



“It was brought from above”

“Untangling political narratives regarding transitional justice in Afghanistan from above & from below.”

MSc Victimology & Criminal Justice

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Word count: 32,320

July 2018 Tilburg Netherlands

Afghanistan’s Victims’ Rights’ Foundation

Abstract

Afghanistan has experienced a history plagued with disappearances, war, and human rights violations. Transitional justice is a process which is applied to come to terms with such a history and transition a country towards a better future. This thesis is divided into two perspectives named 'from above' and 'from below'. Analysis of these perspectives is done using a narrative approach.

The from above perspective investigated national policies and political actions taken during the transitional period (2001-2009). This displayed that just as the historical context revealed, foreign forces played an active role in this transition. The Bonn agreement placed individuals who are perceived as criminals by some, into powerful positions. Accountability was resisted from within the government and consequently not enforced in practice. Although policies such as the action plan promised extensive transitional justice measures, these were ultimately not practically experienced in the 'from below' perspective.

The 'from below' perspective consisted of eight qualitative interviews with Afghan victims residing in the Netherlands. These Afghans revealed their interpretation of the Afghan history which displayed the significance of foreign involvement in Afghanistan. The transitional period, and actions taken therein resonated in their lives. There was an overwhelming support for accountability and justice which remained unanswered by the 'from above' perspective. Importantly, the general perception of the Afghan government and transitional justice was negative. The government was considered to consist of the very criminals that harmed them during the years of conflict. The political sphere was experienced as working against these victims, not for them.

It seemed the context of Afghanistan was important and influenced the experience of victims today. Both due to the victimization during these periods and the significance of foreign influence in development. The from above perspective seems to operate at disregard of these voices from below.

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Chapter 1: Introduction

The need for transition in Afghanistan

The people of Afghanistan have suffered immensely during the past decades. Scars have been inflicted by decades plagued with disappearances, torture, mass executions, war crimes, and gross violations of human rights on the part of all involved warring parties. These phenomena have left behind a nation composed of predominantly civilian victims (Echavez, Pilongo, Jayakody, Noorzai, & Markova, (2016); Winterbotham, 2010). Contextualizing with Afghanistan reveals a place where the perpetrators of these crimes are positioned amongst the political elite. Within Afghanistan, human rights violations continue to be committed in the contemporary context (Winterbotham, 2010).

By signing the Bonn agreement in 2001, Afghans welcomed a transitional government which provided much hope regarding a peaceful transition. This transition would take the nation from a state of ongoing conflict and Taliban rule, to peace. However, it is questionable whether transitional justice was truly implemented and whether it achieved the aims set out within its policies which evoked such hope amongst the population.

As Echevez, et al, (2016) outlines, how it has been stated that the transitional period in Afghanistan is unique in its application. Transition was brought to the nation through an international intervention. Also, international actors have played a prominent role in this process. Nations such as Iraq and Libya have seen similar methods of transition. This thesis will gaze into the transitional process and concern itself with two perspectives regarding the process of transitional justice in Afghanistan. The national policies and actions witnessed will be viewed using a narrative approach.

Narratives are ultimately formed out of the interpretation of a particular perspective. The very act of describing specific events itself evokes choice. Therefore, the act of describing also produces a specific perspective (Shaul & Shenhav, 2006). Two perspectives will be investigated in relation to the period of transition. The 'from above' perspective, which concerns itself with formal institutions and actions taken by these. Also, the 'from below' perspective, which concerns itself with the voices of those most effected, such as victims (McEvoy & Mc Gregor, 2008). This perspective will be consulted through interviews with Afghan victims currently residing in the Netherlands. In doing so, it will view what actions were taken from above by the formal institutions in charge of the administration of Afghanistan during the transitional period. Furthermore, it will investigate how this is experienced by those significantly affected who observe this process from below. Therefore, the untangling of these political narratives will display how policies implemented from above, resonate in the lives of the victims consulted. These policies and political actions may have an influence on how victimization is narratively experienced and articulated.

As Lewis- Beck, Bryman, & Liao (2003) explain, research utilizing the narrative form emerged out of a variety of contemporary movements seeking to emancipate analysis from the dominant positivist limitations. This has direct connection to the emancipation movements of people of colour, women, and other marginalized groups. Embedded within ordinary and marginalized individuals are narratives. These narratives are often suppressed or muted (Lewis-Beck, Bryman, & Liao, 2003). These marginalized narratives can disintegrate the master narratives enforced from above. It is for this reason that narrative research is of relevance to the issues discussed in this thesis. Especially considering the insufficient acknowledgement of certain voices in transitional justice processes. Often this insufficient acknowledgement is regarding the voices of victims (McEvoy & Mc Gregor, 2008).

Almost every single Afghan has a narrative of struggle and hardship. Although it seems their voices have become an unchanged chorus in the background of this political play engaged in by the Afghan government and its institutions (Barfield, 2010). While the United Nations Security Council (2004) argues that victim consultation was central to the transitional justice process, having learnt from past lessons regarding pre-packaged solutions. Others oppose this view, referring to the process in Afghanistan as exactly the opposite, a “pre-fabricated package” (McEvoy & Mc Gregor, 2008, p.105).

Considering the important function of transitional justice, it is vital to investigate how formal institutions in control of Afghanistan have influenced this process and what the implications are for victims. Also, it must be investigated whether their voices are heard and included in the implementation of this transitional justice process. Or, whether the victims of these many years of conflict are simply an audience to the political narratives instilled from above.

The main research questions this thesis will aim to answer is: how did the transitional justice period in Afghanistan develop at the national level and how is this experienced by victims? Therefore, it will firstly aim to investigate what the historical context is within Afghanistan. This is done to provide an overview of what the conflicts are that transitional justice may address. This thesis will also aim to investigate what policies and political actions were taken in response to this history at a national level. The focus will be on the period between 2001 and 2009. Furthermore, through qualitative research, the experience of these developments will be looked at. And so, seek to investigate how victims experienced transitional justice in Afghanistan. Transitional justice addresses the past, present and future. Hence, the qualitative research regarding the experience of victims, will be conducted in this manner also. The greater structure of this thesis will also be set in this framework, starting with a historical chapter.

Chapter 2 will investigate this historical context. The second chapter will cover most relevant history until today. The aim here is to construct a history of Afghanistan to introduce the reader to the background of the country. Also, the developments that contributed to establishing the context of Afghanistan as it is today. It is important to expose the reader to the historical context from the outset, to foster a deeper understanding of the discussions that follow. The issues outlined in this history, are the issues transitional justice may need to confront. Chapter 3 will outline the theoretical framework. The theoretical framework will provide the theory through which the research and analysis are conducted. Also, key concepts of importance to this research will be defined. Thus, when this thesis refers to the narrative approach, it means the application of these theories. Chapter 4 will describe the method used to accumulate and analyse the data used to construct this thesis. It will also discuss the narrative approach regarding this method. Chapter 5 will outline the results by discussing how transitional justice was implemented by national and international institutions. This will be done by looking at the key national policies implemented during this period. Also, other political actions taken will be investigated. These policies are commonly mentioned in literature and are consequently analysed in depth. Chapter 6 will look at the way in which these policies and political actions were experienced by Afghan victims currently residing in the Netherlands. These results will be displayed through the analysis of qualitative data. The qualitative data consists of the narratives of eight Afghan victims.

The progression through this thesis will hope to display what the national policies articulate. Also, this will be viewed with comparison to the genuine application of these policies in practice. It is one thing promising measures within a political setting, however, the application of these promises is another step. Hence, regarding this dynamic, victim

consultation is important. The way in which these measures are experienced and viewed may provide an insight into the extent of their practical application.

Chapter 2: The Historical Context

History and narrative

Constructing an account regarding the history of Afghanistan is problematic for various reasons. There is a significant limitation regarding the literature available. Despite the lack of literature, history can be interpreted with agenda. Considering the many forces and ideologies wavering in and out of the Afghan context, nothing can be taken as the absolute truth.

Problems regarding the interpretation of history are also related to narratives. As White (1984) points out, the historical facts given in such an account may be accurate. Contrarily, the interpretation of these facts may be misleading. Yet, the narration of these facts is the representation of what the author interprets to be the true story. It is also important to acknowledge the public present from which we view these events today. White (1984), describes how Hegel states, that the content of historical stories is not what really happened. However, it is the relationship between the present and a past, constructed by a state in a certain manner (White, 1984). White (1973), views this as the meta-historical element. Outlining that this is more complex in scope than simply the monograph presented. White (1973), describes how histories combine a certain amount of data, theories, and a narrative structure. This narrative structure presents the set of events that are thought to have occurred in the past (White, 1973). It is important to acknowledge the previously outlined subjectivity as transitional justice may aim to address this historical context. For this reason, the respondents will be given the chance to share their interpretation of their history in Chapter 6.

The historical background of Afghanistan can itself be viewed as a narrative. As Labov & Waletzky, (1967) state, a narrative is “an account of a sequence of events in the order in which they occurred so as to make a point” (as cited in Johnston, 2016, p.36). The narrative of Afghanistan is precisely that, it is dense, long, and filled with conflict. The history also illuminates the importance and simultaneously problematic need for peace and reconciliation. Uncovering a history regarding the relational setting in which actors are located is a vital step when analysing the narratives constructed within it (Somers, 1994).

The need for contextualisation

The past has resulted in great suffering amongst the population and ultimately, may influence the nature of operation today. It seems symptoms of this historical narrative manifest themselves within the contemporary Afghan context.

As noted with the continuous and repetitive nature of foreign invasions repelled through utilizing local forces. One could argue that coming to terms with the root causes of these symptoms may be the key to a successful transition from this troubled past. Transitional Justice is a process which is often implemented to allow a society to come to terms with a history of past large-scale abuses (United Nations Security Council, 2014). As will be outlined in the Afghan history, the past is dense with severe violations of human rights, conflict, and instability.

Concerns can also be raised as to whether a process implemented from above can really bring this process into reality. These may be the very institutions involved in the manoeuvres which caused hardship for the population it now seeks to address. Within the historical meta-narrative of Afghanistan, the influence and attempts at domination by other nations plays a

significant role. The actions of other nations also raise the question what the interpretation of transitional mechanisms facilitated and enforced by those foreign forces is among the Afghan population. For this reason, an interpretation of the historical narrative of Afghanistan is essential. For the previously outlined reasons the history is also directly connected to transitional justice and the above and below perspective.

Historical Framework

A historical overview is necessary to familiarize oneself with the background of the country. This will aid in understanding what is needed in response to this context. This is because these events have influenced the actions and perceptions of the two perspectives discussed in this thesis.

To produce this historical timeline, sources were extracted from various disciplines to include their range of foci. For example, the article by Baker (2011) includes an extensive chronological account of the History of Afghanistan. Due to this article covering such a lengthy period, it can place events into perspective with reference to other events in the past and future and so establishing causal relations. However, this article places an emphasis on war and administrative political arrangements. This historical perspective is therefore mostly focussed on the developments within what this thesis considers the 'above' perspective.

To compensate for this Narrow focus, an article by Barfield (2010) is referenced frequently. Barfield (2010) is an anthropologist who spent many years living amongst the local population. Therefore, his work acknowledges the common people living in Afghanistan. The Anthropological approach gives both politics and culture equal recognition, this is important as this thesis aims to view Afghanistan through a similar lens. One may notice, that this perspective therefore acknowledges the perspective of the common people in the 'below' perspective. By supplementing the article by Baker (2011) with that of Barfield (2010), this thesis aims to include both the above and below perspective in the historical timeline.

Various other sources were investigated and compared to establish whether opposing accounts are articulated regarding certain events. Other sources include independent research bodies, United Nations reports, human rights activist websites, journal articles, and NGO reports.

Structure

The history will be divided into specific periods. Firstly, the distant history will be acknowledged, which was significantly altered when the British invaded. Second, the rule of the first monarchy, which was described in literature as a relatively peaceful period. Thirdly, the republican coup will be outlined. This change is significant as it was the end of monarchy in Afghanistan. Fourthly, the "Saur revolution" and its consequences for the civilians is described. This event was perceived by victims consulted as the start of conflict and instability. Fifth, the Russian invasion, which had a lasting impact is outlined. Sixth, the Afghan civil war is acknowledged. This civil war also had a severe impact on some of the respondents. Seventh, the period during which the Taliban came to power is described. This period ultimately led to the United States invasion in 2001. Eighth, the transitional period between 2001 and 2009 is viewed. This will give the reader a context of the period which chapter 5 will analyse in depth. Last, the current state of Afghanistan is briefly touched on. This will provide the reader with a view of the current situation in Afghanistan.

It is important to acknowledge and divide these periods. The respondents in this research, experienced different aspects of these developments in history. This is because they fled the conflict during variant periods within this history.

While reading the extensive account of conflicts and events, the reader is asked to bear in mind those 'common' people who are engulfed and surrounded by the continuous atrocities occurring around them.

(1839 - 1880) Anglo-Afghan Wars

Until approximately 1838 the Afghan population saw mostly close relatives compete as rivals and struggling internally for power. Afghanistan had been under the rule of an elitist dynastic monarchy since the middle of the eighteenth century (Kakar, 1978). This dynamic was interrupted when the British invaded Afghanistan. The Afghans defeated and repelled the British in both 1839 and 1878 (Barfield, 2010). These victories were achieved by utilising rural militias in rebellions. The dynastic elite in power had no control over these groups so successful in expelling foreign invaders. This created a contradictory dynamic as people were encouraged to rebel through armed resistance, yet when the war was over the elite refused to share their power with those very people who defeated the invaders (Barfield, 2010).

This reveals the significance regarding these invasions. It seems that these wars were a catalyst in establishing a culture of resistance and uprisings from below. With each conflict and succeeding crises, it became more difficult to maintain a grip over Afghans by the state authorities. Disputes over who had the right to rule over the country became more hostile and frequent.

Nonetheless, after the first Anglo-Afghan war Muhammadzai successfully maintained control over his dynasty. However, things changed and evolved quickly after the second British invasion in 1880 which led to the appointment of Abdur Rahman as the new Amir of Afghanistan (Barfield, 2010).

(1880-1973) The Rule of Amir 'Abd al-Rahman & successors

After 1880, the newly established Amir, Abdur Rahman was the start of monarchy in the form of absolute rule by one man (Kakar, 1978). This autocratic authority was established by reducing the influence of the council of elders and therefore removing the decentralised governmental system. The council of elders allowed tribes to maintain some sort of autonomy, which was in turn rewarded with adherence to the legal authority imposed by the king (Barfield, 2010). King Abdur Rahman claimed a divine right to rule and introduced the concept of rule through political succession, which was not officially in operation earlier. Rahman spread his power and control through the expansion of his centrally controlled bureaucracy, enforced by a large army (Kakar, 1978).

Due to his method of ruling Afghanistan, the new Amir faced revolts by regional groups upon which he waged war using his large army until there was perceived to be no resistance remaining against the newly established crown. This heavy-handed method of establishing control, consequently resulted in significant political resentment in the long term, which in turn, negatively affected his two successors, Amir Aman Allah (1901-1919) and King Aman Allah (1919-1929).

King Aman Allah was eventually abdicated during the 1929 civil war. This led to a distant cousin, Nadir Shah, taking place on the throne in 1933 (Barfield, 2010). During the reign of Nadir Shah political participation grew, which eventually led to the establishment of a parliamentary system in 1964. However, King Zahir Shah resisted any limitations on his

executive power regarding this system. Meanwhile during this period, a republican modernist movement was gaining traction. Three younger subjects of the dynasty stood up to be the new leaders of Afghanistan due to dissatisfaction regarding progress and modernisation instigated by the modernist movement. These three members were Muhammad Zahir, Sardar Daoud, and Sardar Muhammad Naim (Kakar, 1978). In 1953 Mohammad Daoud was elected as prime minister and head of government (Afghan web, 1997).

During the next decade with Daoud as the head of government, the army was built up again and infrastructure constructed and repaired. With the increased accessibility to education and socio-economic advancements a middle class began to emerge (Afghan web, 1997; Kakar, 1979). The middle class was not satisfied with the rule of the aristocratic monarch and ideologies that desired change began to emerge. Daoud sensed this tension towards the monarchy and proposed significant institutional changes that would place the king as a symbolic head of state with the government functioning independently. Forty-seven days later Daoud resigned to avoid an imminent clash, the king followed this by introducing systematic reforms which strengthened his position as autocratic leader in 1964.

During this constitutional period advancement continued amongst the people of Afghanistan as intellectuals were appointed in government through elections that seem to have been fair (Baker, 2011). The king still maintained a central role with executive power. Despite the elections, the desire for further change regarding the monarchy was ongoing and Daoud continued to operate within this counter movement (Kakar, 1978).

(1973-1978) The republican coup

The significant and rapid advancement Afghanistan experienced was also accompanied by negative implications. This led to constant tensions and collisions between the ideological flows of tradition and modernism. This manifested itself in violent attacks on women to resist their emancipation, and in politics through the resisting of socio-educational reforms (Kakar, 1978). Then, in 1972 a famine struck Afghanistan, during which the government showed themselves to be unable to cope or assist within this crisis (Baker, 2011). This chaos and lack of control provided an opportunity for Daoud Khan and the Afghan Communist party (PDPA) to overthrow the government in a military coup. Daoud Khan declared himself president, the republic of Afghanistan was established, and the monarchy consequently abolished (Afghan web, 1997).

During Daoud Khan's reign, Daoud appointed several of his family members into positions of power, they abused these positions to enrich themselves with money which was initially destined for public spending (Baker, 2011). In doing so, it can be observed that this once again takes similar shape as the monarchy which Daoud Khan himself overthrew. Daoud Khan located himself ideologically centrally between the two extremes dominating Afghan politics. Consequently, both extremes of the political spectrum felt alienated which resulted in deteriorating relationships with these parties.

By 1978 his relationship with the PDPA which had initially supported him in the coup had become troubled. The Democratic republic was less than five years old when it was toppled in a bloody revolution in 1978 by the PDPA. This conflict was named the "Saur revolution" and resulted in much suffering grief for the population of Afghanistan (Baker, 2011).

