

Appendix 4:

Questionnaire Responses Submitted by the Campaign of Engineer Qutbuddin Helal

Please note that the response was submitted in Dari; the English version below is a translation by Human Rights Watch.

In the name of Allah, the merciful, the beneficent

Respected Heather Barr, senior researcher of Afghanistan and Human Rights Watch, [we hope] you are in the protection and safety of the God most High.

I am thankful and grateful that you congratulated me on reaching the final list of presidential candidates; a world of thanks to your highness.

Below, I respond to your questions:

A. Security Force Accountability

- 1. The Afghan Local Police (ALP) have been implicated in numerous abuses against civilians that have been traced to poor vetting of ALP members, limited governmental oversight, and the lack of a functioning disciplinary mechanism.. As president, what changes, if any, would you make to reform the ALP program?**

The truth of the matter is that local police (ALP) has been involved in the mistreatment of civilians, local residents and even that of the white-haired, influential and respect-worthy people.

The reason for such mistreatment is the recruitment of irresponsible and notorious individuals in the ranks of the Local Police. Some of them do not have a good history in the area and are also deprived of the blessing of literacy; they believe in violence and instead of good behavior they prefer violence, [the use of] power and dishonor. And some of them feel proud that local people are afraid of them as the Local Police official.

Also, some individuals of the Local Police use their authority for the purpose of pre-existing local rivalries or enmities, [and] enter the homes of civilians. Under the pretext of house searches, they cause the displeasure of men, women and children, and they still keep in their hearts the grudges they had in the past so that they can take revenge in this way.

- A number of thieves and individuals without morals also have joined the ranks of the Local Police, and they, under different pretexts, steal the people's property as they enter the people's homes. In front of them, the defenseless civilians have no ability or right to prevent [such thievery].*
- Most individuals of the Local Police are also devoid of military training, education and military ethics, and [they] lack the spirit of obedience, such that each individual in ALP deems themselves as their own commander.*

- *That they don't have a registry, [or] records of their particulars, promotions or retirement, they act irresponsibly with civilians and have no regard for the future consequences.*
 - *With regard to ALP reforms I must write that, first, their responsible officials must be very thorough in the selection of such police, and must obtain adequate information about the background of the person joining the ranks of the Local Police; [they] must be satisfied by their good character and their behavior with people so that [they know] whether they have been involved in a past crime or not. Do they have history or enmity in the area or not? Information and reports about them must be obtained secretly [so that it becomes known that] what characteristics the person joining the Local Police has (narcotic addiction; immorality; lack of obedience to Islamic principles, particularly fasting and prayers; fights and violence).*
 - *Before recruiting a person in the Local Police, guarantee about them must be obtained from the village leader, imam of the mosque and the white-haired so that bravery and audacity are not the only standard for goodness in recruiting for the ranks of the Local Police.*
 - *It is better that individuals of a certain area be deployed to an area different to their own so that their previous grudges in their village and area are not causes for injustice and violations.*
 - *For better reform of the ALP, maintaining [the system of] reward and punishment is necessary. Those involved in crimes, thievery and violations must be punished to imprisonment and released [from duty] so they become a lesson for others.*
 - *Local Police has mostly turned into the ethnic militias of the past; the people of Afghanistan have very bad memories from them, and [these militia] have gained a very bad name.*
 - *Before formal deployment and duty, Local Police must learn [how to] behave with residents and civilians and learn morals and then be deployed. Their appearance and character must be in accordance with moral and cultural principles of Afghanistan, [and they shouldn't be] proud of growing their hair shoulder-length and become an example of fear and terror in the area.*
 - *Their salary must be adequate so they are not in need of bribes and theft.*
- 2. Afghanistan has no functioning system to provide prompt, fair and consistent compensation to civilians harmed by Afghan security forces. As president, would you create such a system?**

In case authority is in my hands, I will make the following steps mandatory immediately after civilians bear a loss:

- *The type, amount and cause of the loss should be determined by a panel.*
 - *After the determination of the type, amount and cause of loss, the leaders of affairs [responsible officials] must first apologize and pay the amount of losses justly. In case of killing during a military operation, the opposite party should be propitiated and reparations must be made immediately and justly, [acknowledging that] in such situations, naturally, the victim will not come back to life. Their children must be provided free educational opportunities. A method must be used so that the victim is propitiated to the degree [possible]. The injured must be shifted immediately to hospital and treated for free. In case an organ of the injured is amputated during such an operation, if possible, a prosthetic organ must be provided.*
- 3. As president, what steps would you take to end abuses by illegal militias (arbakis), some of which are aligned with and supported by the government?**

Previously, the term 'arbaki' was common in Pashtun areas, especially the southeastern provinces. The elder of the arbaki was known as the emir of the arbaki, and this title belonged hereditarily to specific families, so the terms arbaki and emir of arbaki were credible names to whom people referred [for solutions] in tribal issues, disasters or some inter-tribal problems. But lately, there is no sacredness to the names 'arbaki' or 'arbaki elder' and instead of a good name, they now have a bad name, the cause of which firstly is their being in the service of foreign forces and secondly the change in their previous structure and irresponsible actions.

- *I will try that, in case the arbaki is needed, the former system and tradition is revived, and in recruiting of arbaki head and members, like those of the ALP, care is taken. In some provinces, especially Logar, the arbaki have been the cause of mistreatment and even killing of defenseless people. Previously, the arbaki were unpaid individuals. We will try that the need for arbaki, ALP and militias is eliminated, and the National Police and Army gradually [take full control of] activities all over the country so that the indiscipline and the existence of different sources for ensuring security is ended. We must have a standard army with standard and modern equipment and a standard and [well-] equipped police with a registry, particulars, promotions and retirement.*

B. Women's Rights

- 4. As president, would you support and work to provide the necessary resources for the establishment of shelters for women fleeing domestic violence and specialized violence against women prosecution units within the Attorney General's Office in each of Afghanistan's 34 provinces?**

When it is proven that domestic violence is the cause that women have fled their homes, a place of shelter must be provided so that, unlike the homeless, they don't roam the streets and bazaars or don't beg or get addicted to narcotics or prostitution.

It is better that it is determined as to what the cause of fleeing is. If there is a problem between husband and wife, the solutions according to Muhammad's Sharia must be pointed out which, ultimately, may include divorce or discharge.

Divorce is halal, but only when needed, and has been called the worst of the halal. After a divorce according to the sharia, the place for a divorcee [woman] is the house of the father and brother. In case this is not possible, and a husband-less woman or a woman for whom the house of the brother and father is not available and she has become homeless from violence and fled, I will offer them a shelter in order to protect their honor and dignity, and for the continuation of their life; their life in the shelter [must] be among women, not among men or in mixed company, so that fleeing from domestic life and the non-existence of a non-Sharia environment doesn't cause further disasters. If the women are young and given into nikah [marriage ritual] after divorce or if a woman flees the house due to violence and has no one else and is still young, it is better that they are married by officials of shelters in a manner consistent with sharia, not in a forced manner.

Anyway, a place of shelter for women, young or old, to continue their life will be among the duties of my government so that these women are not oppressed.

In order to follow up on cases of domestic violence through courts and within the framework of prosecutors, separate administrations will be created so their problems can be addressed. Keeping in view that such facilities for listening to legitimate and illegitimate complaints should not encourage women so they become petitioners for any small pretense and completely neglect domestic expediencies, respect for father, brother, husband, father-in-law and mother-in-law, [such that] domestic control becomes affected; and [keeping in view that] such false complaints are not listened to, unreasonable complainants should be made to understand and even punished. In this regard, women must be taught the rights of parents and husband and family rights and duties. Family and domestic life is one of the high attributes of an Islamic and Afghan society and should not be affected so that, God unwilling, the Afghan society is changed into the individualistic societies of the Western type. Family life has many advantages. Elderly fathers and mothers enjoy it, unlike in Western societies where elderly parents themselves go to shelters.

