacted the government. Now with the ongoing crises and disputes of elections the government is trying to achieve some goals and revive its defeat.

First the government will try to find an empty place to fill up with its supporters.

The second point is that the government will use the cases of tens of winner's candidates which were sent to attorney general office, as a tool to exert pressure on them and forcibly make these candidates loyal to the government otherwise their cases will be opened.

Third, the government will remind the candidates that their stay in the parliament is subject to their cooperation with the government, otherwise they will be eliminated from the Wolesi Jirga.

Special Court and the legal challenges

Daily 8 am, Issue 1062, Page Four, 15 January 2011

Based on the news published in recent days in the media, the special court has declared that it is created with the presidential decree and enjoys legal and legislative credibility. There are no legal challenges with its formation, the special court claims. As many legal experts in the media emphasize on the illegality of the court and the Supreme Court says that its legal, it shows that rule of many games has changed in Afghanistan. It is expected that the governmental bodies should provide legal bases for their actions and the analysts and the legal and political experts also refer to the constitution and other legal documents to defend their stances.

The short news published in the news pages show that the court is formed with decree of the president and thus is legal. However, if legal reference would be only the president's decree then it is weak in terms of adequacy and contentment. Because according to the law, the president is not recognized as a legal person whose role would be the base of laws. But, the president is also bound to legal authorities to enforce his executive powers.

Corruption

5 convicted for corruption charges

Afghanistan daily, No 1286, Page Eight, 4 January 2011

The local authorities in Herat have informed that five government authorities are charged with being involved in corruption cases. These people were convicted to imprisonment and pay fine during an open court session for corruption cases.

Qazi Sher Agha Moniq, the head of criminal court in Herat province says that these people are punished in misusing their authorities and being involved in corruption cases.

He added that one of them is an employee of local government and the other 4 are associated with the military.

He stressed that during current year 17 cases of corruption and bribery are prosecuted and 26 people are punished in this regard.

Articles & Interviews

The prospect of reconciliation

By Ali Amiri (Journalist)

It is increasingly evident that peace with the Taliban has turned to be the main goal of Afghan government. The government of Afghanistan has sent many green signals to the Taliban during past one year, which indicates the importance of a political settlement for the Afghan government. Long before, President Karzai called Mollah Omar "brother" and requested him personally to stop fighting and join peace process. On different occasions, the President has been repeating this request.

The Peace Strengthening Commission head by Sibghatullah Mojaddadi the former head of Senate was the first step by the government to bring Taliban towards peace. The commission has spent a handsome amount of money to absorb Taliban commanders to peace process and make them stop fighting. Rarely have they been successful in

The future prospect of peace seems to be very gloomy and dark. If we pay a real look to it, there is no progress observed in this issue. Now, everyone must have reached to this conclusion that the reactions by the Taliban have none been seen as a sign of hope that would end towards peace. The current process will not end up in peace. Once again peace and war has been tied together in this country.

their effort. However, in many cases these commanders have returned back to the ranks of the Taliban. Over all, there have always been serious doubts about the activities of peace strengthening commission.

Last year the government of Afghanistan initiated a council for peace. The Peace Jirga held in Kabul included one thousand and six hundred representatives almost from all parts of the country. To a great extent this gathering formulated a framework for talks with the Taliban.

The main demand of the council from the Taliban was acceptance of the Afghan constitution and reintegration to the political and social mainstream. It was also stressed during the meeting that a High Council for Peace be created to lead the issue of reconciliation with the Taliban in a broader scale.

The High Council for Peace includes former jihadi leaders including Burhanuddin Rabbani as its leader. Almost half a year has passed from the formation of this council and there has been no significant achievement in the reconciliation process with the Taliban. The High Council for Peace is probably the last initiative of Afghan government. This is not because the

government has no interest in reconciliation but because this is the most important initiative it can ever take. In response to the calls for peace by the government, the Taliban has increased violence by more suicide attacks, explosions and killings.