(1978- 1979) The "Saur revolution" and the Nuristan uprising

The new framework of governance led by the PDPA under Hafizullah Amin was to be a socialist and communist one, which was intended to reach and modernise all aspects of Afghan society. The government reformed Afghan law by replacing Islamic law with secular law. This provoked resistance, however, the government ended these swiftly using a heavy

hand. The Afghan government started sending out groups to clear any undesirable responses by initiating purges. These purges became more and more violent targeting thousands on ideological grounds (Baker, 2011).

It can be concluded that the government used severe violence during this period. Estimates regarding executions and disappearances range from 11,000 to 30,000. These figures are often questioned as it was noted that almost the entire middle class within Afghan society was eradicated in this process. Many of those who did survive this period, did so as refugees (Baker, 2011). Approximately 80,000 Afghans had escaped to Pakistan by April 1979. Nearing the end of 1979, this figure had dramatically increased to nearly 400,000 refugees in Pakistan alone (Eisenberg, 2013). With such significant outward flow of refugees, it can be established that the situation in Afghanistan was violent and unsafe during this period.

The regime had not only established authority through extreme violence, it had also destroyed many of the tribal frameworks and practises in the process which had previously brought stability. Unsurprisingly, opposition started growing towards this government. When rebellion came into motion, it was in the North of Afghanistan, where heavy fighting commenced and numerous Afghan government military posts were overrun. The widespread mass violence which followed these events was named the Nuristan uprising (Baker, 2011). The violence spread to the cities, namely, in the city of Herat. In Herat hundreds of officials of the Communist party, Soviet advisors, and central government members were massacred. This led to a violent response by the government which resulted in around 20,000 people being killed (Baker, 2011).

It was in response to this violence that the CIA initiated financial aid to the Mujahedeen rebels to counter the communist regime. Meanwhile, the Afghan government under Amin had approached the Soviet Union for military assistance, which was granted by the USSR deploying helicopters and armoured vehicles into Afghanistan. The situation worsened as more fighting broke out internally between government factions. In one incident, the United States ambassador was killed. The death of this ambassador resulted in the withdrawal of all financial aid to Afghanistan by the United States (Baker, 2011). This had significant consequences considering Afghanistan was heavily reliant on international aid and had no other significant financial resources which it could utilize to operate the central government. (Barfield, 2010). This eventually led to the Soviet intervention.

(1979-1989) The soviet invasion & The Karmal government

The Soviet Union observed these events from which they concluded that the harsh and repressive measures used by the government would ultimately result in the rejection of the government by the Afghan people (Baker, 2011). Therefore, In December 1979, the Soviet army launched an invasion of Afghanistan consequently ending the Amin Regime.

This invasion was met with notably little international condemnation. The country was quickly overrun and the former leader of the PDPA, Babrak Karmal, appointed as the new Prime minister (Baker, 2011). As previously mentioned, under the former governments, Afghanistan saw a period of significant social and economic advancement. Even after the invasion, the military and infrastructure of Afghanistan was still in a formidable state (Baker, 2011). However, over the course of the soviet occupation the Afghan Army decreased from 100,000 to 30,000, as desertion overcame the ranks with Afghans unwilling to point their guns at their fellow citizens who so often resisted the regime (Baker, 2011). The Afghan population observed these developments and many sought refuge in neighbouring countries to escape the violence.

The Soviet army supported by the Afghan army committed many atrocities during the occupation. Some of the crimes observed included torturing and murdering detainees, killing prisoners, and directly targeting civilians for attack (Human Rights Watch, 2005). In the early 1980's, over five million Afghans had already fled the country to neighbouring Pakistan, Iran, and India (Baker, 2011, Eisenberg, 2013). Local resistance grew with numerous separate groups claiming the title of Mujahedeen, with Pakistan and the United States supporting these groups. The Soviet Union was consequently forced into a counter insurgency war against the Mujahedeen. The Mujahedeen resistance became increasingly effective with increased ranks due to desertion within the Afghan and Soviet army, and foreign support delivered to the Mujahedeen rebels. This was also accompanied by the cultural force of nationalism which provided Afghans with an extra boost of morale regarding their willingness to defend their homeland against these foreign invaders (Baker, 2011).

As observed in the wars with the British, the historical context displays that this was not the first time that resistance groups felt a duty to defend their homeland against foreign invaders. International funding regarding the Mujahedeen increased which resulted in rising strength amongst the rebels. By 1986, United States funding totalled US\$600 million per year with the Gulf States matching this figure with a similar number. Also, the Mujahedeen gained recruits from multiple neighbouring countries. This assisted in making the resistance increasingly powerful (Baker, 2011).

The constant fuelling of conflict by foreign nations is something that must be pointed out. However, the available literature seems not to emphasize the significance of this dynamic. English, Pakistani, Soviet, and American flows of resources allocated directly towards fuelling conflict are of striking continuity in the history of Afghanistan. This leaves one wondering whether Afghanistan was simply the international battleground for geopolitical interests. A battleground within which the common Afghan people live their lives.

By 1986 it was obvious that the Soviet forces would have no way to overcome this forever growing resistance force and therefore started their withdrawal. Withdrawal negotiations were lengthy. However, with a United Nations intervention, an agreement was finalised which saw the peaceful withdrawal of the USSR. This was followed by the United States agreeing to cut all funding towards the Mujahedeen (Baker, 2011). Karmal and his government were able to maintain control over the main cities in Afghanistan. However, in the rural areas, Karmal was perceived as a puppet to the Soviet Union. This perception showed to be well founded as the Soviets pressured Babrak Karmal to resign with their speculated retreat nearing, effectively replacing him with Muhammed Najibullah in 1986. By February 1989, the last Soviet troops had left Afghanistan (Baker, 2011). This left the old dynastic method of governance in ruins, a prominent military fighting in resistance, and a remaining debate as to who had the overarching political authority and legitimacy to govern the country (Barfield, 2010).

The population of Afghanistan had suffered immensely during the Soviet occupation. The Kabul government estimated the death of civilians and casualties at 243,900. Roads still contained landmines, communities were left impoverished, and millions of civilians were left wounded and displaced (Baker, 2011). These factors combined saw the country plunge into yet another civil war which provided the basis for the rise of the Taliban out of the pockets of the Mujahedeen resistance (Barfield, 2010). This political chaos was invigorated by the significant lack of financial resources as Afghanistan lost financial aid from the international community upon which it was highly dependent, and a debt to the USSR accumulated during the occupation (Barfield, 2010; Baker, 2011).

(1989-1994) The Afghan Civil War

Upon the retreat of the Soviet Union the Mujahedeen engaged in large scale attacks clashing with government forces. Yet, to the surprise of many, they were forced to retreat by the Afghan army. The advanced military equipment left behind by the Soviets allowed for Najibullah and his communist regime to maintain authority in the region and resist incoming Mujahedeen attacks (Baker, 2011). Nonetheless, Kabul was captured from Najibullah in 1992 and the regime finally collapsed. Najibullah escaped to a United Nations compound but would eventually be killed in 1996 by the Taliban (Baker, 2011). The Northern militia that captured Kabul initiated Sibghat Allah Mujadiddi as the new president in 1992. Massoud, who had led the attack on Kabul was appointed as the new defence minister. (Baker, 2011). Tensions followed these arrangements which led to more fighting. When the conflict ceased President Mujadiddi eventually passed the presidency over to Burhanuddin Rabbani. This was also met with resistance as many of the factional leaders disagreed with this decision. This transformed the now named Islamic Republic of Afghanistan into a battlefield once more. The local Afghan population was left to flee wherever they could and the ancient city of Kabul was left in ruins as full scale civil war broke out between Mujahedeen groups supporting the president and the forces of Hekmatyar.

Eventually, Hekmatyar was placed in the position of prime minister with Rabbani as president. (Baker, 2011). However, this forceful and violently constructed Afghan administration was problematic from the outset. During this period of internal conflict many large-scale atrocities were committed against the civilian population. Many of the civilian casualties during this civil war were due to direct attacks on civilian populations and therefore in violation of humanitarian law. Thousands of civilians were abused and abducted during this period, of which most would never be seen again (Human Rights Watch, 2005). Although governance remained chaotic with constant shifts in alliances and small scale violent outbreaks, the civil war had reached a stalemate by 1994 (Baker, 2011). However, this all changed with the rise of the Taliban.

(1994-2001) The rise of the Taliban

The Taliban started as a small group in the south east of the country, consisting of a collection of resistance fighters which were gathered around a man named Omar Akhund. They had close ties with Pakistan and were often trained and educated there. In September 1994, the Taliban overran a few border posts and eventually captured a small town. As their territory expanded they were met with growing support, especially in rural areas. They were heavily armed and supported with heavy weaponry by the Pakistanis (Baker, 2011).

Despite opposition, the Taliban developed strong links with northern fighters who assisted in the capture of Kabul in 1996. During this conflict 8000 people lost their lives (Baker, 2011). In establishing their authority, the Taliban made numerous changes to Afghan society by enforcing strong religious rules. Nearing the end of 1998, the Taliban claimed to control over 90% of the country. All territory under their rule was subject to strict Islamic rule. (Baker, 2011). Under the rule of the Taliban not only social changes were enforced. The economy suffered immensely due to international condemnation and ceasing of international investment. Afghanistan developed a negative perception in the eyes of the international community, as the government allowed extreme religious fundamentalism (Baker, 2011).

During this period, Osama Bin Laden, who had close ties with Mullah Omar, was given permission to produce camps in Afghanistan in which Mujahedeen were trained to fight against foreign invaders. Osama brought with him the Al-Qaeda policies and strategies which allowed for the entry of more extreme and terrorist doctrine to manifest itself within the Taliban method of approach and government administration (Baker, 2011).

(2001-2009) Transitional period under the Karzai Government

Note that the Transitional period will be discussed in more detail during the research investigation, within the 'from above' perspective specifically. Therefore, the historical account in this paragraph is merely to acquaint the reader with an overview of the events and timeline of this period.

On 11 September 2001, the Twin towers of the World Trade Centre in the United States were attacked by kidnapping fuelled passenger jets and flying these into the towers. This incident resulted in the deaths of more than 4000 people. The United States quickly concluded that Osama bin Laden was the mastermind behind these attacks. Therefore, the United States military decided to remove the Taliban from governance in Afghanistan. Eventually, by utilizing a number of Special Forces and a range of bombing campaigns, the Taliban were forced out of their position (Baker, 2011).

In 2001, the Bonn agreement was established. This marked the essential period of transition as many hoped that this agreement would initiate a peaceful transition from Taliban rule and ongoing internal conflicts to a state of peace (Winterbotham, 2010). To initiate this process, the Bonn agreement established a new interim authority which was to head administration until a transitional government was established (United Nations, 2014). The Bonn agreement stated that an emergence Loya Jirga shall be facilitated within six months, which would decide on the transitional authority that would lead Afghanistan until free and fair elections could produce a representative government. Hamid Karzai would be the Chairman of this interim authority (United Nations, 2001). This document is therefore important as it essentially laid out the structure of the nation. Also, it provided a framework for the developments to come at a national level with international support. Hence, this document is one that will be discussed in the research conducted.

In 2001, Hamid Karzai became head of the government. Upon taking this position, he vowed to bring peace and development to the country and address the conflict which had plagued the country since 1978 (Baker, 2011). Karzai, regardless of his positively perceived characteristics, was viewed as a soft leader that was prone to compromise when opposed. Karzai produced a model of governance which functioned by redistributing offices and resources on a personal basis to accumulate support of existing power holders. This method of administration allowed for ramped tactics of corruption (Barfield, 2010). Signatories to the 2001 Bonn agreement included those who were accused of severe human rights violations during the many years of conflict in Afghanistan. However, The UN avoided addressing this issue in fear of causing friction amongst faction leaders included in the agreement. This led to no attempts made to establish commitments regarding disarmament and demobilisation, and arguably started an entrenchment of impunity within formal institutions of Afghanistan (Winterbotham, 2010).

Consequently, through the signing of the Bonn agreement those who had been implicated in these human rights abuses were legitimized and able to assume powerful positions within Afghan formal institutions (Winterbotham, 2010; Human Rights Watch, 2005). In 2004, a new constitution was ratified and Karzai was officially inaugurated as president for a five-year term (Baker, 2011; United Kingdom ministry of defence, 2014) There were high expectations of this new government, which made it difficult to live up to the expectations within such a complex context. The population was frustrated with corruption that could be observed from top to bottom within the bureaucracy. Also, economic progress was a significant frustration point for the people of Afghanistan (Baker, 2011).

The Bonn agreement did establish a national human rights body. This independent human rights commission (AIHRC) released a report in 2005 which was named 'a call for Justice'.

This report included the significant demand for accountability for crimes committed during the conflict amongst the Afghan population. Recommendations from this report were also included in the subsequent National action plan which was designed to address these issues (Winterbotham, 2010).

The National Action plan for peace, reconciliation and justice in Afghanistan was adopted by the Afghan government in 2005. This Action plan was a clear push towards the implementation of transitional justice. For example, it included five measures often noted in transitional justice processes such as: institutional reform, symbolic measures, truth-seeking, reconciliation, and accountability measures (Winterbotham, 2010). The Action plan was officially launched in 2006, one year after the adoption of the plan. This delay was due to the significant opposition regarding its release within the government. The aim of this plan was to achieve the activities previously mentioned before March 2009. However, today, the only activities that have been implemented are the symbolic measure of a national Victim day and the creation of a Presidential Special Advisory board for senior Appointments (Winterbotham, 2010). This is another important policy implemented at the national level. Considering it articulates transitional justice mechanisms so clearly, it will also be analysed in this research.

Human Rights watch published a report containing a list of perpetrators of severe crimes seven days after the launch of the National Action Plan. The Afghan lower house of parliament responded to this reaction by passing a law called National Stability and Reconciliation Resolution. This was a significant development as this law granted complete amnesty to political wings involved in the conflicts before the formation of the official administration. This law is now known as the amnesty bill (Winterbotham, 2010). President Karzai adjusted this bill by making revisions which recognized the right for victims to seek justice against their perpetrators. However, considering the significantly unequal power relations between the victims and perpetrators, of whom many hold highly esteemed and powerful positions, it seems unlikely these actions will be undertaken in practical reality. This law is also important. And as noted, is directly related to the victims of these conflicts. Therefore, the research will touch on this development also in the coming sections.

President Karzai refused to extend the Action Plan after 2009 although the AIHRC recommended an extension. To compound the problematic implementation of this plan, many of the government officials working in the field of Justice stated that they were not even aware of the existence of this plan (Winterbotham, 2010). This alludes towards an unwillingness on the part of the formal administration to work towards accountability, justice, and transition. This presumably has a significant impact on those who are most effected by the atrocities committed during the various conflicts. During this period, there was much hope regarding a transition to peace and reconciliation. A vital aspect of this process is the search for justice. The Afghan population demanded accountability regarding the horrific war crimes committed during the many years of conflict in Afghanistan. The 'a call for justice' report released by the AIHRC, displayed nationwide support for ending impunity. However, this process was severely debilitated in an attempt to maintain stability in the region, as noted during the 2001 Bonn agreement.

Also, it seems that the administrative authority implemented legislation in order to protect themselves from prosecution. This is illuminated by the Amnesty law, which protects those in political wings from being held accountable. In 2009 another election was held in Afghanistan. Karzai won this election by receiving over 50% of the votes. Accusations of vote rigging and corruption were widespread which led to an intervention by the United Nations. Once again, runoff elections were held between Karzai and his opponent. However,

the opponent suspiciously pulled out just before the election was to commence. These events have caused growing frustration amongst western onlookers and the Afghan population. The Afghan population felt neglected and noticed aid was not reaching the local people who needed it most. (Baker, 2011).

The growing discontent amongst the Afghan population was in turn utilized by the Taliban who were becoming increasingly active. NATO responded in an attempt to protect the administration by deploying more troops. In 2006, more than 85,000 NATO forces were active in Afghanistan (Baker, 2011). By now, the Afghan population had suffered significantly under both radical Islamic and socialist regimes. The Afghan population sought to live normal lives and experience both economic and social stability (Barfield, 2010). The previous periods of conflict had resulted in an astounding outflow of Afghan refugees. The end of this war saw a large return of refugees numbering almost 4 million Afghans (Barfield, 2010).

The three decades of conflict have left devastating scars on the people of Afghanistan. For this reason, addressing the range of human rights violations, disappearances, massacres, and torture, is essential. This would work towards peace and respond to the needs of victims in this context (Afghan Justice Organisation, 2013).

(2016-2018) Afghanistan Today

Today, fighting continues between the Taliban and government forces in Afghanistan. IED attacks and insurgent suicides have resulted in thousands of deaths in 2016 alone. The instability and conflict has various effects on Afghan society. For example, the Taliban and Afghan National Security Forces (ANSF) continue to make use of educational facilities for military purposes. This in turn, deprives many youths of education. During the recent years hundreds of thousands of people have become internally displaced, many of these are newly returned refugees who had fled previously mentioned conflicts. The recently observed attacks on civilians by both the Taliban and ANSF forces have had an increasingly negative effect on both the physical and mental health of the Afghan population (Human Rights Watch, 2017).

Currently, approximately 2.6 million Afghan refugees are still living outside of Afghanistan. It is estimated that 1.4 million Afghans are now internally displaced, these Afghans often do not have access to adequate health care or education (Amnesty international, 2017). The Netherlands hosts some of these Afghan refugees. The qualitative research in this thesis aimed to include the perspective of these Afghan refugees residing in the Netherlands.

The new president, Ghani, signed a peace agreement with one of the most prominent insurgent groups in the country led by Gulbuddin Hekmatyar. As previously mentioned, Hekmatyar was a prominent figure in the Afghan civil war, during which severe human rights violations were committed (Human Rights Watch, 2005). This agreement granted the insurgency fighters amnesty for alleged crimes. Regardless, security in the country is deteriorating. Nonetheless, the European Union and Afghanistan signed an agreement which permits an unrestricted number of failed Afghan asylum-seekers to be deported back to Afghanistan (Amnesty International, 2017). This means many incoming Afghans may be deported back to Afghanistan under the justification of this being a safe country. However, whether this is genuinely the case, is a questionable proposition.