- 5. There are very small numbers of women in the Afghan National Police (ANP). Could you please describe what specific steps you, as president, would take to increase the number of women who join the ANP and the ANP's success at retaining these women in the police force?**

Because half of our society is made up of women, and it is naturally necessary that this half of the population visit the courts and the police because of crimes, divorce, violence, etc. Just like women can easily be operated on, treated and checked up by a female doctor, likewise, it is better for the women who visit police stations to be interrogated by female police because this will make investigation easy and eliminate the questioning by a non-mahram. Therefore, the presence of female police and the need for female judges is very necessary. Female police and female officers in policing areas (stations and districts) should stay in separate places and must have their own sleeping-places and other facilities so that mixing and breaching of the mahram-hood under the sharia can be avoided.

6. As president, what steps would you take to improve enforcement of the provisions of the Law on the Elimination of Violence Against Women, which makes forced marriage and child marriage a crime?

In matters of marriage, I am a follower of the orders and directives of the Islamic sharia. In these matters, the Islamic fiqh (of the four Imams) have very clear and just principles and guidelines. In regards with violence, I said before that violence is not permissible against women, who are humans. In regards with forced and underage marriages, the Islamic Sharia has specific laws that must be implemented.

From the point of view of Islamic fiqh, forced marriage is impermissible. The conditions for nikah and the determination of the mehr are required and the [ritual of] offer and acceptance must be accepted in the presence of witnesses. The wife and husband must directly or through an intermediary exchange the words for offer and acceptance completely voluntarily. And mehr, too, is the woman's right, which must be paid to her immediately or with delay. Forced marriage or nikah is not permitted under the Sharia.

Underage marriage is also one of our society's customs and traditions [whose vows], upon reaching the age of maturity, must be renewed and a Sharia-compliant nikah should take place. Underage marriages must be abstained from because such underage marriages can later darken the lives of the wife and husband, even those of the two [extended] families – a [phenomenon] whose examples abound in our society.

The girl and boy must reach the age of maturity and later marry in a Sharia-compliant way and with the consent of their parents so that in the future the lives of the husband and wife remain happy, and the families of the fathers and the girl have love, relations and lasting friendships. Sharia-compliant marriages bring about love and happiness in society, and forced and underage marriages bring about violence and hate, which must be avoided. We are obligated to implement our own Sharia guidelines, not to learn from the westerners, [lessons] whose result is ruination of family life, hatred and distances [among kin]. The best life is family life, but not in the way in which several brothers, grandchildren and great-grandchildren live in the same place forever. Under certain limits, residences must be separated because family overcrowding can cause problems but [it should be done in a way that] despite separate residences, love, friendship, respect and greetings must continue, and [relatives] share in their happiness and sorrow.

7. Following Afghanistan's first review by the United Nations Committee on the Elimination of Discrimination against Women in mid-2013, the committee expressed serious concerns about discriminatory treatment of women in regard to personal status and family law matters. The committee called on Afghanistan to:

- a) **Repeal all discriminatory provisions of the Shia Personal Status Law and Civil Code;**
- b) **Raise the age of marriage for girls to 18;**
- c) **Adopt a Family Law providing equal rights for women and men in all matters related to marriage and family, including property, inheritance, divorce and child custody;**

(d) Abolish polygamy.

As president, would you support and work for these changes?