With this background perspective can we say that the peace process with the Taliban has reached to a dead end? If we consider the possibilities of peace, it is easier to answer this question. In addition to its practical initiatives, what other measures can the government of Afghanistan take to bring peace? As far as the distribution of political power and the privileges are concerned, the government has some other options. The government of Afghanistan can give employment opportunities for the Taliban leaders and also can appoint some Taliban leaders to higher government offices. However, the government has no other tools other than this and the Taliban are not demanding a share in the power but they want to infuse their ideology and lifestyle into the Afghan society and the government. Taliban have problem with constitution, freedom of speech, work and education of women, elections, votes and democracy. Therefore, the ideological demands of the Taliban are more than the Afghan government can meet and because of this the government has been unable to offer compromises on these ideological issues. The international community considers Taliban as part of terrorist network- Al Qaida and deem possible their return if they cut off their relations with this network. Therefore, the government of Afghanistan has neither the authority nor the power to overcome the ideological demands of the Taliban. Therefore, considering the issue from this ideological perspective, we can say to some extent the peace process has reached to dead end. Although it is an early conclusion, we can conclude a future prospect of the issue based on this conclusion.

Based on what is said in the above, the future prospect of peace seems to be very gloomy and dark. If we pay a real look to it, there is no progress observed in this issue. Now, everyone must have reached to this conclusion that the reactions by the Taliban have none been seen as a sign of hope that would end towards peace. The current process will not end up in peace. Once again peace and war has been tied together in this country. The only way to bring a small hope of peace is to double military pressures on the frontlines over the Taliban and their supporters. In one word, only intensified fighting can end up in peace. Only the policy of 'iron fist' and pressures in the front line and other areas on the Taliban can be helpful to finish crises in this country.

New publications

Afghan hope is gone

Le Monde Diplomatique / By Chris Sands / January 11, 2011

At the end of each year, the anniversary of the Soviet invasion passes quietly in Afghanistan. There is little in the way of a public commemoration, just the occasional radio show on the subject or a TV debate between ex-government officials and the mujahideen they once fought.

War has long become a fact of life in this country, as regular as the changing of the seasons. The US and its Nato allies insist the decades-old pattern is slowly coming to a close and progress is now being made. Few in Kabul hold out the same kind of hope. "From the [communist] coup until now we have not had a peaceful day," said Abdul Matin, a former jihadi who has taken to selling fruit on the capital's streets in an effort to earn a living.

<http://mondediplo.com/openpage/afghan-hope-is-gone>

Afghan High Peace Council Fails to Reflect Afghan Civil Society

United State Institute of Peace (USIP) / By Patricia Gossman / January 2011

The Afghan public, along with the international community, appears increasingly supportive of opening negotiations with the Taliban to end the war. The Karzai administration also supports this, as reflected by the June 2010 Peace Jirga held in Kabul and the 70-member High Peace Council that was formed thereafter.

In spite of the talks, no one in Washington or Kabul has clarified what reconciliation means in practice, particularly with respect to accountability for abuses that occurred during the rule of the Taliban as well as those that occurred when rival factions fought with each other before the Taliban came to power.

On November 10, 2010 representatives from Afghan and international NGOs, as well as the U.N., gathered for a one-day Conference on Peace, Reconciliation, and Justice in Kabul to revitalize public discussion on peace and reconciliation among the government of Afghanistan, the international community, and Afghan civil society.

The discussions revealed a troubling disconnect between the High Peace Council and Afghan civil society representatives who strongly criticized the Council's inclusion of former militia leaders among its members, the lack of transparency in its activities, and the lack of clarity in its objectives.

These criticisms indicate that for a peace process to have broad, popular support, the Afghan government and the international community must make greater efforts to engage local leaders in a dialogue and account for the interests of communities and interest groups that are not represented in the High Peace Council.

http://www.usip.org/files/resources/PB74-Afghan_High_Peace_Council_Fails_to_Reflect_Afghan_Civil_Society.pdf

Program to modernize Afghan justice system yields little so far

McClatchy / By Dion Nissenbaum / January 12, 2011

Kabul's five-star Serena Hotel is known as one of the city's most luxurious escapes from the daily grind of Afghanistan's gritty capital. Home to the Kabul's first day spa, complete with a heated swimming pool, the heavily fortified hotel that's been a repeated target of insurgent attacks bills itself as "an oasis of cool and serenity in the heart of the city."

For five months last year, the Serena was also the headquarters for a U.S. consulting firm with no experience in Afghanistan that the U.S. government is paying \$15 million to boost Afghans' confidence in their antiquated justice system.