This displays that Afghanistan today, has not transitioned to a peaceful nation. Hence it is important to zoom in on the developments aimed at building a post-conflict state.

Chapter 3: Theoretical Framework

Transitional justice

Currently, there is much debate regarding the meaning of transitional justice in both academic and political spheres. Even when looking beyond these debates, there are conflicting perceptions as to whether transitional justice is a process which was genuinely applied within the Afghan context. (Echevez, Pilongo, Jayakody, Noorzai, & Markova, 2016). This thesis will interpret transitional justice using a United Nations Security Council interpretation of the concept. This is due to United Nations (UN) involvement in establishing the period of transition through the Bonn Agreement in 2001 which aimed to gradually bring legitimacy to the governing institutions of Afghanistan (UN General Assembly Security Council, 2004). This is to provide a contextually relevant definition.

This thesis therefore views transitional justice as a range of processes and mechanisms related to the attempt of a society to come to terms with a legacy of severe past abuses. Coming to terms with these large-scale past abuses is usually undertaken through, ensuring accountability, serving justice, and achieving reconciliation (United Nations Security Council (UNSC), 2004). The process of transitional justice can include both judicial and non-judicial mechanisms. It can include International involvement, individual prosecutions, reparations, truth seeking, institutional reform, vetting and dismissals, or a combination of any of the previously mentioned transitional justice tools (UNSC, 2004). Considering the Afghan context as outlined within the historical narrative, this is an important definition. These are essentially the ingredients required to move towards a more stable future for the country.

The 'from above' perspective on transitional justice

McEvoy & Mc Gregor (2008) outline that traditional justice mechanisms take a more 'from above' style and perspective in their policy implementation. Investigating the 'from below' perspective provides a way in illuminating how these forces interact with one another. The 'from above' perspective refers to the institutions and organisations which formally implement their power on the transitional process through the implementation of legislation, policies, and transitional justice mechanisms. These therefore possess the power to allow for the participation and development of relationships within the processes regarding those who have been mostly affected. These two layers in the process are thus reactionary to each other, yet, one possesses the formally established power to allow the extent to which the other perspectives, such as those of victims, are acknowledged.

As McEvoy & Mc Gregor (2008) explain, many countries emerging from a state of conflict are financially disadvantaged and therefore highly dependent on international financial institutions for aid. Due to this dynamic, conditional restrictions are often imposed to which countries such as Afghanistan have no other option than to agree with. The core criticism of this dynamic is that implementation of strategies dominated by the hegemonic neo-liberal ideology of modernisation which benefit the parties providing aid. This thus causes wider geo-political and economic interests to determine the politically and economically 'neutral' transitional justice mechanisms that are supported. For example, in the case of Afghanistan, Iraq, and Liberia pre-produced justice packages are constructed for introduction by UN transnational administrations. These are therefore based on the Western conceptions of justice (McEvoy & Mc Gregor, 2008). This power dynamic is of paramount importance as it is an underlying force in the concept of discussion.

The 'from above' perspective regards the policies and mechanisms implemented by formal institutions. It must be acknowledged that the national government may not be responsible for the policies and mechanisms implemented themselves. This is due to the previously mentioned geo-political interests which govern, underpin, and restrict the options which

formal institutions have available to them. Also, top-down implementations of transitional justice 'from above' can erode the legitimacy and efficiency of local initiatives, and in turn, disregard the context in which the transition is being operationalised (Dhawan, 2012).

Regardless of who is ideologically responsible for the transitional process, the implementations regarding the process are predominantly 'from above' in Afghanistan. The government of Afghanistan has signed and ratified numerous treaties relevant to the implementation of the transitional process. For this reason, the government should ultimately bear the responsibility to implement the transitional justice process in Afghanistan. Hence, the national actions will be analysed (Winterbotham, 2010). It is also essential to analyse these actions in relation to the perspective from below to investigate to what extent these voices are included. Or whether the voices of victims are simply marginalized during the period of transition.

The 'from below' perspective on transitional justice

McEvoy & Mc Gregor (2008) discuss the 'from below' perspective in relation to transitional justice. This perspective concerns itself with the affects which this period of transition has on those groups 'on the ground', which are directly affected by the conflict upon which this transition is implemented in relation to. McEvoy & Mc Gregor emphasize how involved groups share common goals such as fighting against impunity. However, the voices of those most affected are not always sufficiently acknowledged when internationally implemented transitional justice commences. McEvoy & Mc Gregor (2008) explicitly point out victims as they are parties which have severe emotional interactions with the process, yet are often not sufficiently included in the discourse.

Also, top-down implementations of transitional justice erode the legitimacy and efficiency of local initiatives, and in turn, disregard the context in which the transition is being operationalised (Dhawan, 2012). Regardless, in many contexts of transition, the absence of successful international justice mechanisms has resulted in much of the change evoking energy emerging 'from below'. For example, this was observed in transitional contexts such as Northern Ireland, Sri Lanka, and Colombia (McEvoy & Mc Gregor, 2008). This is due to the prevalence of ineffective and corrupt national justice systems observed within these contexts. The 'from below' perspective therefore concerns itself with the voices and action that manifests itself below the formal institutions above.

Transitional Justice is often needed in contexts where the gaze 'from below' has a certain degree of wariness and distrust towards these formal institutions. The UN Security Council (2004) outlines how the majority of successful transitional justice processes are due to significant public and victim consultation included. This is because it produces a better understanding of the victims and their dynamics in relation to the conflict.

For this reason, it is important to investigate the political narratives articulated by victims. Victims are ultimately affected by the conflicts and oppression which transitional justice may need to address. Particularly, in reaction to the institutions whom possess the power to include these voices within the narrative in construction. One demand that victims may express, is the need for justice.

Justice

Justice is a very idiosyncratic concept with much academic debate regarding its interpretation. The perceived definition of Justice from 'below' may be different to the definition 'above'. Justice in this thesis will be based on the UN security council interpretation. The international community has worked extensively to articulate this concept sufficiently within this body. However, considering this definition is produced by the United

Nations, it can be perceived as a definition imposed from 'above'. For the United Nations justice is:

"an ideal of accountability and fairness in the protection and vindication of rights and the prevention and punishment of wrongs. Justice implies regard for the rights of the accused, for the interests of victims and for the well-being of society at large. It is a concept rooted in all national cultures and traditions and, while its administration usually implies formal judicial mechanisms, traditional dispute resolution mechanisms are equally relevant" (United Nations Security Council, 2004, p.4).

This definition is inclusive of various aspects of the debate within the academic sphere. It refers to victims, perpetrators, and society. It also acknowledges debates regarding judicial and non-judicial mechanisms. The equal relevance of non-judicial mechanisms is important in this definition and acknowledges much of the counter hegemonic discussions. As Pemberton & Aarten (2017) outline, it is important to acknowledge the shortcomings of formal judicial criminal justice in achieving the large-scale benefits which international bodies set out as their objectives.

This is especially important to consider when acknowledging the dominance of western norms regarding transitional justice. As Dahwan (2012) points out, a trail of violent and instable systems has been produced by the west as a normative power. This is also noted by forcing countries that are easily exploited to participate within the global free market for the purpose of exploitation. Processes such as transitional justice can then be used as a moral umbrella to impose modernist, capitalist, and neo-liberal norms onto a country behind a smoke screen of transition. Therefore, it seems that it is often observed that instead of utilizing traditional and local mechanisms of justice available, the west imposes their own universalised standard on other nations. This can be witnessed through the method in which the International Criminal Court has implemented its Justice within other (mostly African) nations. This flow of suggestive superiority from north to south can be compared with colonisation. In this sense, the colonisation of Justice (Dahwan, 2012).

This raises the importance of acknowledging the narratives of the people who are genuinely emotionally invested in the conflict, and for whom the justice is supposedly being implemented. The individual narratives of Afghan victims may produce different calls for justice than those that produced 'from above'.

An example of this process can be observed within research on victims in Cambodia by Grey (2012), also situated within a process of transitional justice. Grey (2012) emphasises the importance of acknowledging those individual narratives, just as this thesis does. However, Grey claims that the discourse witnessed within the formal institutional sphere often consciously excludes these voices, as they do not conform with the hegemonic narrative being imposed 'from above'. Grey (2012) states that for the majority of the victims that were consulted, the meaning of transition and justice was articulated in this manner: "transition is communicating one's personal/community story and being believed by the succeeding generation and the wider world in order to make a move out of the former time; justice is the opportunity to narrate and not be ignored" (Grey, 2012, p.66). As can be observed, this interpretation of justice is distinctly different from the interpretation by the United Nations imposed into the context from above. Therefore, this is relevant when comparing the two perspectives on transitional justice in this research. The interpretation offered by victims, may not confirm the definition adhered to from above.

Political Narratives

A narrative is considered a political narrative, when the conclusions that are drawn from it are of a political nature (Shaul & Shenhav, 2006). For this analysis, the concept of a political narrative will be divided into two aspects. The macro level (Above), and the micro level (below) (Squire, Davis, Esin Harrison, Hyden & Hyden, 2014). The macro political narratives consist of national political stories manifested within monuments and actions taken within formal institutions. The micro level (below) refers to narratives produced by individuals in relation to politics (Squire et al, 2014). Political narratives can therefore be constructed by politicians, within the formal government institutions, by the narratives articulated in dialogue and the various actions taken within these institutions. However, political narratives can also be produced beyond these formally legitimized frameworks by those who articulate narratives about these actions or institutions (Shaul & Shenhav, 2006).

The Narrative Perspective

The general framework for discussion will be of a narrative nature. This means the application of narrative theory when interpreting relevant information. Both the 'from above perspective', and 'from below' will be interpreted using this framework. This allows for a narrative interpretation of actions taken by institutions such as the Afghan National Government operating under the transitional justice umbrella. This produces a meta-narrative within which those most affected are located within and interact with to make meaning of their own experiences (Somers, 1994).

As Grey (2017) outlines, the limitations of transitional justice narratives imposed by formal institutions from above are illuminated when confronted with the individual narratives of justice which are often marginalised by this grand narrative. The narratives from above are intertwined with those narratives that manifest themselves below. The narratives above are therefore also important when investigating individual narratives. This may display itself in the results as individual voices which contradict the actions taken from 'above'.

As Somers (1994) describes, even the narrative aspect of identity of the individual itself can only be interpreted by recognizing the various ontological and public narratives in which actors are emplotted. Narratives are not internalized into the self directly. However, they are filtered and reactionary to the spectrum of social and political institutions that construct our social world. Therefore, private and public narratives are not autonomously constructed by individuals. This can lead to victimization, despair, and powerlessness when social actors cannot accommodate their experiences within the institutional narrative constructed (Somers, 1994). This means that the self, and consequently the narrative of our lives, is interpreted and experienced in relation to the political narratives being constructed within the political sphere. Hence, the responses implemented within the political sphere in relation to victimization may influence the way in which victimization is experienced and articulated. In this research, Individuals may place their own story within the public narratives that are relevant in that time.

The political narratives articulated above, shape a national meta-narrative within which the actors are emplotted. As Pemberton & Aarten (2017) outline, the experience of victimization is intertwined within a particular context, therefore this meta-narrative is an essential aspect to analyze in relation to the experience of victimization. This is especially vital in the transitional justice context, where actions taken in the above sphere, are supposed to address the experiences of those below, such as victims. Hence, the focus on both the from above and below level using this framework.

The narrative approach is relevant to transitional justice as transitional justice shapes and constructs narratives in its process. In turn, this provides a context in which actors give

meaning to their own lives. Transitional Justice Mechanisms in themselves have the power to validate and legitimize certain narratives. As some narratives are legitimized in the process other narratives remain more marginalized and less acknowledged (Auchter, 2014). For example, certain events may be commemorated while others remain unaddressed. Powerful individuals can be placed into governmental positions by international parties. This then essentially legitimizes their power within a formal structure acknowledged by other nations. Here, the chasm between the above and below perspective becomes important. If a government is created by external parties it is consequently legitimized internationally. However, victims of these conflicts may not see these individuals as legitimate. In this case, the above perspective legitimizes certain individuals, while marginalizing the perspective of victims in this context.

As McEvoy & Mc Gregor (2008) outline, those individual narratives marginalized and less acknowledged are usually those that are most affected. Amongst these marginalized voices are victims of the conflicts and significant hardship witnessed in Afghanistan. The process of transitional justice also constructs memory narratives, while at the same time, memory narratives are constructed through the implementation of specific transitional justice mechanisms (Auchter, 2014). For example, certain crimes may be remembered officially, while others are essentially ignored. Therefore, it is important to investigate what is acknowledged above. Furthermore, compare this to what is acknowledged from below.

Another aspect of narrativity of relevance to transitional justice is the prosecution of perpetrators. A new hegemonic narrative is written through the trials of dictators and perpetrators during a process of transitional justice and therefore a shared memory constructed through this. Therefore, the trials of dictators and perpetrators are not simply the enforcement of the rule of law, however, they also hold a significant epistemic function. The guilty verdicts of those that have inflicted harm tell stories a repressive past and can be interpreted as a form of remembrance (Grosescu, 2016). This is not only important to uncover from a research perspective. However, the generational element of victimization is intertwined with the way in which this knowledge is passed on. This is an important element regarding the research as it provides a reference regarding the legitimization of certain voices. When a population demands justice regarding certain perpetrators and this is not provided through the transitional justice process, a specific epistemic perspective is validated while the voices from below possibly remain unaddressed.

There is no Justice or transition without narratives as narrative is precisely what inhibits both these processes. However, it is evident that within the paradigm of transitional justice there is a dominance of elite western normative values and an unacknowledged perspective of those outside of this global discourse on justice. When voices of individuals are acknowledged it can skew the standardized framework. Trials with their epistemic function perform specifically framed ideologies and counter-hegemonic narratives that may disrupt this are often marginalized (Grey 2017). Therefore, there is a need for the acknowledgement of individual voices. The investigation of this thesis will uncover the relationship between the narratives constructed above and those below. This will then provide an opportunity to enhance understanding of this relationship.

Chapter 4: The Narrative Method

Analysis of the 'from above'

An analysis will be conducted regarding the policies and legislation implemented by the formal institutions in Afghanistan during the period of transition. This thesis acknowledges this period as being from 2001 until 2009 due to the policies and legislation implemented. Policies and legislation will be analysed in the 'from above' approach. This analysis will focus on the main national developments that are commonly mentioned and debated in literature. Also, these developments are considered important at the national level for the restructuring of the country. Consequently, these developments also have a significant impact on the 'below' perspective. These developments construct and change the world within which the Afghan people make their lives.

Therefore, the above perspective will firstly analyse the Bonn agreement. The Bonn agreement marked the beginning of what many hoped to be a period of transitional justice (Winterbotham, 2010). Following the Bonn agreement, the 2002 emergency loya jirga will be looked at. This is because this procedure provided hope for a fair democratic process after many years of conflict (Jalali, 2003). Then, the 2005 Action Plan for Peace, Reconciliation and Justice in Afghanistan will be investigated. This document is of relevance as it forced transitional justice into the political sphere (Winterbotham, 2010). Last, the 2006 national stability and reconciliation resolution is outlined. This bill is also known as the amnesty bill. These political developments were chosen as they are all at the national level. Also, these developments are relevant to both transitional justice and the Afghan population.

The analysis is conducted using the theories outlined within the theoretical frameworks such as the important epistemic function of trialling dictators. Trials, or the avoidance of trials, can be interpreted as a function to create hegemonic narratives (Grey, 2017). The guilty verdicts serve as memories of conflict in the past and are thus epistemic (Grosescu, 2016). Implementation of specific transitional justice mechanisms such as these can thus create or alter memory narratives (Auchter, 2014). Analysis is conducted in chronological order as this is a vital aspect of narrative construction. Connections will be established between these institutional actions as to analyse their temporal relationships (Somers, 1994). Attention will be allocated towards investigating which groups and perspectives are legitimized from above.

The analysis is conducted through a literature review as to consult a range of resources. The literature review will consult the documents directly. However, secondary sources will also be used to aid in the analysis in relation to the directly consulted documents. The secondary sources will include NGO reports, academic articles and websites.

Analysis of the voices from below

Qualitative interviews will be conducted with Afghans living in the Netherlands whom resided within the conflicts using the narrative approach. This means applying the narrative theory outlined in the theoretical framework in the analysis. The participant will be given the freedom to express their narrative in whatever form they feel is most representative regarding their desires for the future and experiences in the past. The incentive for this qualitative approach is not to produce a representative interpretation of the experience of Afghan Victims. As Byron, (2012) outlines, those interviewed in qualitative research, are not intended to be representative. Therefore, the conclusions extracted from this research are also not intended to be generalized as being representative of the views of all Afghan victims. The incentive is simply to interpret the meaning of the narratives articulated. Furthermore, conducting analysis on this, regarding their experience of the formal institutions implementing the transitional justice process.

Also, it will display the significance of actions taken within the political sphere, and how these in turn impact the experience of the self and victimization. Hence, the decision to engage in qualitative interviews to uncover the voices articulated from below. Nonetheless, it may produce an insight as to the impact of the transitional approach in Afghanistan. Also, it may expose what the needs of victims are when genuinely consulted regarding past conflicts. Although the United Nations has emphasized an approach which includes victim consultation, the question remains whether this was genuinely applied within the transitional context.

This lens will also be used when viewing the context as the experience of victimization is intertwined within the meta-narrative (Pemberton & Aarten, 2017). Furthermore, emphasis on limitations of transitional justice implementation will also be acknowledged. This is because counter hegemonic voices that oppose are often marginalized by this meta-narrative (Grey, 2017). Analysis will also be conducted on the specific policies and developments in the above sphere articulated. Analysis will remain aware of the trials or legitimization of powerful individuals. These developments may be important due to some memory narratives being more marginalized while others are enforced within them (Auchter, 2014). However, the above sphere may hold the power to determine this memory narrative.

As individuals are emplotted within the political narratives in the above sphere (Somers, 1994). The interaction between these two levels must also be considered.

An inter-connected view

The from above narrative will be viewed through the analysis of the policies, legislation and other activity within the formal institutions relevant. Then, this will be compared to the voices from below. The review regarding these policies can display whether these reflect the desires and needs of victims who are emplotted within this meta-narrative, or whether their voices are merely disregarded and an alternative narrative legitimized.