About the review of the UN Committee on the Elimination of Discrimination against Women and concerns about the personal status and family [laws], which was expressed in four articles, I explain below:

- a. I didn't understand what discriminatory article in the Shia Personal Status Law and repeal of which Civil Code you mean. Explanation is needed. I have no information about such discriminations and do not believe in any racial, religious, linguistic or regional discrimination. In Islam's view, there is no difference between black and white or Arab or non-Arab. Only piety can be a difference between them [to distinguish] which is more pious.*
- b. We believe in Islam's guidelines because our society is all Muslim. In Islam, [reaching] the age of adulthood or becoming morahaq is a requirement [for marriage], in which case nikah can take place and fasting during Ramadan becomes obligatory, [an obligation] that must be adhered to by the girl and boy. For marriage, the age of 18 is better so that they can, to a degree, finish their basic education but, in case of puberty – regardless of whether it is before 18 – marriage is not problematic according to the Sharia, but such marriage is not obligatory – it is related to the consent, inclination and propensity of the mutual parties and the consent of the parents. Marriage before the age of puberty should be prevented because such pre-pubescent marriages are synonymous with forced marriages.*
- c. The Islamic Sharia has explained well and clearly women's rights in every aspect of life within [the framework of] family laws:
 - i. In regards with marriage, discussion took place earlier in which women's rights are well safeguarded [in sharia].*
 - ii. In regards with property, mehr is the women's right, [and she] has a share in the property of the husband as well as the brother. [There are] three kinds of rights that [women have but] men don't (the right to a share in the property of the father, [the right to] mehr from nikah and the right to a share in the property of the husband); [this is] in addition to what she earns. And her right to sustenance is also [to be fulfilled by] the husband. What plentiful rights women have in Islam that they don't in any other religion that we know of, but unfortunately, these rights are not practiced in our community, and my government must implement these rights and give women their rights.*
 - iii. In relation to inheritance, mention has been made in article two.**

- iv. *Even though [granting] divorce, which is the most hated of halal [acts], is the right of the husband, the wife can ask for discharge or, in case of need, can refer to Sharia courts for the purpose of the annulment of the divorce so that the courts can issue a sentence based on the guidelines of divorce and the nature of the petition. In this regard [divorce], the hands of the woman are not completely tied and there are many examples [to this effect] in the history of Islam. But women, unlike men, do not have the right to get a divorce at once and must pass through phases, and there is divine wisdom hidden in this.*
- v. *Child custody: Islam considers custody of the child the right of the woman and confers this right upon her. [Islam] has explained and expounded the conferring of this right according to the clear sharia of Islam, a fact that has complete clarity in the applied laws of the country. Which means that during the period of custody, children will live with the mother, and after reaching the age of adulthood – when the child grows up – then [the child] independently enjoys rights under the Sharia.*

In the end, [to discern] whether men and women enjoy equal rights or whether women have even greater rights under Islam, we must pay attention to divine orders, not to the customs and traditions and degenerate habits of our contemporary society. The violation of the rights of women must seriously be avoided and judges and religious ulema must perform their obligations rightfully in this regard, which they have not unfortunately done in regards with these rights, which are reserved by God.

Insha Allah, I will restore the rights of women so that women can observe an Islamic revolution in Afghan societies and enjoy their rights. Women are noble mothers, beloved sisters, modest wives and the adornment of husbands' homes. Houses or cottages without women are but [mere] ruins.

- d. *Polygamy is an important matter that needs explanation. The Benevolent Qur'an says: Having one wife is better so that [the husband] can observe justice, but four wives are permissible in Islam, and its reasons are:*
 - i. *In societies, the population of women is greater than that of men. Because on the one hand, girls' births are greater [than boys'], and on the other, deaths of mothers [sic] during wars, violence, journeys, hard and physical labor, catching diseases, working in mines and factories, and other preoccupations of life that are full of difficulties and problems are many compared to women. In this case, if one man has one wife, then women will be left without husband and cannot even find a husband [in the first place]. [They must] then encroach into illegitimate acts, in which case they cause the obscenity of men. Diseases like AIDS, etc. spread as a result of such illegitimate relations.*

If I ask a father what way he will choose for his daughter or sister:

- *Going towards illegitimate relations and becoming a source for the satiation of men's sexual desires*
- *Or your daughter or your sister marrying someone who previously has a wife and living a legal, Sharia-observant and modest life?*

Certainly the brother or father will choose the second way. This is a permission that Islam has given women; [it isn't that] every one and sundry must have four wives even when they are not capable of it or do justice [to their wives].