<http://www.mcclatchydc.com/2011/01/12/106695/program-to-modernize-afghan-justice.html>

Pakistan-Afghanistan to hold peace jirga

AFP / January 6, 2011

Pakistan and a visiting delegation of Afghan officials charged with trying to broker peace with the Taliban have agreed to hold a peace "jirga" between the two countries, Islamabad said on Thursday.

A spokesman for Pakistan's foreign ministry said the decision was made during a visit to the capital by two dozen members of Kabul's High Committee for Peace, led by its chairman, former Afghan premier Burhanuddin Rabbani.

http://www.google.com/hostednews/afp/article/ALeqM5i9uMBddt6AH2pP89iFe8Z722_SJw?docId=CNG.5ef495a04e9f24705338c4bd6be74062.7a1

Pakistan, Afghanistan Promote Stronger Ties in Effort to End Violence

Voice of America / January 10, 2011

Pakistan and Afghanistan have recently concluded high-level talks aimed at accelerating the process of reconciliation and reintegration with Taliban insurgents to try to bring an end to the near decade-long Afghan conflict. The United States, which plans a phased withdrawal of its combat troops this summer, has welcomed the increased interaction between Kabul and Islamabad, which it believes is crucial for bringing peace to Afghanistan.

<http://www.voanews.com/english/news/Pakistan-Afghanistan-Promote-Stronger-Ties-in-Effort-to-End-Violence-113199534.html>

Afghanistan looks to Pakistan for help with Taliban

The Christian Science Monitor / January 5, 2011

As Pakistan deals with the fallout from Tuesday's assassination of Punjab Governor Salman Taseer, former Afghan President Burhanuddin Rabbani met Wednesday with Pakistan's military chief to help nudge the Taliban to the negotiating table.

<http://www.csmonitor.com/World/Asia-South-Central/2011/0105/Afghanistan-looks-to-Pakistan-for-help-with-Taliban>

U.S. won't pursue Karzai allies in anti-corruption campaign

McClatchy / January 06, 2011

Under a new anti-corruption strategy for Afghanistan, the U.S. government won't aggressively pursue top Afghan officials suspected of malfeasance, conceding that "limited judicial capacity and political interference" from President Hamid Karzai's government make success in prosecuting them unlikely.

Instead, the document, obtained by McClatchy, puts a priority on fighting corruption at the local level and strengthening Afghan institutions to deal with it, through an array of new and existing initiatives. Whether that approach will make a difference remains unclear.

<http://www.mcclatchydc.com/2011/01/06/106314/afghan-anti-corruption-plan-sidesteps.html#ixzz1ANiEcf69>

Taliban 'agreed Sangin peace out of compassion' but won't give up arms

Scotsman / January 05, 2011

The Taliban commander who has agreed a ceasefire in Sangin has claimed he was motivated by compassion.

But the insurgency leader also warned his men will take up arms if the Americans break the terms of their landmark deal.

<http://news.scotsman.com/news/Taliban-39agreed-Sangin-peace-out.6679419.jp>

Tribe's deal with Afghan government offers chance of peace in southwest district

The Washington Post / January 5, 2011

Nestled amid Afghanistan's southwestern foothills, the lush pomegranate orchards and dense poppy groves of Sangin have seen more combat fatalities than any other district in the country.

Relentless insurgent ambushes and roadside bombings in the district claimed the lives of more than 100 British troops from 2006 to 2010. The U.S. Marines have lost 29 men there since they took charge last summer, and the limbs of dozens more have been blown off. Top commanders had all but given up hope that the district could be salvaged.

<http://www.washingtonpost.com/wp-dyn/content/article/2011/01/04/AR2011010405489.html>

Though Largely Powerless, Afghan Peace Council Visits Islamabad With High Hopes

Radio Free Europe / By Charles Recknagel / January 04, 2011

The Afghan Peace Council is holding talks in Islamabad with Pakistani officials in an effort to build regional support for reconciliation talks with the Taliban.

The 15-member delegation represents the first large-scale contact between the council and Islamabad since the group was formed following last year's peace jirga in Kabul. The Afghan High Peace Council is tasked with exploring prospects for talks with the Taliban.

http://www.rferl.org/content/afghanistan_high_peace_council_islamabad_pakistan_taliban/2267092.html

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