



Filling NUG Vacancies: Parliament to vote on Interior Minister and Attorney General

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With two international conferences that will decide about future support levels for Afghanistan at the horizon, and a surprisingly high number of key positions still held by caretakers or politically vulnerable individuals, the NUG has moved to fill two posts that are central to the government's key undertakings: Interior Minister, which plays an important role in the on-going war against the insurgency, and Attorney General, which should be key to the long-proclaimed fight against corruption. Also, the Supreme Court needs a new judge after the demise of one of its members. AAN co-director Thomas Ruttig and researchers Salima Ahmadi and Ehsan Qaane introduce the three candidates the parliament will vote on later today. They also explore the political and institutional hurdles that stood in the way of a speedier appointment process and map out the troubled histories of the institutions for which they are nominated.

Nineteen months after its establishment in late September 2014, the NUG still struggles to appoint its key government officials. (Read AAN analysis of earlier stages of the long and still incomplete process of forming the cabinet [here](#).) But tomorrow, 9 April 2016, if all goes well in the Wolesi Jirga vote, the government will have filled three more positions. The first two positions – Interior Minister and Attorney General – belong to a surprisingly high number of key governmental posts that have either been held by acting heads, usually strongly supported by President Ashraf Ghani, (1) or filled by politically vulnerable individuals whose short-lived fate looked given almost from the day of their appointment by the National Unity Government.



The introduction of the three candidates, who presented their plans to the parliament on 4 April 2016, comes at a time when criticism of the current government is building within the quasi-opposition that has gathered around leading figures of the former Karzai administration, including the former president himself. A number of councils and groups have [attacked the government](#), for instance for its lack of success in fighting the insurgency or failing to force the Taliban it to the negotiating table. The more radical forces among them have aggressively questioned the NUG's legitimacy and are starting to demand the establishment of an interim government ([see for example here](#)). Those who are more moderate – or less willing to burn their bridges with the government – still [point out](#) that the NUG agreement between President Ashraf Ghani and CEO Dr Abdullah runs out after its self-set two-year life span and will need to be replaced by a new arrangement. (The [NUG agreement](#) stipulates the holding of a Loya Jirga within two years, to “consider the post of an executive prime minister.”)

At the same time, the first of two international conferences at which donor countries will decide about their future support for Afghanistan (see [here](#) and [here](#)) is coming closer: the next NATO summit that will be held in early July 2016 in Warsaw. The NATO donors, which are at the same time Kabul's military allies, see the filling of key vacancies in the government as one of the key criteria for NUG ‘progress.’ Such evidence of continuing progress – or at least not blatant decline – is, in turn, vital to convince parliaments and voters at home, who are increasingly drawn to ‘new’ crises areas, particularly in the Middle East and North Africa, to hold up [earlier aid commitments](#). (2)

The three candidates are Taj Muhammad Jahed as Minister of Interior; Muhammad Farid Hamidi as Attorney General; and Muhammad Zaman Sangari as Supreme Court judge. (For biographical details on all three candidates, see the annex at the end of this dispatch.) They all are being introduced to organs with a troubled history, as will become clear below.

The Interior Minister

The previous interior minister, Nur-ul-Haq Ulumi, came into office in January 2015 as part of the first group of [nine ministers that were endorsed](#) by the Wolesi Jirga. He resigned a year later, on 8 February 2016.

As one of the highest-ranking military leaders in in the 1980s under the Soviet-backed regime, (3) Ulumi had been vulnerable from the beginning. Although nominated by Dr Abdullah's side in the NUG, he never enjoyed their full trust because of his political past. This was exacerbated by strong misgivings among the former mujahedin leaders that dominated the Abdullah camp over the fact that a “communist Pashtun” had been called upon to fill one of the key security positions that they had dominated, particularly during the first post-Taliban years, and believed should have been rightfully theirs.

One of the first voices of opposition to Ulumi's appointment came from Ismail Khan, one of the most senior mujahedin leaders who had been critical of the government's alleged sidelining of the mujahedin (and of him personally) for a long time. (In 2004, when Karzai removed Ismail



Khan from his stronghold as governor of Herat, only partly compensating him with a cabinet post, there was a short but momentous fight in the province, during which Ismail Khan's son [was killed](#).) On 17 January 2015, before Ulumi was endorsed as a minister by the Wolesi Jirga, Ismail Khan criticised CEO Abdullah for not having asked his opinion on this candidature (see [here](#) and [here, in English](#)).

[Accusations](#) followed that Ulumi had brought a number of colleagues from the former Soviet-backed People's Democratic Party of Afghanistan (PDPA) into his ministry. As Ulumi, expectedly, proved unable to turn around the bad security situation, he avoided being fired by stepping down after weeks of rumours that the Wolesi Jirga would use the power it has to dismiss any minister (after a relatively short questioning process called *isteza*) against him. In December 2015, he survived an earlier attempt by parliament to remove him when MPs [failed](#) to secure enough support to subject him to a no-confidence vote.