This view will be taken within the concluding section of this thesis. In doing so, it establishes what the relationship is between the implementation of transitional justice and the experience of victims.

Sample

Respondents were provided in consultation with the Afghan Victim's Rights (AVR) foundation. This organization advocates for the victims of the Afghan conflicts. The Afghan Victims' Rights foundation is located and active within the Netherlands. Consequently, so were the respondents.

The respondents consisted of eight individuals. Each respondent, identified Afghanistan as their country of origin. Three of the respondents were female. Five of the respondents were male. One female respondent was 23 years old. However, all other respondents were aged between 40 and 65. All respondents identified as a victim of the Afghan conflicts. Therefore, the cases consulted in this thesis are the narratives articulated by Afghan victims.

Procedure

A list of contacts was provided to the researcher by the gatekeeper to AVR. Contact was established with each respondent and a date confirmed on which the interview would take place. The respondent was informed that the research was about justice and the manner in which the various parties involved handled development in Afghanistan since 2001. The research was framed in this manner to not mention transitional justice directly. This may result in respondents informing themselves on the topic, which may significantly alter the responses. For each interview, an entire day was allocated. This was to allow for the narrative to be articulated in whatever time frame the respondent felt necessary. This is

because when the researcher does not place limitations on the responses, answers will be articulated in the narrative form. Subjects will automatically answer questions in the narrative form because this method of articulating answers is part of their natural cognition (Polkinghorne, 1995).

In one case the interview was conducted in a public library. However, in all other cases, the interviews were conducted in the home of the respondent. In total, 8 interviews were conducted. The interviews took between 2 and 6 hours.

After initial contact was established, upon arrival at the location at which the interview was conducted, the researcher was offered food and tea on each encounter. Firstly, the researcher introduced himself to the respondent. This usually included current educational status and origin. Conversation would often follow from this. This often led to both parties feeling more comfortable in dialogue. Disclosing the researcher's migration background, was often seen as a point of similarity, and alluded towards a deeper understanding of their own experience as migrants in the Netherlands. This was often a point of discussion and connection both before and after the interviews. This was an unexpected response due to the significant differences in the circumstances that led to migration.

All interviews were conducted in Dutch. However, as this is the researcher's second language, this was disclosed in case of linguistic difficulties that may arise throughout the interview. Two of the interviews were conducted with a translator present (4. S and 9. R).

Before commencing the official interview, permission was asked to record the dialogue. This was supplemented with an informed consent form. Also, the respondent was asked whether the researcher could share his general interpretation of the developments in Afghanistan with the respondent after the interview was conducted. This was done to allow for the respondent to criticize or confirm this interpretation. This way, the from below perspective aimed to include their perspective in the final wholistic interpretation of events. This was also done to avoid utilizing specific statements given by a respondent incorrectly. Consequently, avoiding the possibility of using a quote to make an argument that they may not be in support of.

Once the recording started, a list of questions was referred to in a semi-structured manner. In some cases, the questions had been answered in previous answers and then these would either be briefly mentioned or left aside. The question list was as follows (although possibly articulated in an alternative manner) 1.) What is your life story, in whatever manner you would like to share with me? 2.) When we look at the history of Afghanistan, what to you, are the important developments? 3.) How do you see the future of Afghanistan? 4.) What is needed, or most important in this future? 5.) What do you think needs to happen, to see justice or closure? 6.) How has the government and international institutions handled the situation since 2001? 7.) Have they done enough for victims? What else needs to be done? 8.) What do you think about transitional justice in Afghanistan? 9.) Is there anything else you would like to share with me? After the final question was discussed the recording was ended. Following these questions, the holistic interpretation of the developments between 2001 and 2009 of the researcher was shared with the respondent. In all cases, this was appreciated and facilitated transparency as to how their narratives would be utilized.

Interpretation

This thesis will implement a paradigmatic type of analysis (Polkinghorne, 1995, p.13). The paradigmatic narrative approach produces descriptions of common themes that hold across stories. Polkinghorne (1995), refers to two types of data that can be analysed with this approach. These consist of Diachronic data and synchronic data. Diachronic data is often

autobiographical and contains information regarding a sequence of events. Synchronic data is similar, yet lacks this emphasis on the historical dimension (Polkinghorne, 1995). This thesis will apply and accumulate both types of data. This thesis focusses both on developmental factors, such as the historical context. However, it also views narratives in relation to needs and desires. It will then apply a paradigmatic mode of analysis. As Polkinghorne (1995) states, “a paradigmatic analysis is an examination of data to identify particulars as instances of general notions or concepts” (Polkinghorne, 1995, p.13). This method seeks to extract common themes or conceptual phenomenon among the narratives accumulated as data. In this case, the data consists of 8 individual stories articulated by Afghan victims.

After the interview was conducted the recoding was transcribed. This was done within 3 days of the initial interview to ensure the interaction was still fresh in the researcher’s mind. After all transcriptions were complete, the interviews were read multiple times. Following this, they were coded in word under four themes. These four themes were the ‘meta-narrative’, ‘the actor and victimization’, ‘transitional justice’, and ‘above and below’

The metanarrative was important in establishing how events were viewed that led up to the implementation of transition. Also, it established their context and the elements within it that needed to be addressed. The ‘actor’ referred to the way in which the individual located themselves within the development above. The ‘actor’ was lumped with victimization. This was done due to the individual often attributing developments above to their victimization. The two seemed to intertwine. The transitional justice theme regarded various elements. This included the acknowledgements of policies and political developments directly. Also, needs, perceptions and general acknowledgement of transitional justice were coded under this theme. The ‘above and below’ theme contained any direct acknowledgement of the dynamic between the above and below perspectives.

After establishing these common themes, they were supplemented with quotes in a separate document. These quotes were ultimately analyzed and extracted out of these documents and into the thesis. The aim was to allow the Afghan victims to share their perspective, with this thesis acting as a platform to react towards the political narratives articulated above.

Chapter 5. Transitional Justice from above (Results)

5.0) Introduction

The following section will outline the results of the main political narratives articulated on the national level in the above sphere. Firstly, the Bonn agreement will be investigated. Secondly, the emergency loya Jirga will be analysed. Thirdly, the action plan implemented in 2005 will be uncovered. Fourthly, the 2006 national stability and reconciliation resolution is viewed. These policies and political actions are considered important due to their role in building a new Afghanistan.

5.1) the 2001 Bonn Agreement

Under United Nations auspices, the Bonn agreement, officially known as the agreement on provisional arrangement in Afghanistan pending the re-establishment of permanent government institutions, was established in 2001 (Afghanistan, 2001). As Strategic Comments (2001) outlines, the Bonn agreement mentions three stages regarding the building of what many hoped would be a new and peaceful nation. First, the new interim authority would take authority in Kabul. Second, a special commission was to be established to construct a loya jirga, which would compose of a gathering of elders and leading politicians in six months' time. This loya jirga would establish a new head of state and interim government which would lead transition for a maximum of two years. The agreement also provided that the new interim government must establish a central bank, Supreme Court, and other institutions necessary for the state to function adequately (Strategic Comments, 2001). Generally, the strategies applied within the Bonn agreement focussed on constructing a centrally governed state and therefore allocated the new interim authority a monopoly on the use of force (Ayub & Kouvo, 2008). Although the Bonn Agreement may have been constructed with good intentions, it has faced a wave of criticism. Regardless, the conclusion of this agreement marked for many the beginning of what was hoped to be a period of transitional justice (Winterbotham, 2010).

The urgency and pressing need to stop the continuous violence in Afghanistan ultimately meant that accountability was traded in for stability and a clean slate. It must be pointed out that this agreement did not include peace negotiations. However, it constituted of a power sharing deal amongst those considered most powerful by certain international parties (Ayub & Kouvo, 2008). The international parties involved aimed to make the process as Afghan led as possible. However, the view as to what this meant has faced significant criticism also. Although the faction leaders present at the Bonn conference held significant power in the nation, whether they were perceived as legitimate leaders by the Afghan population is questionable. The Taliban, although prominent and powerful, were not included in the power sharing process (Winterbotham, 2010).

Here a collision is already uncovered regarding the 'from above' and 'from below' perceptions. The most pressing concern regarding this proposition, is that the very faction leaders present at the conference, were involved in the slaughtering of countless civilians. A blind eye was given towards these issues for the sake of peace and security (Ayub & Kouvo, 2008). Here, we see that the perspective from below may perceive these individuals as criminals. However, by providing them with legitimate power, they are legitimized from above. They are thus legitimized at both the international and national level. As McEvoy & Mc Gregor (2008) outline, common goals such as fighting against impunity are often prevalent among the population. However, when international implementation of transitional justice commences, these voices are often marginalized. In the case of the Bonn Agreement, these characteristics seem to be prevalent.

As outlined, amongst the faction leaders present at the Bonn conference during the establishment of the treaty, were actors implicated in human rights abuses. The United Nations (UN) allegedly included these faction leaders in the talks on the basis that their presence was essential in securing an agreement. Consequently, the UN dropped all references in addressing war crimes and human rights violations (Winterbotham, 2010). Not only does this legitimize alleged criminals at an international level, it has arguably also entrenched impunity into the national Afghan institutional facilities (Winterbotham, 2010).

Standard UN peace agreements often contain commitments regarding disarmament and/or demobilisation. The implementations of disarmament and demobilisation processes plays a critical role in transitioning a country from conflict to a state of peace. The successes of this process have been known to have direct affects regarding long term peace building prospects (Özerdam, 2004).

However, this was not the case in the Bonn Agreement. Ayub & Kouvo (2008) discuss how some analysts often point out that interventions do not target the underlying causes and forces in a conflict. However, their approaches often only address the symptoms of these causes. Addressing the underlying causes of conflict requires deep contextual knowledge and understanding, which raises the question as to whether an outside intervention can deliver such insightful operation. For example, the Bonn agreement contains no provisions addressing or monitoring external military assistance to the various faction leaders present (Suhrke, Harpviken, & Strand, 2002). This is problematic considering the historical legacy of external parties funding the conflict in Afghanistan.

Also, it seems the Bonn Agreement made no attempt at addressing the consequences of the war resonating within the millions of Afghan victims. Within the Bonn agreement itself the word "victim" is only mentioned once, in the following statement noted from Afghanistan, (2001), Annex III, (5);

"Invite the United Nations and the international community to create a fund to assist the families and other dependents of martyrs and victims of the war, as well as the war disabled"

One may notice the soft and suggestive wording lays no practical implications at the hands of an institution. The Bonn agreement held much power and was implemented at the national level. However, as we see here, this power was not utilized to include or acknowledge victims in this case. This means the above perspective may not be acknowledging the needs of those below.

The Bonn agreement did not only legitimize alleged human rights violating faction leaders, it legitimized specific groups amongst them. Namely, it is argued by Winterbotham (2010) that the Bonn agreement was established between selected leaders of four anti-Taliban groups, who had contributed to the toppling of the Taliban regime. During this time the United States was still engaged in heavy fighting with the Taliban and al-Qaeda and therefore these groups were not included in the negotiations. Also, faction leaders thought to have been involved in the violation of a range of human rights, used the fact that they were not Taliban as a justification for their presence at the conference (Ayub & Kouvo, 2008).

This illuminates an international imposition regarding the acknowledgement of specific perspectives. A platform is given to specific groups, yet not to others. In doing so, specific groups are legitimized through these negotiations, while other perspectives remain marginalized within the international interpretation. As Auchter (2014) outlines, memory narratives are constructed by implementing specific transitional justice mechanisms. The implementation of the Bonn agreement may have aided in determining the way in which we

remember certain groups such as the Taliban. Also, they are provided with an internationally legitimized structure, within which they are given the power to operate. Within the text of the Bonn agreement there are many notable provisions and political narratives to extract.

“Considering that the United Nations, as the internationally recognized impartial institution, has a particularly important role to play (Afghanistan, 2001, paragraph 11)”

Here, the UN establishes itself as an impartial institution, however, this impartiality is questionable. This is shown through the clear legitimization of a specific side regarding Afghan conflict.

“Upon the official transfer of power, all mujahidin, Afghan armed forces and armed groups in the country shall come under the command and control of the Interim Authority, and be reorganized according to the requirements of the new Afghan security and armed forces (Afghanistan, 2001, V, 1).”

As noted, mujahedeen, is a very broad concept. During the many years of conflict various factions and rebel groups claimed this label, mostly, in fighting against the Soviet Union. It seems here the United Nations has established a clear position regarding this invasion, which can be considered a direct contradiction to the impartial perception it emphasizes of itself as an institution. This aspect of the Bonn agreement is supposed to allow for a general legal basis for disarmament. Amongst the Afghan Armed Forces are many militias who have been responsible for civilian abuses and other human rights violations (Gossman, 2009). During the Afghan civil war, during which the mujahedeen were actively engaged in fighting, thousands of civilians were abused and abducted (Human Rights Watch, 2005). However, as noted in the following quote, this group is praised as heroic,

“Urge the United Nations and the international community, in recognition of the heroic role played by the mujahidin in protecting the independence of Afghanistan and the dignity of its people, to take the necessary measures, in coordination with the Interim Authority, to assist in the reintegration of the mujahidin into the new Afghan security and armed forces;(Afghanistan, 2001, Annex III, 4).”

Referring to the use of excessive violence of which civilians bear the consequences as a heroic undertaking, can be considered a questionable proposition. However, this once more seems to confirm a clear position regarding the various groups and ideologies wavering in and out of the context. Less clear however, is which specific groups or ethnicities constitute as the mujahedeen legitimized in this statement. This is left open, dangerously, to interpretation by the newly legitimized faction leaders with lengthy records of abuse. Although the Bonn Agreement contains no reference to holding those who committed past abuses accountable, a paragraph stating that administration must not decree amnesty for crimes against humanity and war crimes was discussed in the meeting (Rubin, 2003). Rubin (2003), who was involved in these discussions states the following:

“This paragraph forbidding an amnesty caused a furore within the meeting and an even greater one outside. The two members of the UF delegation from the party of Abd al-Rabb al-Rasul Sayyaf claimed that this measure was aimed at defaming the struggle of the mujahidin. We learned that the leaders of the UF were insisting to Muhammad Yunus Qanuni, the head of the delegation, that the paragraph be removed, and I overheard some rather heated discussions over Qanuni’s British-supplied satellite telephone (Rubin, 2003, p.571).”

The Bonn agreement is one that can easily be criticised for the above-mentioned reasons. Nonetheless, it lays the foundations for transition after 23 years of continuous conflict (Suhrke, Harpviken, & Strand, 2002). This agreement facilitates the building towards a new political and legal framework. Also, it establishes a range of common principles and goals. However, it is not a peace agreement, but a power sharing agreement between specifically selected and consequently legitimized faction leaders (Suhrke, Harpviken & Strand, 2002).

Of these leaders, some had extensive criminal records. By not holding these individuals accountable, the below perspective is possibly marginalized. As Grosescu, (2016) explains, these trials are not only important to enforce the law. However, they serve an important function in creating a hegemonic narrative. These trials serve as remembrances, which can consequently be passed down to future generations by victims.

These leaders placed into power under United Nations auspices, would hold power until June 2002. It was at this time that the emergency Loya Jirga was held.

5.2) The emergency Loya Jirga (2002).

The Emergency Loya Jirga was held in June 2002. This established an Afghan led transitional government that would function until presidential elections could be held in October 2004 (Gossman, 2009). There was hope among the people that the Emergency Loya Jirga would broaden and improve the core of government, facilitate a fair democratic process and redistribute authority away from regional leaders (Jalali, 2003). Afghans hoped that the Loya Jirga would be able to produce a greater civilian influence inside the government to push back against the influence of military leaders (Human Rights Watch, 2003). Thus, providing what was hoped to be a process that would facilitate the perspective from below and allow this to manifest into the political narratives articulated above. However, before analysing this procedure within the 2002 context, a debate regarding the origins of the Loya Jirga must be acknowledged.

Jamil Hanifi (2004) argues that the Loya Jirga as a construct, is derived from a Loya Jirga in 1924 which in turn has been distorted and warped by western colonial interpretations of this process. By using this Western interpretation of this process, it can be utilized by Afghan authorities and intellectual collaborators to construct a perception of consensus while manipulating and deceiving the outcome. This in turn, allows for particular parties to facilitate the legitimization of specific political positions behind a smokescreen of apparent Afghan approval. Jamil Hanifi (2004), refers to this as the neo colonial government of Kabul, handpicked and guarded by international forces. This interpretation of the event is relevant to the interaction between the 'above' and 'below' perspective. As Dahwan (2012) outlines, processes such as transitional justice can often be used as a smokescreen. This cover is then used to implement neo-liberal norms into a country and coerce them to participate in the global free market. However, it is also relevant to keep in mind when viewing the process and consequent outcomes of this Loya Jirga.

The procedure at the Emergency Loyal Jirga in June 2002, required candidates to sign documents which vowed that they had not killed any innocent people, engaged in drug trafficking or conducted activities considered to be terrorism. However, once more, many of those who signed this vetting criterion, and whom were consequently institutionally and formally legitimized, are known to have violated these conditions. Despite this, they were legitimized and allowed to maintain this position without opposition (Winterbotham, 2010).

The Loya Jirga ultimately brought mixed results. It was the first time after 23 years of war and violence that civilians and candidates gathered to elect a representative head of state in a peaceful political manner (Jalali, 2003). However, the elections were manipulated by

warlords and commanders who used intimidation and pressure to ultimately have themselves or their men elected (Chesterman, 2002; Jalali, 2003). Human Rights Watch documented that before, during and after the election process, candidates were assassinated, threatened and imprisoned. The corruption and side-lining of legitimate civilian candidates from above, alienated and disillusioned local political candidates whom were left to return home disappointed and unsupported (Human Rights Watch, 2003). This displays how the above perspective can hold the power to determine the participation from below. Once again, the voices of the victims and common people are marginalized.