If this permission for polygamy (four wives) did not exist, the number of destitute women and women smeared in obscene [pursuits] would increase in society. Polygamy, in this case, is a necessity; and if it is not a necessity, it is better that the man have only one wife. Further, what should young widows do? Should they remain [unmarried] and grow old or should they, after the death of their husband and the completion of the mourning period, marry within the same family or a different one with a man who already has a wife or one who does not? It is better that before getting old, she spend her youth with a second husband.

To solve such problems and realities, the Islamic sharia has left the way open for women to have, under any circumstance, a husband, a shelter and a life partner, which are among the needs and desires of human life.

Therefore, the law of polygamy is a just law, and in it the rights of women have been observed, not infringed. In this regard, there are many wisdoms and facets, [discussing which] prolongs this discussion [but about which] multiple books have been written. I am obligated to observe divine laws to the best of my ability, and I have no obligation, and will oppose, Western laws, secular, un-Islamic laws and [laws that are] far from Afghan values, [and I am obligated to act] in regards to myths and local traditions that result in the buying and selling of women, or that result in women being given in baad or forcibly married. I will endeavor to provide them the rights relating to marriage, family, inheritance, [and] mehr; the right to an education; and the right to work so that Afghan women can enjoy their just rights. In relation to amendments or clarifications to points in a, b, c and d, clarification has been offered and there should be no ambiguity. I will completely endeavor [to implement] the points I discussed above so that a completely transparent, free and honorable environment can be provided to our sisters.

- 8. In recent years, there have been many murders of high-profile women, including women who work for the government, such as Lieutenant Islam Bibi and Lieutenant Nigar in Helmand this year. As president, what would you do to protect female government employees from attacks?**

The killings of high-profile female police are the cause of our regret and sorrow. They were assets of our female class, of which we had a limited number. Because we know that there are sensitivities in society against these sisters and some cannot tolerate such educated women fighting corruption, ways for their safety should have been provided beforehand.

For the protection of their lives, honor and dignity, I will take specific measures so that they can be immune to such attacks and appropriately conduct their assigned duties in [the areas of] security, education, health, etc., and such incidents against them are prevented.

I will take measures [that enable them to] go to their assigned duties in an atmosphere of peace and assuredly return to their homes.

In our Afghan mores and habits, the killing of women is a shameful and cowardly act. In our Afghan mores and customs, we avoid the killing of women even during a fight between two belligerent groups. During a war, women are allowed to go out of their homes, and such is also the sunnah of Prophet Muhammad (May Peace Be Upon Him) – that the killing of women, children and the elderly is avoided during war.

C. Transitional Justice and the Afghanistan Independent Human Rights Commission

- 9. Many serious human rights abuses have been committed in Afghanistan over the past 35 years, yet no major perpetrators have been prosecuted or convicted for any of these abuses. As president, would you take steps to prosecute those people who credible evidence indicates were involved in serious human rights abuses?**

In order to strengthen and observe human rights, in addition to educating the people through religious scholars, intellectuals, [and] human rights organizations, punishment and accountability of human rights violators is important so that, within the framework of the law, such individuals should be prosecuted in case credible evidence exists so that they become a lesson for others. I will make such actions, in courts [and] within the framework of the laws of the country, mandatory against violators.