Ulumi, who is considered a professional in the military business – not least because of his stint as southern Afghanistan's successful 'super governor' between 1989 and 1992 – came into this key office about a decade too late. He had already been considered a candidate for the same post by then President Hamed Karzai in the early 2000s, when the Taliban insurgency was still limited and the prospects for local talks were much better. At the time, he would have probably still been able to employ the same tactics he successfully used in his Kandahar home region during President Najibullah's "policy of national reconciliation" (*siasat-e ashti-ye melli*) with the mujahedin – talks and written or unwritten deals with local armed groups – on the Taliban. Ironically, he was vetoed by the same political camp that introduced him as a minister a year ago.

In the early 2000s, Ulumi established a political party, Hezb-e Muttahed-e Melli (National United Party), and although he made every effort to communicate his breach with his Marxist past, it was still seen as a successor to the PDPA (which was dissolved when the mujahedin came to power in 1992). He succeeded in officially registering his party with the Ministry of Justice, after many hurdles (initially, he was even threatened to be put in jail), and was elected in 2005 to the Wolesi Jirga where he headed the house's security commission and earned the respect of many of his former opponents. In a political about-face, Ulumi joined Abdullah's [Etelaf-e Melli \(National Coalition\)](#) ahead of the 2009 election. (More about Ulumi's party in [this paper by Thomas Ruttig](#).)

When Ulumi resigned earlier this year, he did not leave without a bang. Some days after his resignation, on 25 February 2016, he published a ["memorandum" \(yaddasht\) on his party's Facebook page](#) that he said he had earlier submitted to the National Security Council. In this document he expressed his anger with both the parliament and the NUG, and described the grave shortcomings in the police. He indirectly, but sharply, criticised all previous police reform efforts, saying that when he took over "nobody in the country had the facts and figures ... about the reality of the police forces." There were "thousands of ghost forces" (*niruha-ye khiali*, literally: imaginary forces), "ten thousands of untrained personnel," "networks of financial and political corruption" and "large quantities of untraceable ammunition." He also complained that



he “was summoned 58 times by MPs who were acting only on their personal interests,” and indicated that he had been pressured by them to make certain appointments. He also complained that “had not received any support from the leadership of the NUG.”

The new nominee for the interior ministry, if endorsed, can be expected to alleviate some of the mujahedin’s concerns. The candidate, Major-General Jahed, is a Tajik from Panjshir with a strong mujahedin background. He is also a cousin of Marshal Qasim Fahim who was, until his demise in March 2014, Karzai’s first vice president. In the 1980s/90s, Fahim was deputy to commander Ahmad Shah Massud who led Shura-ye Nazar, which (although officially defunct) arguably still represents the most powerful Jamiat-related network of mujahedin commanders in the country. Fahim succeeded Massud after his assassination two days before 9/11 by al-Qaeda-related operatives.

Jahed, who, according to political friends, studied at the Kabul Military Academy, has been an army corps commander since 2003. MPs told AAN that the NUG, through its Ministry of Parliamentary Affairs, lobbied intensively for Jahed, organising receptions for MPs to make them view the candidate more favourably. Another source, however, who asked that his identity be withheld, told AAN in early April that a group of around 80 MPs that include Uzbeks, Pashtuns, and some Hazaras and Tajiks are not happy with Jahed. The reasons include rivalries between sub-factions among the Tajiks and Jamiat supporters while particularly Hazara MPs from the north are still unhappy that, despite their repeated requests, Jahed failed to push for a Hazara deputy to be appointed when he was commander of the army corps based in Mazar-e Sharif between 2003 and 2006. Ghulam Hussain Nasiri, an MP from Maidan Wardak, commented in the 5 April 2016 plenary session that although the government had the right to lobby for its nominees, it should not spend money on lunch or dinner meetings, but instead pay the salaries of the security forces members.

With Jahed, the so-called ‘Panjshiri’ faction would be in charge of a key security organ again for the first time since Amrullah Saleh [stepped down](#) from his position as head of the NDS in mid-2010.

The Attorney General

In the case of Attorney General, the vacancy reaches back to the Karzai years, with the position having been filled by an acting head since 19 November 2009, after Karzai was inaugurated as President for the second time. Although the constitution does not explicitly state that the Attorney General must pass a new vote of confidence when s/he continues her/his job in a new government, some Afghan lawyers believed that all officials mentioned in article 64 of the constitution, including the Attorney General, needed to be introduced to the Wolesi Jirga for a vote of confidence again in such a case. (4)

The last full-fledged office-holder, Muhammad Eshaq Alko (sometimes also written as Aloko or Aleko), was [endorsed by a Wolesi Jirga vote](#) on 31 August 2008, one and half years before Karzai’s second term. He continued in this job throughout Karzai’s entire second presidential



term without ever taking a renewed vote of confidence. On 23 June 2011, Alko was [voted out of office](#) after he had ignored several calls from the Wolesi Jirga to come to report to them. He had in particular earned the MPs' aversion by stressing that he would implement the decision of the Special Electoral Court (SEC), established by Karzai after massive irregularities and a multitude of complaints in the September 2010 parliamentary election. The SEC's decision cost a number of MPs that were initially declared winners their seats (see for example [here](#) and [AAN analysis here](#)).