Another issue that created problems regarding the legitimacy of the Loya Jirga was the exclusion of the former king Zahir Shah (Jalali, 2003). Hanifi (2004) outlines how the Bonn Agreement clearly stated that the former king would open the Emergency Loya Jirga. The former king had also released statements expressing his readiness to assume any role that his country may need during this time (Jalali, 2003). However, suddenly Zahir Shah publicly declined participation in the process which was consequently met with discontent among his many supporters. It is widely believed that this sudden change was a political move was facilitated by American and United Nations pressure (Jalali, 2003; Hanifi, 2004). In this case also, we see the above perspective prevail. The population may have needed their king as a symbolic figure and a reminder of a peaceful past. Yet, this demand below is not articulated in the narrative constructed above.

Despite this, the Emergency Loya Jirga produced Hamid Karzai as a clear winner and thus the new head of the transitional authority. This also meant that the United States formally announced an end to its military hostilities through the legitimization of a fairly elected government (Ayub & Kouvo, 2008). Although Karzai initially emphasized a drive regarding the elimination of warlordism, he included major regional commanders and warlords in his new government, legitimizing and granting them power in the process (Rubin, 2003). It seems this supposedly representative election that promised to be inclusive of the perspective from below, showed to be just the opposite. A process engaged in above, facilitated by outside political forces in a manner somewhat sadly reflective of the Afghan history. It could be argued that this process simply served as a smokescreen to delude one from the distance between the Afghan population and the legitimized political power. The political power which was imposed from the outside and above on Afghans using neo colonial tactics that utilize traditional structures (Hanifi, 2004).

5.3) 2005 Action Plan for peace, reconciliation and Justice in Afghanistan

The Bonn Agreement was a UN facilitated power sharing agreement in response to the US invasion. Therefore, it allocated little attention towards justice and accountability. It did manage to establish the Afghanistan Independent Human Rights Commission (AIHRC) (Kouvo & Mazoori, 2011). Although the Bonn Agreement itself does not make any direct reference regarding a transitional justice process, the role of the AIHRC was interpreted to be coping with past abuses and atrocities within the Afghan context (Rubin, 2003).

The AIHRC conducted a large-scale survey in 2004, named 'a call for Justice' (Winterbotham, 2010). This large-scale report clearly outlined the unprecedented support to end the cycle of impunity currently present within the Afghan political sphere, it remains a foundational document regarding the need for justice and accountability among the Afghan population (Gossman, 2009; Winterbotham, 2010). Here we can see a political narrative from below, being forced into the above perspective. As McEvoy and Mc Gregor (2008) outline, the change evoking energy within contexts of transition, often comes from below due to the lack of success by international justice mechanisms. Here, this seems to be a clear display of such an interaction. The 'a call for Justice' Report also contained many

recommendations as to reconcile the need for justice among victims. The recommendations present within this study came to be the foundation for the Action Plan on Peace, Reconciliation, and Justice. It seems here that the political narratives articulated below would indeed be acknowledged in the political sphere above.

The Action Plan was adopted after many months of delay in December 2005, introducing transitional justice onto the political agenda for the first time. The plan included key aspects of transitional justice such as truth finding, memorializing victims, and vetting procedures (Gossman, 2009).

As stated within the policy document, the Action Plan was drafted by the government of Afghanistan in The Hague in June 2005. With assistance by the Afghan Independent Human Rights Commission and the United Nations Assistance Mission in Afghanistan (Afghanistan, 2005). The vision of this policy is the “promotion of peace, reconciliation, justice and rule of law in Afghanistan, and the establishment of a culture of accountability and respect for human rights” (Afghanistan, 2005, p.4). The Action plan also set an ambitious timeline to achieve the goals mentioned. As mentioned in Afghanistan (2005), “the timeline for achieving the actions proposed in this Action Plan is three years (p.4)”.

Key action 1, is the “Acknowledgement of the suffering of the Afghan People” (Afghanistan, 2005, p.4). the activities included within this key action included a national Remembrance Day, the establishment of national memorial sites, and a national museum aimed at educating younger generations (Afghanistan, 2005).

Key action 2, is “Ensuring credible and accountable state institutions” (Afghanistan, 2005, p. 6). This key action is aimed at increasing the trust and confidence that Afghan people have in their institutions. Activities include strengthening of the Civil Service Commission, establishment of an advisory panel, and reform of the justice sector to prevent future human rights abuses (Afghanistan, 2005).

Key action 3, is “truth seeing and documentation” (Afghanistan, 2005, p. 7). This key action is aimed at investigating injustices that have occurred in the past. Also, to facilitate accountability and by doing so, ending the current state of impunity. Activities include the formulation of a truth-seeking mechanism, a truth-seeking conference, drafting of legislation regarding this truth-seeking mechanism, funding and training of staff, documenting of past human rights abuses, and the identification of a location for the establishment of a documentation centre on the conflict of Afghanistan (Afghanistan, 2005).

Key action 4, the “promotion of reconciliation and the national unity” (Afghanistan, 2005, p. 9). The objective of this action is to enhance solidarity and trust amongst the people of Afghanistan. Activities include the initiation of a public debate, a conference to draw knowledge from other countries past experiences, and the supporting of conflict resolution initiatives (Afghanistan, 2005)

The Action Plan takes a holistic approach incorporating various aspects of transitional Justice, note the following statement:

“The positive experience of countries that have passed bloody crises, show that the transitional justice strategy should balance a variety of goals including truth-seeking, victim recovery, re-integration of the deceived and perpetrators in the society, reparations, the preservation of peace and stability, the strengthening of democracy and the rule of law and the administration of justice (Afghanistan, 2005, p.2).”

The Action Plan also emphasizes the need for accountability to conform with internationally accepted norms regarding the violations of human rights. As noted in the following political narrative within The Action Plan. Also, this acknowledges the need for justice among the many victims present within the Afghan society, as shown so clearly through the release of the 'a call for justice' report.

“Committed to establish accountability institutions and to take the necessary accountability measures in accordance with the nationally and internationally accepted norms on war crimes, crimes against humanity and obvious violation of human rights. The commission of such crimes does not fall into the scope of amnesty on the basis of the principles of the sacred religion of Islam and internationally accepted standards (Afghanistan, 2005, p. 3)”

The plan also emphasizes a need to acknowledge the suffering of victims as criminal justice alone may not satisfy all expectations. Therefore, key actions 1,2, and 3 are implemented to meet the needs of victims (Afghanistan, 2005). The document also acknowledges the chasm present between the above and below perspective in the following political narrative:

“In the National Consultation on Transitional Justice conducted by AIHRC most people stated that the people are reconciled at the community level but there is a need for political reconciliation among the political leaders, which would it in itself help national unity and promotion of trust among different ethnicities in Afghanistan”

It seems that this Action Plan does indeed reflect the transitional justice approach. However, a distinction must be made between the articulation of a transitional justice narrative within the political sphere, and the genuine application of a transitional justice process, and the latter, is one that must be investigated. This will also be done in the below perspective which is considered within the next chapter. Consideration must also be given to the ambitious timeline to achieve these actions. It seems almost suspiciously unrealistic. It may be possible that the below perspective was acknowledged in this document. However, this was a policy that the national institutions wanted active as shortly as possible.

As Winterbotham (2010) outlines, the timeline regarding the implementation of this transitional justice narrative articulated so convincingly from above, has now passed. However, in practice, the only activities that have been implemented is the national victim day and the creation of the Presidential Special Advisory Board for Senior Appointments. These means that transitional justice was indeed articulated in acknowledgment of the below perspective. However, it was not implemented to the extent which it aimed for.

Although the timeline expired in March 2009, the AIHRC and civil society requested an extension to encourage more implementation of the plan. This was refused by President Karzai, being somewhat symbolic of the lack of motivation behind these actions. This is also supplemented by the year long delay regarding the launch of the Action Plan. This delay was a clear indicator of the significant opposition within the Afghan government to launch the plan in the first place (Winterbotham, 2010).

5.4) National Stability and Reconciliation Resolution (The Amnesty Bill) (2006)

Although the Action Plan denied amnesty for past and future violations of human rights quite explicitly, what happened following the release of this document, breached that commitment.

Human Rights Watch published a list of accused perpetrators of human rights violations seven days after the official launch of the action plan (Winterbotham, 2010). These perpetrators were initially mentioned in the 2005 report named 'blood stained hands', which also emphasizes the current culture of impunity (Human Rights Watch, 2005). In reaction to

this publication, the Afghan government by coalition of a group of powerful warlords and their connections, passed a resolution named the National Stability and Reconciliation Resolution. This resolution grants amnesty to political parties and wings for crimes committed during the conflicts before the construction of the interim administration. This bill has now become known as the Amnesty Bill (Winterbotham, 2010; Human Rights Watch, 2010). As Gossman (2009) states, this is a serious step in the wrong direction regarding the apparent efforts to fight impunity, mandated so clearly in the Action Plan. This bill grants immunity regarding the prosecution for any war crimes during the many years of conflict. Not only does this piece of legislation effectively excuse past crimes, it also states that those engaging in current hostilities will be granted immunity if they reconcile with the current government. Therefore, effectively excusing future crimes also, and facilitating a culture of impunity in the future context (Human Rights Watch, 2010).

This Amnesty bill is a complicated manner, especially whether this action is legal or not. Currently, no international treaty includes a definition of what constitutes as amnesty. However, under current treaty obligations, Afghanistan does have a duty to prosecute in the case of certain crimes such as war crimes, genocide, and torture. The amnesty resolution is in breach of these obligations. Also, when looking towards other contexts, blanket amnesties prove to be unsustainable in the long run (International Center for Transitional Justice & AIHRC, 2010). Arguably, this lack of accountability, and the consequences thereof, are still a debilitating factor in the transition of Afghanistan today. The bill also directly goes against the 'a call for Justice' Report. This report displayed the need for accountability resonating among victims. However, it seems that by enforcing the opposite, this perspective is marginalized once more.

Some may respond towards these developments pointing towards the magnitude of crimes committed within the Afghan context, and so justifying the legitimization of potential criminals in the sense that we must start somewhere in order to progress. As Human Rights Watch (2005) points out in their 'Blood Stained Hands' report:

" Everyone has blood on their hands. This is another oft-repeated phrase about Afghanistan. For many Afghans, it is an indictment: a denunciation of the warlords in Afghanistan's current government with past records of abuse and war crimes (Introduction, The Value of Justice, paragraph 1)."

Using the 'everyone has blood on their hands' justification, is really no justification at all, considering this logic is flawed from the core. Simply, because there are millions of Afghans who have no blood on their hands at all. However, these citizens are too afraid to participate within the Afghan political sphere, due to the significant power held by those powerful warlords whom indeed, have hands stained in blood (Human Rights Watch, 2005).

This also displays the significance of the Loya Jirga and the significance of the questionable legitimacy of this electoral process. This provided an opportunity for common Afghans, whom may not have had blood on their hands, to participate in the political sphere above, from below. However, due to the influence of power exerted from the outside and above, this process was sadly undermined, invigorating the domino effect of impunity facilitated from the outset in the Bonn Agreement.

5.5) the political narrative above

From the outset, the Bonn agreement, facilitated by external parties, provided a structure of governance. This structure was utilized by individuals of whom some had questionable records. It can be argued that within this process, the below perspective did not surface into the sphere above. The common people seem excluded from these developments. This

exclusion was the catalyst, which provided the power and means to allow the Loya Jirga, a process that many hoped would finally be inclusive of the people, to be controlled and manipulated at the hands of these same powerful figures. Internally, the political sphere above prevailed maintaining dominance internally through intimidation.

Externally, foreign pressure also showed to prevail over the individual voices below. The sudden, suspicious, exclusion of the former king showing to be a symptom of these tactics utilized behind the curtains. This then provided a structure, legitimized internationally, yet utilized by the very people of whom some, had the blood of the Afghan population on their hands. It was this very government that was then responsible for the implementation of the transitional justice mechanisms. It seems that this was implemented minimally, avoiding accountability at all costs, as they themselves may bear the consequences of these justice enforcing mechanisms. A manifestation of this line of operation is shown through the implementation of the amnesty resolution. Underneath them, the victims of the many conflicts remain unaddressed, seeking justice, emplotted within a meta-narrative that has the power to deflect their voices within this story line.

Chapter 6. Transitional justice from Below (Results)

The voices of individuals are important to acknowledge. This is because within processes of transitional justice these voices are often marginalized. Also, the perspective of individuals consulted may provide insight into the interaction between the above and below perspectives.

As outlined in the previous sections, the various policies and actions undertaken and implemented by the formal institutions in Afghanistan manifest themselves within the experience of individuals in Afghan society. Therefore, these policies impact the people who live their lives within the meta-narrative which this may construct. Respondents were usually not directly asked about the specific policies discussed in the above chapter of this thesis. However, the narratives articulated by victims did interact with these very policies. The interaction between the above and below perspective is not only shown here. However, there is a consciousness regarding this interaction among the respondents.

In all narrative aspects shown here, regardless of the topic, whether it be victimization, transitional justice, history, or the perception of the future, the victim's narratives emphasize the influence of foreign forces in the country. As outlined earlier, much of the events in Afghanistan were determined by these influences. However, when we look at the above sphere, this is acknowledged in a different form than below. The general historical narratives provided within the literature available maintain a relative objective interpretation of these foreign influences. It is therefore necessary to construct an account that is provided by those who witnessed the events in person. This may allow for another interpretation of this foreign influence that seems to govern so much of the developments in Afghanistan.

First, the historical narrative of Afghanistan will be acknowledged using information provided by respondents. As stated earlier, there is a lack of literature regarding the historical narrative of Afghanistan. Also, history is a narrative, and therefore certain points are emphasized while others are marginalized, dependant on who holds the power to articulate within a legitimized and publicly facilitated sphere. It is for this reason that this thesis also aims to provide a version articulated from the perspective of the victims who may not hold this power. The historical context is an essential element to understanding the experiences below that transitional justice ultimately aims to address.

Second, the actor will be located within this meta-narrative. This is done to establish the place of individuals within this context, which incorporates both the past, present, and future. The political narratives articulated within the formal institutions above are not freely constructed by individuals below, an inability to accommodate one's own experiences with these narratives above can lead to victimization and despair (Somers, 1994).

Third, the narratives of victimization are discussed. This is because this victimization is ultimately the experience that transitional justice should acknowledge. It also provides an essential contextual element to the experience of victims in Afghanistan.

Fourth, the narratives in relation to the transitional justice process in Afghanistan will be analysed. Emphasis is placed on interactions with specific policies. Acknowledgements are also made regarding needs and general opinions of the actions taken above. The respondents emphasized the prevalence of warlords with a history of human rights abuses in power. Confirming the main criticisms of the Bonn agreement. Interactions are also made with other policies, interestingly, not the action plan, especially considering the lack of awareness outlined by Afghan literature.

Fifth, Interactions and consciousness regarding the above and below dynamic will be outlined. As explained within the theoretical framework, the master narrative above does not always resonate below. Narrative research allows for the voices of individuals, to emancipate themselves from this master narrative.

Introducing the respondents

The following section will introduce the reader to the respondents interviewed. This will provide a brief overview of their story and who they are in general. Names are left out to protect their privacy and maintain anonymity. Some may include more information than others due to some information not being appropriate to share. Also, some respondents simply did not share in-depth information regarding their personal story during the official interview. Nevertheless, the following information should be sufficient to provide acquaintance with the individuals behind the voices included. All respondents were born in Afghanistan and are now residing in the Netherlands.

M (1)

M (1) was born on the 16th of April 1960 in Kabul. In this city, she attended high school and Kabul University there. Following this, she worked as a teacher for a few years. M (1) left Afghanistan before the civil war began. However, she was politically involved during the Communist occupation. During this period, she aimed to create awareness of the many atrocities committed by this regime. She stated that resistance was needed against the former Soviet Union to fight for freedom.

N (3)

N (3) is a 40-year-old female who fled Afghanistan 21 years ago. She fled Afghanistan with her three sisters, mother and brother. Initially, the intention was to flee to Canada as this was where some family members already resided. However, as they were travelling on false passports they chose to journey via the Netherlands. Today, she is content with residing in the Netherlands and is married with children. Being the oldest sibling, she fought hard her whole life to get where she is today. N (3) travelled back to Afghanistan on multiple occasions. However, during these visits she witnessed that the situation in Afghanistan was dire. She also supports a single woman and her family in Afghanistan. This support is provided socially and financially. She mentioned that fleeing from war, has left her in a survival mode. This survival mode continues today and it is difficult to get out of. The moment where others enjoy aspects of life, she states that she cannot due to this survival mode persisting. Her mind often wonders towards how things could have developed, if she had never left her home country and was able to reside within her own culture.

S (4)

S (4) is a 64-year-old male who was born in Kunduz, Afghanistan. In 1972, he started working as a nurse in an Afghan hospital. Following this, he joined the army for a while and commenced his military service. In 1979, approximately two years after the coup, S (4) was captured and imprisoned and held for 9 months. S (4) stated that he was one of the lucky ones, although he was tortured and imprisoned. This was due to the majority of those imprisoned during this period being tortured and then swiftly killed. S (4) stated that, during the communist occupation, people being tortured and killed was a normal and daily occurrence. When the Russians invaded he was released and returned to his old work. After a while he opened his own pharmacy in Afghanistan.

L (5)

L (5) is a 23-year-old female who was four years old when her family moved to the Netherlands. Her father was already located in the Netherlands and had applied for asylum. Although she was raised in the Netherlands, she was raised within Afghan culture at home. She still remembers moments from the war. L (5) stated that although you can take a child out of the war, you simply cannot take the war out of a child. The war still resonates within her family. Her father was captured and imprisoned for 12 years. As he suffers from the psychological consequences from these experiences, this impacted L (5) also. Although she resides in the Netherlands today, she carries the experiences from the war with her.

F (5.1)

F (5.1) is a 57-year-old male residing in the Netherlands. He was imprisoned for 12 years. During this period, he experienced significant hardship which still impacts him today. Nonetheless, he continues to fight for justice through advocacy and the spreading of awareness regarding the situation in Afghanistan. One way in which he does this, is by writing books about his experiences.