- 10. In 2012, the Afghanistan Independent Human Rights Commission (AIHRC) completed an 800-page report mapping serious human rights abuses that were committed in Afghanistan between 1978 and 2001, but the report has not yet been released by the Afghan government. As president, would you release this report?**

I have not yet read the 800-page report. After reading it, and upon consultations with judicial officials, if its publication is [deemed] in the national security interests of the country, I will publish it. Otherwise, it will be put under close study and it will be decided whether to publish some paragraphs of it, publish it entirely or abstain from publishing it. In this issue, the country's supreme interests are important.

- 11. As president, what would you do to revive and implement the 2005 Action Plan for Peace, Reconciliation and Justice?**

Peace, reconciliation and justice are among my first priorities, and after studying the 2005 plan, I will do the necessary measures.

D. Torture and Cruel, Inhumane and Degrading Treatment

- 12. After a government committee found widespread torture in Afghan detention centers, President Karzai in February 2013 ordered that any government officials who engage in torture would be prosecuted, yet there have been virtually no prosecutions. As president, what steps would you take to ensure that members of the police, military and other government officials who commit torture are brought to justice?**

In regards with torture in prisons and people who torture, I will follow up on any law that is passed, and none of my orders or decrees will be mere writings. A responsible organ will be created to implement orders and decrees in a timely manner and [then] report to me. I have decided to manage [the country], not to stand in the way of laws and principles with delays and recommendations.

- 13. As president, would you ensure access to all Afghan detention facilities by the AIHRC, the United Nations, and humanitarian and human rights organizations to monitor conditions within these facilities?**

For the satisfaction of Afghans and the international community, I will allow the human rights organization [probably a reference to the Afghanistan Independent Human Rights Commission] and other humanitarian organizations to visit prisons and administrative centers from time to time because even if [the prisoners] are criminals, they are still humans and they must be visited.

- 14. As president, what would you do to end compelled “virginity examinations,” a form of cruel, inhumane and degrading treatment that is carried out on all women and girls accused of “moral crimes” for use in legal proceedings, despite being medically invalid?**

In regards with virginity tests, the laws of the courts will be implemented until a legal amendment takes place. Even though the hymen can break from incidental accidents, falling down or diseases, under Islamic sharia, the existence of witnesses is important so that eyewitnesses can testify to this effect under oath, not false testimony.

E. Children’s Rights

- 15. Only about half of Afghan girls currently go to school, and many boys are also deprived of education. As president, what steps would you take to increase access to and quality of education for Afghan children, especially girls?**

The situation of education from a quantitative perspective is commendable, though because of adverse circumstances ([lack of] security, places of study, textbooks, laboratories...), it is inadequate. In this regard, I will endeavor that boys and girls can have access to schools. And in this regard, I will seek the attention of the international community, the private sector and donors. The quality of education in our country is not good, and in addition to [improving] its

quantity, its quality is also important, whether in regards with teacher education, [or] standardization of the curriculum, etc.

16. Child labor, including in mining and in the carpet industry, remains a very serious problem in Afghanistan. As president, what steps would you take to reduce child labor?

Children must have access to nurseries, kindergartens and schools. As much as possible, I will try so that children are not obliged to work in factories and mines. Their parents' problems should be solved to some extent so that the children can gain access to the abovementioned sources in order for an educated and healthy generation to grow. This is among my very important priorities.

F. Afghan Refugee Children

17. Several European countries have requested that the Afghan government agree to the return of unaccompanied Afghan children from Europe, even if the children's families cannot be located. As president, what would your response be to this proposal?

The education of unaccompanied children must be provided for inside the country, and foreign aid organizations should also implement such programs in the country because in this way, we can avoid the cost of transporting them out of the country, and through education inside the country, their Afghan and patriotic essence can be preserved. When they grow up, they can serve Afghans and preserve the historic [identity] of the country and their national and religious interests and not become estranged. Therefore, it is better that instead of sending unaccompanied children abroad, attention is paid to them inside the country. I prefer this and do not agree with sending young unaccompanied children abroad.

With respect,

Engineer Qutbuddin Helal (Candidate for the president of Afghanistan)