B (6)

B (6) is a 60-year-old male who grew up in Kabul. At the University of Kabul B (6) studied medicine. This was referred to as a beautiful time in his life. However, during his fourth year of tertiary education, the communist coup took place. Due to the coup everything changed in his life. Anyone could be captured, imprisoned and killed, including students. Nobody was safe during this period as anything that was not appreciated by those with power, could result in one being taken away. During the last year of his studies, B (6) was also captured and imprisoned. His brother, who was only 12 years old at the time, was also imprisoned and tortured extensively. Today, he works as a doctor in the Netherlands.

H (8)

52-year-old H (8), has lived in the Netherlands since 2000. In Afghanistan he studied economics at the University of Kabul. When the Taliban came to power and started implementing fundamentalist policies it also affected his life significantly. The University at which he was teaching, was closed and made inaccessible. Consequently, he could no longer continue his academic endeavours. This is when he realized there was no longer a place for him in Afghanistan. H (8) came to the Netherlands as a refugee and now works as a translator.

R (9)

Born in 1951, R (9) was educated in Afghanistan and later employed within the educational field. During this period, R (9) was also politically active within the Afghan context. After working as teacher for seven years the 1978 coup took place. After this coup, he was against the occupation and was therefore branded as an anti-revolutionary. One night he was detained by four men. For seven months R (9) was tortured. Following this he was imprisoned for 10 years. One year after his release the regime collapsed and the Islamic government came to power. This was also a very difficult period for him although he remained politically active. Nearing the end of the Taliban period, he left Afghanistan. Arriving in the Netherlands he applied for asylum as a political refugee. His children followed him and he still resides in the Netherlands today.

6.1) the national narrative (Past & Future)

This thesis has placed emphasis on the importance of contextualizing with Afghanistan as a nation. This was done during the second chapter of this thesis. Utilizing literature and online

articles this chapter facilitated an insight regarding the developments which contributed to the need for transitional justice. However, the victims consulted in this research may have their own interpretation of these developments. Continuing in the line of emancipation through narrative, this perspective is also acknowledged in the research from below. As mentioned, one of the questions posed to the respondents was “what were the most important developments within the history of Afghanistan for you?” All respondents answered this question in an extensive manner. All respondents had in depth knowledge of their national narratives and the events that were most meaningful to them.

Positive aspects of the past

In some cases, when asked to share the historical narrative of Afghanistan, emphasis was firstly placed on the periods that were perceived as positive in the past. Afghanistan indeed saw periods of peace before the many years of conflict that succeeded these periods.

M (1) “when I look at the history there have been various important moments. The year 1919, far before my birth, a time during which there was a progressive king. He brought a variety of developments”.

One respondent, who never experienced these periods of peace in person, describes how these memories have been passed down to her by her family members.

L (5) “Well, I think that a very important point is also video’s from before the war, or how I hear my grandparents talk, they could go to school for free, free healthcare, everything was organized. Women could go to school and there was freedom”.

This may be due to the negative aspects of Afghanistan often emphasized in research and historical accounts. Indeed, Afghanistan has seen a long period of conflict with dire consequences for its people. However, Afghanistan has also seen periods of freedom and democracy. Also, it may provide a juxtaposition, in relation to the events that followed this period. There seems to be a consciousness of the perception of the nation in this manner. The following respondent mentions this quite directly:

M (1) we have always been an Islamic country. But from a young age I remember, everything was possible and allowed. I notice, due to my occupation, I notice that people here have the idea that people in Afghanistan always walked around in a bourka. Always head scarfs, Afghanistan has known periods were women wore miniskirts, went to university, we were able to go to the cinema”.

It seems that the period before Russian involvement, was generally perceived as a relatively peaceful period. However, this was interrupted by the events that would commence after political developments above.

B (6) “that is when I started my studies at Kabul University. A beautiful period. And that, then Afghanistan had a president, there was no king at that time. I was in my fourth year of my studies when change was brought by the communists”.

Distant history & English invasions

Respondents were asked what the important developments were regarding the historical narrative of Afghanistan. These were often mentioned already during the first question, which asked the respondent for the story of their lives. This life story was often articulated in relation to the political developments in chronological sync above. Afghanistan, due to its geographical location, has always been a gateway for foreign invaders, from Alexander the Great, to Genghis Kahn (Barfield, 2010). This was reiterated by respondents:

S (4) "He states that their entire history is determined due to the geographical location of Afghanistan. Because they are always in between those great powers. They always laid there as a bridge between East and West, North and South".

This pattern continued throughout history. With the British attempts at conquest. In the period just before the English invasion, the king was pushing for progression in the country. This was then cut short by the British invasions.

M (1) England could not have that Afghan king bring those developments, and besides Afghanistan there was India. And they have, with all their men and power involved themselves in Afghan politics".

Afghanistan was also perceived as an interesting location due to the powerful nations that surround it. Mainly, it seems to have been a buffer zone between the Western powers such as England and the Soviet Union. An argument can be made that this is still the case today.

S (4) "the attention towards Afghanistan developed due to the rivalry between the English empire and the Russian empire. And how Afghanistan was formed between those two great powers, and this provides the tone as to how the Afghan history is, by chance we are simply in between them again".

After world war one, an Afghan king established authority and centralised the nation. This King brought change to the nation. However, from the perspective of the victims, this is something that was unwanted by those attempting to influence and control the region using colonial tactics.

B (6) But that king started bringing many changes. Women were given rights, no bourka etc. And he brought many other changes, but the English didn't want that, otherwise they could not control that area".

The following to reign was Zia Shah. This was perceived as a relatively peaceful period:

H (8) He came to power and he was king for 40 years. Years 30, 40, 50, and 60. About 40 years in Afghanistan during which we had a calm period, and then the king's cousin came".

The King's cousin, was Mohammed Doud, he became president, and aimed to bring significant change to the nation.

B (6) "after that his cousin, Doud, he was the same age, he became prime minister, he is also a powerful man, when he governed, he wanted to bring a lot of change".

However, Doud looked more towards the Soviet Union for support. This was also due to his wish to reclaim Pakistan. This land used to be Afghan land, however, due to British involvement this was no longer the case.

B (6) "that cousin wanted to fight against Pakistan, to free that land. Because Pakistan was a country made by the English. So, he looked towards Russia. Many contracts were made with the Russians. And this way, the Russians could come in. That was when my dad was in the army. At that time, he received a lot of weapons".

Initially, the involvement and support from the Soviet Union was not seen as a threat. This explains how the infiltration of the political sphere could occur to such an extent:

S (4) "in 1968 the communists started to rise but that was not seen as a threat. Because Afghanistan had good connections with the Soviet Union as a country.

Many military connections with Russian advisors by the Afghan king. There was a lot of collaboration, there was that feeling of, Russia is our friend, which is why we didn't see it coming".

This also led to Doud's demise, although he aimed to bring change to the nation with assistance from the Soviet Union, he was killed and the government overthrown in a coup.

H (8) "Mohammad Doud, and he wanted to bring Afghanistan, onto the right path. Develop, not stay held back. This man was sadly killed, in 1978, by those communists who were all supporters of the Soviet Union, together with his family, women and children men and everything, 24 people killed"

Also, here, there is a consciousness regarding the foreign political influence during this period, as stated in the following quote:

M (1) "and actually that entire political approach of the coup was thought of by Russia. And this is the moment that I became really politically aware and involved in Afghanistan".

This particular narrative is also interesting as the actor acknowledges this was the moment awareness developed towards politics. It seems that here, the events in the above sphere do not articulate the will of the respondent. This then sparks resistance and a consciousness of the sphere above.

The "Saur revolution" & Russian invasion

This is the moment that things changed rapidly for the Afghan people:

M (1) from the moment that this coup happened, then I was 18 years old and just finished school and went to University. That is when a really sad situation developed in Afghanistan".

"People that were schooled or well educated, they went inside and just, killed them and removed them and put them in prison"

When the communists held power in Afghanistan, they implemented drastic changes that collided with the traditional structures that had ordered society for centuries. Somers (1994) outlines how the narratives articulated above are not autonomously constructed by individuals. When the actor is not able to accommodate the narrative articulated above, this can lead to victimization and despair:

H (8) "because Afghanistan is quite a traditional society and things like religion are important. And things like land that you inherit from your forefathers, and those are things that haven't changed in thousands of years. And then suddenly these people come and change everything, as it all needs to be equally distributed, that struck people really deeply"

Initially the relationship between the Soviet Union and Afghanistan was positive, there were many Russian advisors to the Afghan authorities, present in the army, and assisted with the first coup. However, after the president almost established a way in resolving the conflict with Pakistan which would see greater cohesion in the region, Russia invaded.

S (4) "they came with a solution, so it was almost resolved as they had a deal with a rail line and a road towards the coast and a road from Iran. And this would be financed by Arabia. Therefore, it was almost resolved".

“this way they tried to establish a regional power by involving everyone. What you see, just like how the EU was establish. An Islamic regional power”.

It seems that in this period, a regional power was almost established. This leaves one wondering what the consequences of such possible stability would have been and how things would be today if this deal was honoured. Russia invaded at this point and it could be argued that this may have been to stop such developments, which may also explain the noticeable lack of international condemnation regarding this decision. However, there was also a lack of support for this regime due to its method of ruling. The murdering of thousands of innocent civilians, may have pushed the Russians to take this action also.

B (6) “now I think, when I look back they were sick people. Those who didn’t agree with them had to be killed or imprisoned. If a student was a little bit rude or didn’t like something. Simply, didn’t like something, they grabbed and just put them in prison and kill them for nothing”.

After explaining the intensions of Mohammed Doud, this respondent articulated how he violently met his end, followed by the coup, generally summarizing the period as follows:

H (8) “and they claimed the power for themselves. And after that came the period of communists. A year and a half later, the Soviet Union. And so, it keeps happening in the history. 10 years, 2 million Afghans killed, and 3 or 3 and a half million have fled. And we have about one and a half million handicapped because of the war”.

There were two parties ruling together before the Soviet invasion, however, one respondent describes the official Russian invasion as follows:

M (1) in the beginning, those two parties were going to form a government together. But in the end, they got into conflict. Then to one party was going to destroy the other. And in this way, many Russians came to power in this period. And ultimately, one person, the leader of the party, simply drove into Afghanistan on Russian tanks”.

After Russian occupation one respondent described the situation:

M (1) “all those people that were intellectual, and free thinking. In the period of the Russian invasion, they were brought under by this fake regime, or by those fundamentalist leaders, they couldn’t go anywhere else”.

This eradication of intellectuals by the communist party was also mentioned as affecting development later. One respondent outlined that due to this wiping out of this layer, the people were not able to lead. This meant that the above sphere was able to control and manipulate the people below. The intellectual capacity present in society was no longer significant enough to force their way into this political layer or society. As outlined within the history articulated within literature, after the invasion by the Soviet Union, the United States began to fund resistance.

M (1) And, after the Russians invaded Afghanistan, those Western countries have, America, they constructed a party in Pakistan. Using money and all measures against the Russians. And these people, they had other things. Money, weapons, and everything was provided to fight the Russians. The start of the war in Afghanistan was accompanied by power, money, and weapons for the Pakistani government”.

Mujahedeen & Taliban rule

The soviet invasion was met with mujahedeen resistance. However, also this resistance force, which is often described as fighting on behalf of Afghan people, was infiltrated by foreign incentives.

M (1) "and these Jihad fighters, only the leaders thereof. They were people that had power, in exchange of money, and that power also comes from the secret services of Pakistan. They were made powerful".

The United States supplied the resistance against the Soviet Union with weapons and monetary aid. However, a consciousness of their own interests, and the feeling of betrayal seem to dominate the perception of this apparent support.

N (3) But Afghans fought there, and then in the war America helped the country resist. After 15 years it turned out that they have done it for their own interests, and I find that such a big betrayal. So, people have been used, yes, I will help you, but then I stab you in the back".

As witnessed so often in the past, the Afghans could repel this invasion attempt also, leading to withdrawal of the Soviet Union.

H (8) "they left Afghanistan due to all the pressure by the mujahedeen"

This once again changed the dynamics below, within Afghan society, it seems in some regards, for the better:

S (4) "he said that during the time of the communists, people that were shot or tortured, that was just something daily, something completely normal. In the time of the mujahedeen it was no longer normal that you were simply captured. The difference was they had no political prisoners, but they did all have their own prison".

Although the Mujahedeen may have been a successful resistance force, their ability to provide a peacefully functioning society was less successful:

H (8) and after that in 92', the mujahedeen came to power and they were good at fighting against the communist regime. However, to rule the country, let's say, they were not, they did not do that well. Various extremist groups from all over the world came in, including Al-Qaeda, Bin Laden".

This respondent emphasized how the Western literature outlines that women were not allowed to go to school.

H (8) the civil war has claimed a large number of victims. Many people were killed and fled. And after that the Taliban came to power. That was in 1996 and 1995. And that was a dark period for Afghanistan. Because the Taliban was fundamentalist. They wanted to bring Afghanistan back 2000 years. So, women could not go to school".

However, following that, he explains how western literature may emphasize the manner in which the Taliban deprived women of their education. This respondent was a teacher at the University of Kabul. The schools were shut, it was not only women who were deprived of education, it was all Afghan people. This is when he realised there was no longer a place for him in his own country:

H (8) And then I said to my wife. I do not see a place for us here. I can no longer work here because from tomorrow on, I can no longer attend University, for which I

had a great longing. Then, I could possibly develop myself further. However, that wish was simply not achievable here”.

He mentions that only the religious schools could remain open. They abused the concept of religion and massacred people in sports stadiums in the name of god. Following that, he states:

H (8) “they only abused the name of Islam. And also of religion, as far as I know religion is not that strict, worshipping a god, isn’t bad anywhere”.

Hence this developed into Taliban rule, which was perceived as a dark period in the history of Afghanistan. One respondent who returned to Afghanistan during this period stated that “I returned on three occasions. Once, during the Taliban period, that was one giant nightmare N (3)”. This respondent also fled during the civil war. This period, although a dark one, provided some structure to society once more.

S (4) he also said that in the time of the Taliban things were fairly ordered and everyone knew what they were doing”

Although the invasion by the United States destroyed the structure maintained by the Taliban, towards the end of their rule, the Taliban was being influenced by foreign forces also. As the following respondent outlines

B (6) “yes structure, peace, everyone was safe. Everyone could sleep safely, without thinking someone will come in and steal, no one dares to do anything. But slowly many changes happened within the Taliban also. And later it turned out that the Pakistani’s and Arabic influenced, and the Taliban was very naïve because they were uneducated and were therefore influenced by them”.

The respondents outlined that Pakistani influence, contaminated the Taliban with fundamentalist thinking. This was met with the United States invasion after the attacks on the twin towers, which consequently destroyed this structure upheld by the Taliban.

Intervention & post 2001

The United States intervention was initially welcomed by some of the respondents. Especially when considering the method of ruling imposed by the Taliban. However, as time progressed, other sides of this intervention revealed themselves, swaying public opinion in the process. One respondent stated

N (3) “in the beginning I was happy but now I am not. Really, they really need to leave, helping a country from a distance. They have been there the last 18 years, what has, what have they done?”

Once more, the consciousness of foreign geopolitical interests, utilizing Afghanistan to achieve their aims, dominates.

N (3) “because they want to stay close to Russia because they are enemies of one another. Afghans are really a target group”.

As previously mentioned, the structure that upheld society was eradicated with this invasion, but this also had other consequences:

S (4) “but as soon as those Americans invaded, and the Taliban was gone, all that structure also fell away, and everyone lost their job”.

Many expressed disappointment, and emphasized that the situation has not changed after all these years of foreign occupation.

N (3) "that mask, of we help, we will see, it needs to stop. I find that so disappointing, and that hurts me so much. Help who? What have you done!?"

This pattern of foreign involvement is an unmissable aspect of the meta-narrative in which these actors are emplotted. As shown here, it repeats itself in history, but also has an effect on the way in which people experience their own lives. As shown in the 'above' perspective, transitional justice, was also facilitated by external parties, utilizing the very political sphere that caused such harm to the population.

These developments above, regarding the repetitive nature of foreign invasions also influence culture and way of being below. As mentioned in the historical framework, the resistance of foreign attempts at colonization and domination often came from local militias (Barfield, 2010). This manifested itself into the identity of the Afghan people. Note the following respondent:

R (9) "the population of Afghanistan have a characteristic that those interventions, those military interventions by greater powers, are not accepted. And that is why they go and fight against those interventions"

It seems this characteristic also played a role in the way in which transitional justice was experienced by these respondents. Due to the significance of foreign involvement in the process.

The Future

In general, the perception of the future was a worsening situation in Afghanistan. This was mostly attributed to the current government and the people within it. As the International Center for Transitional Justice & AIHRC (2010) stated, the current government is unsustainable. One respondent emphasized this proposition in the following way:

M (1) the country has simply been pushed back hundreds of years. Everything that what is built up, is destroyed, and still not restored. And everything that happened, within no time, when those foreign powers are gone, that government will fall apart, and then it will be civil war, or again the Taliban".

A situation that will only worsen in the future, this was often attributed to the criminals placed in powerful position within the Afghan government and its institutions. Often described as an unbreakable cycle of impunity that continues to plague all structures of Afghan institutions.

S (4) "and in that way, you can see how the one criminal is exchanged for another. And then we think, yes that one is gone but then that one is replaced by another one"

After outlining the influence of foreign invasions, and the current warlords that have been able to maintain their powerful positions until this day, this respondent describes these repetitive developments as the following:

H (8) "it continues turning. We actually call that, that example comes from economics, we call that a horror spiral, that turns"

A horror spiral, is the perception of the future of Afghanistan. This confirms the tragedy plot line that so dominantly displays itself through the meta-narrative constructed by the respondents.

6.2) the Actor & Victimization

When asked to share their personal life narrative, this was often located within the meta-narrative. The life story which is created below, is interpreted in relation to the events above. And in some instances, the two intertwine and collide. As this respondent articulates, he firstly places himself within the political context. Following this, he is detained by the communists and thus the above sphere interacting with his life below directly results in his victimization.

S (4) He states that the first year he started there was still a king in power and the year after that the coup occurred. Then a new president came, the king's cousin. And in that time, he did his military service. And after he came back, when he started working again, just after that, the coup happened of those communists. When they came into power. So approximately in 1978, a year and two months after this coup he was captured”.

The political narratives articulated above had an impact on individuals below. Some respondents located underneath these developments felt an urge to participate to counter them.

M (1) “I was involved in that struggle in a certain way. We wanted to make people aware of the country, due to the Soviet Union, we had to come into resistance for freedom, that was in opposition of those Jihad leaders”.

In some cases, they were forced to participate with the political narratives constructed above. Even those that were unwilling to be part of the developments, the ‘above’ sphere, is then utilizing those ‘below’ to support their own aims. The following quote is from a respondent whom while falsely detained in prison, learned of a group of people who were forced to demonstrate for the communist regime. This way, falsely constructing a political narrative below, in support of the sphere above:

B (6) “they said that they invited us, to, take part in a demonstration. And then they were at that demonstration, we didn't know, we were surrounded. Some of us had to go home, because they have also, yes, they said you have to come with us”.

These people were forced to demonstrate and were later imprisoned for doing so. In this prison many of them were tortured and met their demise. It seems every Afghan had a story of victimization. This was not only due to the direct crimes committed against them, however, the narratives articulated in the ‘above’ sphere also impacted their lives to this day. Many of the respondent had suffered horrific crimes under the communist occupation. These included a range of human rights abuses. A respondent who was detained in 1978, two months after the revolution describes it as follows:

S (4) “he said that when he was held captive for 9 months it was really normal that people were tortured. And, he said he was one of the lucky ones that he was captured and tortured. Because most people, simply thousands of people were immediately murdered, between 3 and 60 days they were just executed. And I was one of the lucky ones that was only captured, and only tortured”.

B (6) “When I was in the prison, once per one or two weeks, they brought people that needed to be executed. And then we heard the screaming of those people that needed to be executed. Many people that I knew, were killed that way. Only they were innocent people, they were only against the government”.

Since many of the crimes remain unaddressed, many of the perpetrators have also fled to Europe posing as victims. One example given of such a case was:

B (6) "that man, that classmate, he did with that girl, she disappeared at university, no one could find her. And he said, took a beautiful girl to his room and raped her and then killed her. She was there for days, then murdered. Now, that man is in England, changed name. In London, he even worked for the BBC, changed name, people saw him. And everywhere in Europe these people".

This means that many of the victims currently residing in countries like the Netherlands, could encounter the very person that violated their human rights. It also displays how victimization is not an isolated event, the victims carry this throughout their lives. It remains, even once having arrived in a safe country. One victim outlined how the war had impacted her. She spoke about a survival mode that she simply could not let go of. At the point which one is supposed to enjoy life, she simply cannot bring herself to do so.

N (3) "that surviving, you do that until a certain moment and then real life begins. And then you can enjoy things and do things. And I notice that we miss that part, and not just me".

L (5) "you can take the child out of the war, but you cannot take the war out of the child. And that is how it truly is. We live here and we have a life here and we go to school. Only, what we have been through, you always carry it with you".

Another important thing to extract from this section is the relevance of the above sphere in direct victimization. It seems that political developments had a significant impact on the respondents. For example, the communist occupation led to the torture and abuse of some of the respondents. Respondents also mentioned that the perpetrators of many of these crimes were still active in government today. This may also have an impact on the way in which transitional justice can be imposed from above. Especially when some of these perpetrators are located within this above sphere. In that line of thinking, some individuals within the above sphere would need to hold themselves accountable. This would be the only manner in which to sufficiently respond to the needs resonating below. It is for this reason important to investigate how the transitional justice process was experienced by the victims consulted.

The following respondent (9. R) read a section of a book to the researcher. This contained a media segment from 2017. Within this segment, on public television, a member of the party responsible for countless deaths in Afghanistan was speaking. This individual justified the actions by him and his political party during this period. He stated that the thousands of Afghans killed during the communist occupations deserved to be killed. Reading directly from the book it stated:

R (9) "to make it clear, they belonged in the Polygon. They were not just normal murders. I have killed the enemy of Afghanistan. Killed the enemy of the country. I have killed with much pride. And this is an aspect of this historical event"

The Polygon was the centre of a prison which was utilized to execute political prisoners during the PDPA occupation. One can imagine that such justification of mass human rights violations is painful to hear by someone who was imprisoned for 10 years under their rule. However, the respondent stated that this justification was facilitated from above:

R (9) "he dares to say that because he knows that he has support within the government. People who save him from these issues that is why he dares to make this statement".

The respondent also emphasised that it was this dynamic that caused him and many victims among him to lose hope. This loss of hope, was in relation to ever receiving justice. The above sphere thus holds the power to marginalize some narratives, such as those of victims. However, it can also facilitate other narratives, such as the justification for certain actions in the past. This dynamic thus induces a loss of hope and essentially a struggle regarding the interpretation of the past. The respondent stated that this is the reason that he writes books about his experiences. Because he has lost hope to ever receive justice from this government. However, it is essential for him to pass this knowledge on to the next generation, thus keeping this opposing voice alive. It was also stated that it was important for the next generation to know that, although the victims had lost hope of winning the struggle against the narratives imposed above, they continued fighting for truth and justice. As Grey (2012) states, for the many victims the meaning of transition and justice is directly related to this process. It is the ability to communicate this narrative of victimization and being believed. Both by the next generation and the world. It seems this interpretation of justice accommodates the perspective of the Afghan victims interviewed.

This displays that the above sphere directly opposes the truth of this respondent. Instead of implementing justice for the actor, he is re-victimized by the narrative articulated. Yet, aware of the power dynamic between the above and below, knows that his individual voice is not powerful enough to penetrate this master narrative.

6.3) Transitional Justice

Bonn Agreement & the Loya Jirga

As outlined in the above segment, the period of transition acknowledged in this thesis is interpreted to commence with the Bonn Agreement. An agreement facilitated by the United States after the 2001 invasion. This invasion, although destructive of the traditional structure upheld, was initially perceived as a positive development by respondents. The invasion provided hope for people that change would come. However, the events that followed this invasion, left a sense of betrayal resonating among some of the respondents. Every single Afghan that articulated their story, emphasized the criminals that were provided power through these developments.

B (6) "in the beginning everyone was happy with the intervention. But people were not happy that all those criminals were placed back into power. Also from the communists, mujahedeen groups and others. They have simply placed them back into power".

N (3) "they have ultimately, the government of today is a mixture of the last 30 years, exactly those criminals, precisely those who did things wrong, and now those three groups govern. Communists, Jihadists, and the Taliban".

There also seemed to be a consciousness that the structure set up during this agreement did not provide a framework supported by the people. The institutions above operate in order to protect and further themselves. However, they do not listen, acknowledge, and respond to the voices articulated by these victims. This chasm between the above and below perspective may leave the people below powerless:

M (1) "they are all just concerned with their own interests. They are simply, they have thirst for power. They don't see the people down there, and that is also what happened, unemployment, and powerlessness for the Afghan people is really bad".

Furthermore, the Bonn agreement did not provide a framework that acknowledged a variety of perspectives. The following respondent emphasised that these were warlords that held a significant amount of power. However, they were the leaders of only four United States selected anti-Taliban factions. The Taliban and Al Qaeda, although very involved in the conflict, were not represented in these negotiations (Winterbotham, 2010). This is important as the Bonn agreement was essentially a power sharing deal among these parties. However, they were not the ones responsible for the resistance. That was the people, the people fought and died for this cause. The agreement may have been considered somewhat offensive due to this reason. Also, the foreign involvement within it had a backlash:

S (4) "so the leader of the mujahedeen was against the gathering at Bonn. Because he thought that we shouldn't go to Bonn, but inside Afghanistan, have a large in depth gathering so that everyone is involved. Because then we could avoid another conflict because you cannot let this be solved by other countries from some distant place far away and then make an agreement".

This respondent spoke in relation to the political narrative extracted in the above perspective, which praised the mujahideen as heroic:

S (4) "how it was articulated in Bonn, and the people who were there on behalf of the mujahedeen, they were mostly people that had their own interests in mind. And the way it was placed in Bonn was more a type of western propaganda form to glorify them. It stands alone from the way in which people think about".

As outlined here, the political narrative constructed above, is said to not reflect how the people below perceive the situation. It also alludes towards the symptoms of a chasm between the narratives constructed above, compared to those below. The opinions and actions in the above sphere do not represent the opinion or perception of the respondent. This was perceived as bad policy making on behalf of the International community by many of the respondents. This caused pain for the Afghan victims consulted, who saw the perpetrators of crimes placed into powerful positions. It also affected the legitimacy and trust towards the United States:

S (4) "those are people that have a whole list of human right violations, and many things that they have done in the past. And those kinds of people, they have placed them in powerful positions and they are enabled to continue unpunished. And that ensures, that you come across in a very untrustworthy manner".

This chasm that displays itself between the above and below sphere is significant. The narratives articulated by the eight Afghan victims, did not recognize the individuals in power as legitimate leaders. Note the following respondent's description of the government:

R (9) "and in Afghanistan, those that are in power. It is really a mafia layer of the society. They are holding the rest of the population hostage. And the people do not know how to escape from these hostage takers".

This respondent stated that it is not only the fact that the government is not seen as legitimate or representative of the people below. However, the people below, are captured and controlled by the above sphere against their will. The above perspective works against them regarding progression to peace, reconciliation, and justice.

When we place these developments into the broader context, the cycle of foreign influence to support their own geopolitical interests is perceived to continue:

M (1) "and those old warlords, leaders, they call themselves leaders of Jihad. And with those people that is really just, the basis is, to regain power, otherwise the Taliban would have fled. But they were brought back together, and placed back into power, really due to the policy approach of America".

It seems that the United States intervention was initially welcomed. However, the Bonn agreement allowed for powerful men, with records of human rights abuses, to be internationally legitimized and placed into powerful positions. This consequently led to a negative perception towards the foreign policies being implemented.

Following the Bonn agreement, the Loya Jirga was implemented to construct a representative party, this was acknowledged as being indeed an Afghan tradition, however, not the right tool for the situation at hand. The following respondent stated:

M (1) "It is a tradition in Afghanistan. But it was used in the medieval times. A measure that, that could possibly reconcile minor conflicts, but you cannot solve a complicated war situation with that, that has to be addressed at the root cause".

Interestingly, as Ayub & Kouvo (2008) outline, intervention methods often target only the symptoms of a conflict, instead of addressing the causes. It seems that both the Bonn agreement and the Loya Jirga may have reflected such an approach for the victims in this research. Although it is arguable that violence was halted due to such developments. The way in which the victims consulted in this research view it, the root causes and perpetrators were still there. This initial facilitation of leadership consequently results in a continuation of the so called "horror spiral".

Those placed in powerful positions, were not seen as legitimate leaders by these respondents. Also, they were not considered to represent the interests of the Afghan people. However, these individuals in powerful positions represented their own interests and those of other foreign parties involved.

Perception of transitional Justice

Although many of the political developments were specifically addressed without being referred to by the interviewer, the Action plan was not mentioned once. Although many of the respondents had heard of transitional justice as a concept of relevance to the Afghan context. In general, it seems that many of the needs expressed by victims reflected precisely the key actions which were present within the Action Plan. However, few of these key actions were genuinely implemented within the context. Also, awareness of the Action Plan was low in general, even among Afghan officials (Winterbotham, 2010). It seems that although the policy reflected the needs of the people, the lack of implementation resulted in an unaddressed perception below. The developments made regarding transitional justice were often seen more as a smokescreen, to hide the other incentives of the Afghan authorities.

M (1) It is more a sort of show than people who genuinely believe in these things from their heart. Because they could have, because there were so many countries in Afghanistan, it was possible".

N (3) "no not at all, absolutely not. For no one, no. No, they have done nothing for us. They just left a lot behind".

There is the perception among victims that nothing was done to reconcile the conflicts, and the consequences thereof, that resonate within Afghan society. This may be a well-founded perception. Also, when talking about transitional justice, often the legitimacy of the Afghan government was questioned once more.

N (3) "no, those people who govern now are wrong, bad people. They all have a history. For my feeling they need to, our candidate ministers, who are those people, why, they should have looked at their history first. They are all criminals".

For these respondents it seems to be that the individuals with the power to implement a transitional process are the people that were responsible for much of the conflict. This results in a lacking willingness to facilitate accountability and truth. Here once more, we see this chasm between the Afghan authorities and the victims in this research. Some of the individuals in power are not perceived as their representatives. However, they are simply perpetrators maintaining a grip on power. It is often the individual narratives articulated by those who are most affected which are marginalized (McEvoy & Mc Gregor, 2008). In this case, it seems to be the individual calls for accountability by these victims that remains unacknowledged. It also causes pain among the respondents. The perspective from above is then validated and the below marginalized. They suffer due to the crimes committed against them. Meanwhile, the perpetrators are rewarded with positions among the political elite.

S (4) "so you have all those criminals that are in the government that have actually been rewarded for all the things that they have done. Because they have killed many people and stolen money and enormous amounts of land, they received these positions".

Due to this, hope has dwindled among the respondents. They perceive that with the current government, composed of criminals, accountability and truth will not surface.

N (3) "I had a bit of hope in the beginning, when you look, okay now we are busy. But have lost that hope a long time ago. We are leaving, leave those people to their business, because exactly the third person that involves themselves, they always have their own incentive".

It seems that in general, the perception of transitional justice is that there was never transitional justice in the first place. At least, no transitional justice mechanisms which acknowledged the needs of these victims.

H (8) "Nowhere did I hear from the government, or government institutions, or even the international community, that they did anything for victims. No, that is not the case".

This is quite an arguable proposition when observing the transitional justice mechanisms that were genuinely implemented. There may have been political narratives constructed within the above sphere, that were articulating transitional justice processes, however, in practice these did not reach below to the eight cases consulted.

Amnesty Bill & the lack of accountability

The resolution passed by the Afghan government, which granted blanket amnesty to the perpetrators of crimes during the various conflicts was another development which was mentioned by the respondents:

M (1) "the horrible thing about that is, in the Afghan parliament, those war crimes, they have forgiven themselves, those people. They passed a law that they cannot be

trialed, and that they have a national plan. Yes, but that is why Afghanistan is not safe. As long as there is no fair procedure”.

This therefore results in a lack of accountability, leaving victims if the conflicts demanding justice and struggling to come to terms with the fact that the perpetrators of the crimes remain untouched.

B (6) “yes, really, those people really need to, be trialed. Otherwise peace will not come. The people have experienced so much. Some of those people still have power. They are involved in politics and that is difficult”.

Accountability for the crimes committed was therefore also one of the main needs expressed by victims, stating that the lawlessness and impunity currently upheld could not continue. It is important to refer to the importance of trials in this context. As stated trials are epistemic in the sense that they serve as memories of the past. Guilty verdicts can serve as a form of shared remembrance, confirming events within official frameworks (Grosescu, 2016). Some respondents believed that without this accountability, Afghanistan might not see successful transition to peace. This is also related to the interpretation of justice provided by Grey (2017). Where being believed by the coming generations is emphasized. These trials may serve as a confirmation for victims, that their truth is confirmed within official frameworks.

B (6) “many were brought back into power. They have important roles. That is one of the reasons peace won’t come because those people want it to stay that way”.

The feeling that nothing was done to address the crimes committed resonated in every interview conducted. In general, the past was not addressed in any form for these victims, even though the perpetrators are still out there:

H (8) “We have actually done nothing with our history and all the horrible things that happened. There was no accountability of anyone. Very little, maybe three people here in the Netherlands. Those people, they have the names, of hundreds of thousands”.

What is needed?

It seems that the respondent felt as though no aspects of the crimes had been addressed. There was a need for truth seeking, accountability, and peace among the respondents. One respondent stated that “those who do not learn from their history, will be destined to repeat it H (8)”. However, it seemed that this opportunity to learn from the past was simply not provided to the Afghan people. The respondent followed this by saying:

H (8) “My brother is killed. But no one asks me, what was the name of your brother?”

In this way, the truth remains hidden. In a study conducted by grey (2017), justice was articulated as being able to communicate one’s narrative to the next generation, and being believed. This was an interpretation which all respondents articulated in some way. Once again, the significance of guilty verdicts is important here. It confirms the narrative of victimization and allow this to be passed on to the next generation. This awareness that the truth may be lost if remained unaddressed was also relevant to the Afghan victims.

F (5.1) “the history, we forget, and then they show the images in books and documents that they want, and the victims all die before justice is served”.

In general, truth-seeking processes were a supported mechanism. This was needed to create awareness of the developments in Afghanistan.

N (3) “yes, official truth, and that has never been documented. Certain things, but I think there will be proof, in one way or another, it needs to be confirmed and made official”.

Another need expressed was peace. The peace and security that would allow for the Afghan people to stop thinking about surviving day by day. This would allow people to allocate their energy towards rebuilding the nation.

N (3) “if it was up to me, my first advice would be, well safety, we need that firstly regardless in any country. So, then people are safe. Then they do not need to worry about being killed or robbed”.

Truth and transparency would go a long way towards reconciling the struggles of these eight Afghan victims in coming to terms with the past. However, also post 2001, there is frustration about the lack of truth regarding the intervention, and developments that occurred following this, especially with regards to the amount of foreign hands reaching into the Afghan political sphere. As the following respondent stated:

N (3) “It is truly war. And that two-faced approach of involving other countries, that needs to be revealed. Like, guys, just stop it already. So that mask, of we help, we will see, it needs to stop. I find that so disappointing, and that hurts me so much. Help who? What have you done!?”

Foreign influence on transition

The influence of external parties on the process of transitional justice was a common topic emphasized within the narratives articulated. Once again, placing it within the historical meta-narrative of Afghanistan, this seems to play a significant role. Often the individuals operating within the Afghan Government were not only perceived as criminals, however, they had ties to other nations, and supported their interests within a legitimized structure.

M (1) “because if you investigate all those people who are in government. In one way or another they have connections to foreign powers. With Russians, Iran, Pakistan. They operate in the interest of those countries”.

This historical narrative is also important in relation to those who claim to bring this justice and transition. The role that foreign nations had within Afghanistan in the past, may contaminate their perception in the present.

S (4) “He finds it noticeable that those countries that initially supported the Taliban against the Russian etc. Those are now the exact same countries that are in Afghanistan to remove the Taliban. He finds that quite noticeable”.

The influence of the United States in these developments, was also addressed. The United States and its parties initially presented themselves as bringing peace and democracy. However, for these Afghan victims, the reality behind this smoke screen is different.

S (4) “for Afghans, it sounds almost like a type of swearword. Because it is actually sort of offensive, because they say they come for this, but that is not the case”.

In the same way that the warlords in powerful positions refuse to implement accountability in order to protect themselves, it is argued that the international community has the same interests. And due to the connections held between political parties within the Afghan government and both Russian and Western parties, it is impossible to push transitional justice on the agenda:

F (5.2) “because they also played a part in the injustice in that country. And in recent years, the Americans don’t want it to come, because they have been a part of it. So, the real transitional justice will never come in Afghanistan because then the US and Russia will need to take the blame upon themselves, and that will never happen”.

This respondent stated that in the case that transitional justice was to address the period of 1978 – 2001, then Russia would need to be held responsible for many of the crimes committed. However, if transitional justice was to address the post 2001 period, the crimes would be committed with mostly United States influence. Therefore, neither countries want transitional justice to occur (F 5.2). And while this struggle continues, time passes, and the crimes become more distant in memory and the hope for accountability fades.

F (5.2) “so the whole generation of victims becomes older and eventually dies. And then nobody remains, to seek justice”.

Capitalist and Neo-liberal agenda

As Dahwan (2012) points out, a trail of violent and instable systems has been produced by the west as a normative power. This has been in the form in which instable countries are exploited by leveraging their vulnerability. This way they are pushed to participate within a global market within which they cannot compete for their own interest. Processes such as transitional justice are then used to infiltrate these vulnerable locations on moral grounds. Meanwhile, behind the smokescreen capitalism contaminates the society and neo-liberal norms start to prevail. Examples for this were also mentioned. It seems that since 2001, unwanted economic changes have impacted society also:

L (5) “since those foreign nations have become involved the entire system has changed, and become privatized. Private schools, private houses, so if you have money, you get the best of the best, if you don’t, you can’t do anything actually”.

Inequality may be one of the symptoms of this process. Privatization of the large amount of resources within the region, may be another.

L (5) “yes, the gap between rich and poor is really big at this moment. The lowest level, the ones that are really poor, no house, no food, they live on the street. And then you have people who live in large mansions, and have everything they want. And that gap, is only growing, all since 2000”.

The geopolitical aims that encourage this influence are apparent among all respondents. As previously mentioned. However, resources within Afghanistan may be another interest point for external parties to maintain a foot on the ground. L (5) and F (5.2), mentioned the water scarcity our world is moving towards. Afghanistan has many pure rivers, flowing from its mountains. Countries such as Pakistan have been altering the paths of these rivers in order to utilize them. They also mentioned land being stolen and the many minerals present within the Afghan soil. These economic incentives are not emphasized within most literature. Hence it is of importance to acknowledge the voices that speak towards these factors from below:

B (6) Look, Afghanistan lies in an important geo-political area. In the past it was a buffer zone between the Russians and English. Who has Afghanistan, has other things. There is a lot of oil, gas, Afghanistan has valuable minerals and such. Everyone wants it, no one has it, everyone wants”.

Acknowledgement of positive developments

Respondents were quite critical about the future of Afghanistan and the results of this transitional period. However, some did mention that indeed positive developments had taken place. One does notice that these positive developments are in relation to structural advancements. However, they do not address mechanisms implemented towards victims.

H (8) "we cannot compare the Afghanistan today with that of 2000, or 1999. No, absolutely not. If we do that, then we are looking at Afghanistan with a blind eye. That is not the case. There have been many new institutions, and things have improved. But most important, was safety. "

Also, the recently elected president Ghani, provided some hope for people:

M (1) "For example now we have a president, Ghani, but they don't let him do his work. Because those others have thirst for power. He is constantly placed under pressure by others."

They were aware that his intentions were good. However, also expressed that due to the warlords that surround him, it is very difficult for the new president to behave in a manner that is beneficial for the people. When speaking about this phenomenon, this respondent described it with an Afghan saying as:

H (8) "We say that, you cannot make spring with one flower"

To allow for the season to change in the Afghan context, flowers must blossom in all layers of the society.

6.4) Awareness of the Above & below dynamic

This thesis divided the analysis into two perspectives, above and below. However, the respondents directly articulated the interactions between these two perspectives also. There seems to be a chasm between the political sphere above, and the people whom make their lives below. The political narratives articulated above do not incorporate these narratives below. Hence, showing the importance of power in this dynamic. One sphere (above) has the power to marginalize or include the other (below). It is for this reason that one respondent referred to the voices of Afghan victims as "the unheard voices" (M 1). The Afghan government seemed not to represent the victims in any form, and operated as a detached sphere:

F (5.1) "In October 2001 the new regime gained power headed by Karzai. At this moment there are no laws in Afghanistan, democracy is also not there, it is all for show. A mafia class has developed, who hold all money and power"

Criticism was raised regarding the distance from which the process of transition was implemented. It was often stressed that this conflict could not be solved from another country, or from above. Also, the national government was experienced as a criminal class of whom justice was not a realistic expectation. With all the foreign involvement and interest at play, these victims and people felt forgotten and unacknowledged.

S (4) "At the international level things are being done with many countries and groups internally. But also, the government that is full of criminals who only seek money and their own interests. In the end, everyone forgets about the real people themselves."

S (4) "It must indeed be solved nationally, but also regionally in a friendly manner. And not in such a high political way that is so distant from Afghanistan."

L (5) "the regime did not come from the people, it was brought from above. So, what they want, they don't ask the elections, it is all filled with corruption."

M (1) Because this is something that needs to change from below. You cannot change it from above, but you can, from below towards above"

It is for this reason that victims expressed that change had to come from below. From the people who spoke for them, and genuinely represented the interests of Afghanistan.

S (4) that is why our own people need to do something, as long as normal people do not rise, there is no hope for improvement"

H (8) "it needs to come from below, and these people need to be firstly removed from power, when charges are filed. In accordance with the law or something, those people need to be charged"

M (1) it must come from the people themselves, the knowledge must rise from the bottom. The people themselves need to know what is in their interest, then change can come"

L (5) "If a good government was to be established, that is chosen by the people with educated people. They could engage in dialogue with other nations and see what is in our own interest"

It seems that for these victims of the Afghan conflict, the transitional process was implemented by outside forces, and imposed from above. They felt unrepresented by the political narratives being constructed in the legitimized political sphere, yet, powerless to articulate their own narrative within it. Many shared that they felt appreciative that someone had taken the time to listen to their voice, and document what their perspective looked like. As shown in the following:

N (3) "It is so nice that someone listens to you. And it is not the voice of one person, but the voice of an entire population that has the role of victim. When you truly look and listen to it"

The Narratives articulated by these Afghan victims seem to challenge the master narrative imposed above. Although individuals were placed in power and consequently legitimized by outside perceptions. The Afghan victims seem to contradict this legitimacy quite clearly. The government is viewed as criminals and therefore not as their representatives. Consequently, these victims feel they do not deserve to be in this position. Both narratives of justice and transitional justice were articulated in the above sphere. Yet, from the perception of these eight victims, these narratives were not implemented in practice.

6.5) The narratives from below

It seems the historical narrative leading up to the transitional context addressed the same developments as literature. However, it placed more emphasis on the significance of geopolitical forces in the region. The many attempts at domination by foreign parties are a recurring theme until today. The respondents often attributed these as the cause of much conflict. Consequently, the ceasing of their involvement in this manner, was a factor that was often seen as a solution. Peace was not a realistic scenario in the nearby future. Due to the many forces acting on behalf of their own interests within Afghanistan. Therefore, the views of these Afghan victims were not represented. This was the case at both the international level and the national level for the respondents. The structure above was experienced as working against them, not for them.

When individuals articulated their own personal narrative, this was often placed within the context of the master narrative above. Stating both their own actions at the time, in relation to the political developments above. It was these same developments above that often led to their victimization. There was a frustration for the respondents regarding the lack of justice regarding this victimization. Although justice was often seen as an unrealistic result, the respondents continue striving for this goal. Participating in this research was often an aspect of addressing the victimization which they experienced and articulating their truth.

In general, the respondents were initially hopeful of transitional justice. However, quickly this hope faded. The experience of victims did not only interact with the actions or lack thereof taken above. However, they also interacted with whom was responsible for these actions. Both the international parties and the national government were experienced in this manner. As one respondent outlined, the United States articulating terms such as 'freedom' and 'human rights' was almost perceived in an offensive manner. The national government was perceived as a mafia class, who utilized their structure for their own gain. Therefore, also not addressing the victimization resonating within these victims.

The general dynamic between the above and below perspective was present within all interviews. The policies above, resonated within the lives of these eight victims below. Their narratives were not articulated within the above sphere. This often resulted in struggle and victimization when a master narrative was imposed that marginalized their voice. The respondents expressed that change needed to come from the people below. In this manner, it should not be the imposed from above, facilitated by foreign forces. There was a chasm present between the politics above and the experience of victims below. The above sphere seemed to operate on its own, without consultation of the voices of these victims. These victims felt unaddressed and unacknowledged. Experiencing the above sphere as a mafia class, who had no intentions of reconciling society. Consequently, hope for justice and transition has faded. However, through their own methods, these Afghan victims continue to fight for justice, truth, and accountability. This was done by writing books and facilitating advocacy for justice.

Chapter 7. Conclusion

This thesis aimed to answer how the transitional justice period developed in Afghanistan at the national level and how this was experienced by victims. This was done by firstly outlining the historical context. The history functioned to contextualize the conflicts and crimes that transitional justice may need to address. The main national developments that were looked at took place between 2001 and 2009. Then, through qualitative research it aimed to uncover how these developments were experienced and perceived by victims.

The historical context

This thesis firstly viewed the historical context of Afghanistan. This displayed a country plagued with war and conflict. However, the influence of foreign nations within these conflicts is an unmissable aspect of this history. Especially regarding British and United States involvement. This may have developed a culture of resistance among the Afghan people. A reluctance to accept the involvement of these countries in building the nation may have been a consequence of this dynamic. The powerful individuals whom were involved in the harming of civilians were also important. By foreign parties, these individuals were placed into a structure of governance. This same government would be responsible for operations during the period of transitional justice. Within the qualitative data the perception of those in power may be negative for this reason. As R (9) stated, victims feel held hostage by a government constructed of the very criminals that harmed them during times of conflict.

The history also displayed the significance of political developments in the lives of people. Changes in the political sphere above were accompanied by changes in the lives of individuals below. The influence of these developments is prevalent within the qualitative data. Respondents often placed themselves within the political context and when this context changed, so did their lives. Furthermore, historical political developments remain of relevance in the temporary context. An example of this phenomenon is the historical prevalence of colonization attempts by foreign nations. This manifested itself within the people below. This can be seen by the acknowledgement of a culture of resistance in direct relation to the Afghan identity by the respondent R (9).

Also, the developments within the political sphere led to the victimization of the respondents. In this manner, the events that took place above, manifested themselves in the lives of those below. This is also related to the significance of transitional justice. The policies implemented in a transitional process, manifest themselves within the lives of individuals. This interaction was shown in the qualitative results.

Transitional Justice from above & from below

Respondents directly mentioned political developments such as the Bonn agreement. There were emotional attachments with these developments. This can be both positive and negative. It means that policies and actions taken at the political level that are aimed to address victims can indeed have a positive impact. However, an approach which conflicts with the needs of victims can therefore impact their lives in a negative manner.

Policies and actions taken between 2001 and 2009 at the national level were investigated. By doing so, it analysed how transitional justice developed in the above sphere. It was outlined how the Bonn agreement was facilitated by outside forces. This influenced perception negatively for the respondents. This agreement essentially provided a new structure for the nation. Those placed within this structure, were perceived as criminal individuals by the respondents. This means that these individuals received legitimacy by international parties. However, by these respondents, these individuals were not considered legitimate leaders. This was also experienced negatively in the lives of the eight victims consulted below. As they saw the perpetrators of crimes committed against them, placed into power by international parties.

Ultimately it seems the transitional period in Afghanistan did little to address victims of the many years of conflict. Narratives of victim recognition and accountability were articulated at the national level. For example, the Action Plan promised to implement such mechanisms. However, these plans were not brought into practical reality. This was experienced as a significant frustration point for the respondents. The suffering and need for justice, remained unaddressed for these victims.

The amnesty law which was implemented by the Afghan government was an important development. The 'a call for justice' report released by the IAHRC displayed an overwhelming support for accountability among the Afghan people. Yet, this amnesty law from above, seemed to marginalize this call for justice. The respondents experienced this in a negative manner also. It seems such actions contributed to the respondents losing hope for justice. The respondents mentioned that in the above sphere, their voices are marginalized. The victims consulted experienced the above sphere as an entity that worked against their own goals. Therefore, the transitional justice period was not a healing mechanism for these eight victims. Instead, it was mentioned that it was a smokescreen. This smokescreen was utilized by the government and its international parties to achieve their own aims.

As Dahwan (2012) outlines, transitional justice processes can be used by international parties as a smokescreen. This smoke screen is then used as cover to exploit the country in which this process is implemented. It seems the respondents experienced transitional justice in this manner also. In some cases, referring to this process as a 'show'. This may also be a consequence of the foreign involvement in this process. Considering the historical context, this mistrust might be justified. The economic incentives possibly hidden under this smokescreen were also directly addressed by the respondents. Symptoms of such measures being imposed displayed themselves as increased inequality, corruption and power being concentrated among those who with international connections.

There seemed to be a chasm present between the above and below perspectives in this research. The voices of the victims consulted, were not acknowledged or articulated above. The developments in the above sphere, did little to close this gap. It seems that it was not simply the transitional justice process that impacted the victims in this case. However, it was those that were supposed to be behind the implementation also. The government and its international parties were experienced as working against this process, not for it. In this sense it is not the message, however, the messenger that was addressed.

Policies such as the action plan promised extensive transitional justice mechanisms. This included truth seeking and accountability. Contrary to these promises, victims expressed that the practical reality fell short of these mechanisms articulated within the political sphere. The respondents all outlined that in practical reality, little was done to address the atrocities from the past. Respondents stated quite clearly that there was a significant demand for accountability. Especially in relation to those perceived as criminals whom held powerful positions within this political sphere. However, although the action plan suggested such measures, the Amnesty bill passed later once again displayed that in practice this may be difficult to achieve.

A consciousness regarding the dynamic between the common people and the powerful seemed to be directly articulated. Respondents recommended that change needed to come from 'below'. The people needed to rise into the sphere above and so articulate political narratives that were representative of their own best interests.

As mentioned in the introduction, narrative research is related to the emergence of contemporary emancipation. This is in relation to the positivist limitations often imposed on research. However, it also refers to the emancipation of marginalized voices (Lewis, Bryman, & Liao (2003). These marginalized narratives, once acknowledged can disintegrate the narratives imposed from above. In the transitional justice context, this can be the case when individual narratives are acknowledged. These narratives, can skew standardized frameworks and illuminate their limitations (Grey, 2017). It seems that the eight narratives consulted in this thesis reflected such a dynamic. These voices are critical of the standard framework implemented from above. They are critical of both the message and the messenger, regarding transitional justice in Afghanistan.

The narratives articulated below displayed how the actions taken in the above sphere resonate within their lives. When articulating their own story, this was placed within a greater context, acknowledging the developments above at the time. These developments often led to their victimization. However, regarding the transitional justice period between 2001 and 2009, there seems to be a chasm present. This chasm is between the above and below perspective as outlined by the victims consulted. Although the actions taken in the above sphere resonate in the lives of these victims. The voices of these eight victims below are not represented or included within this sphere. It seems that if transitional justice aims to address victims and bring reconciliation, the voices of victims need to be carefully listened

to. Most importantly, they need to be understood, in reference to the greater meta-narrative within which they are articulated.

Reflection on the researcher

Considering the background of the researcher being in Social Sciences, the theoretical concepts discussed here, were not necessarily of a surprising nature. Furthermore, this tertiary education being provided to the researcher in New Zealand has certain implications. Considering the historical context of New Zealand, great emphasis was placed on the significance of colonization and eurocentrism during tertiary studies. Criticism of hegemonic western interpretation, was an encouraged and valued tool for analysis. Also in this research, this background and perspective was valuable. However, ultimately it is likely to have influenced interpretation.

The face to face contact with victims during qualitative research was a new experience. This contact and direct experience of the emotions involved in these phenomena bridged the gap between theory and practice. Although it was at times difficult to listen to such hardship, this emotion was valuable in sparking motivation and courage during this research. The researcher felt as though he learnt more about the Afghan situation from the people, than the words articulated in literature could ever portray. The extent of the welcoming and open dialogue provided by the respondents is difficult to articulate accurately. Regardless, it was an experience which most definitely influenced the way in which words ultimately ended up on paper.

It must be noted that this type of research and emotional attachment that grows out of it, can contaminate an objective interpretation. However, emotional attachment is an accepted and welcomed consequence of acknowledging the voices from below.

Furthermore, it must be noted that the information interpreted, was done so through a cross cultural interaction. With this, the researcher alludes towards his own being as white, westernised, privileged, educated and male. Although some may interpret this acknowledgement of being with spite, it is important to accept the power attached to such a position. This status may influence the manner in which words are provided to the researcher. In like manner, it may influence the perspective which is ultimately articulated in this thesis.

As the respondents were provided through an organisation with a specific ideological view on the Afghan context, the respondents may have collectively represented this view also. Therefore, the respondents may have been representative of a certain perspective on the situation in Afghanistan. Those with opposing views may not have been part of this organization and were therefore unable to articulate their narrative within this research. Nonetheless, it does not devalue the worth of the voices articulated and acknowledged in this thesis.

Final remarks

The researcher would like to allocate a special thank you towards all the Afghans who shared their story. The resilience and strength that was witnessed during these months have had a significant and lasting impact.

Also, appreciation must be shown regarding the assistance provided by the Afghan Victim's Rights Foundation. The Afghan Victim's Rights (AVR) Foundation continues to strive for justice and serves an important role in the advocacy for Afghan victims residing in the Netherlands. Without the help of AVR this research would not have been possible.

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