However, while the constitution, in article 64, states that the Attorney General must pass a vote of confidence in the Wolesi Jirga when appointed, there is actually no provision that gives the house the authority to fire someone in this position, once approved (article 92 only gives the Wolesi Jirga such authority for ministers). Alko thus remained in his position, albeit on an even shakier basis. Finally, on 6 December 2014, two months after the NUG was formed, Alko, resigned from his job. His deputy, Nur Habib Jalal, became acting Attorney General until President Ghani appointed Farid Hamidi, the current candidate, into this position on 24 February 2016 ([see here](#)).

Hamidi does not have strong current links with political parties or prominent politicians. In the late 1990s and early 2000s, he belonged to the anti-Taliban political underground and led a group of students that was later turned into an embryonic political party but that never really took off after the overthrow of the Taliban. Instead its activists mainly concentrated on human rights work, which had also been their focus during the Taliban years. Hamidi, a lawyer by training, became a member and later the deputy head of the [Afghanistan Independent Human Rights Commission \(AIHRC\)](#). He is said to have been introduced to the president for the position by AIHRC chair woman Sima Samar, who has good working relations with Ghani, and national security adviser, Hanif Atmar. This makes Hamidi an appointee of the president's side in the NUG.

The nomination of Hamidi, who has played a longstanding active and remarkable role in promoting human rights and democratic values, has been welcomed by Afghans who hold out hopes for a better functioning government. Sanjar Sohail, the publisher of the Hasht-e Sobh (8am) newspaper, wrote on his Facebook page: "the nominating of Farid Hamidi as the Attorney General is one of the best appointments in the last ten years. I know him very well. He is the most honest, professional, committed and reformist [person]." Hamidi is likely to team up with Nader Naderi, the AIHRC's former spokesman, who recently joined the government as a key presidential advisor and has belonged to Hamidi's circle since the Taliban underground days.

This hope serves as an encouragement, but it can also be a burden, as Hamidi and his allies will find it difficult to deal with the networks of patronage and corruption that have flourished, particularly in the judiciary, during the Karzai era. (Integrity Watch Afghanistan found in a [2015 survey](#) that Afghans considered the judiciary among the two top-most corrupt institutions.)

Although Hamidi stood on the same side as the mujahedin when it came to the fight against the



Taliban, he will certainly be scrutinised by many former mujahedin wary of his human rights past, in particular with regards to AIHCR's project that sought to map human rights violations throughout the earlier periods of the Afghan conflict ([see for example here](#)). The former mujahedin viewed this, rather than an attempt to strengthen the prospects of (transitional) justice, as an attempt to undermine the legitimacy of their struggle, first against the Soviet occupants and the regime propped up by them and late against the Taliban. The so-called amnesty law, passed by the Wolesi Jirga in March 2007 (but only enforced over Christmas in 2009; [see AAN analysis here](#)) can be seen as a direct attempt to put an end to any transitional justice activities (other than the gathering of documents and eyewitness accounts and some symbolic steps) that could seriously threaten their position.

Completion of the Supreme Court

The Supreme Court (5) has also been characterised by interim solutions for a long time. It was only recently made complete when on 27 December 2015 Abdul Hassib Ahadi was endorsed by the Wolesi Jirga as the final remaining member. This was the first time for five years that the court finally had all nine members, formally appointed and endorsed, as stipulated by the constitution. Four weeks later, however, on 21 January 2016, Din Mohammad Gran (6) passed away and created a new vacancy. Now, Muhammad Zaman Sangari, an experienced judge in his early 60s, has been introduced as Gran's replacement.

During Karzai's second presidential tenure, the Supreme Court was never complete; the acting members at some point even included its chairperson, as Abdul Salam Azimi's constitutional tenure had ended in 2010, but he continued in this position till his [resignation](#) on 25 October 2014 after the NUG took over.

The main reason President Karzai failed to introduce new members was his strained relationship with the Wolesi Jirga, particularly as a result of the post-2010 election conflict ([AAN analysis here](#)). He feared the parliament could vote down his candidates and that, as a result, he might lose control over the one body that, in the absence of a separate constitutional court, had the authority to interpret the constitution – a function Karzai often relied on to 'solve' controversies with the parliament over the constitutionality of certain bills. (7) In January 2013, with the third presidential election coming closer, Karzai's main 2009 challenger and now CEO, Abdullah, then chairperson of the opposition National Coalition, [wrote an open letter to Karzai](#), calling Azimi's continuation as chief judge a violation of the constitution and asking Karzai to end this. However, Karzai kept all acting members of the Supreme Court up to the transfer of power to the NUG.

The NUG, for the first time in the history of the Afghan judiciary, introduced a woman candidate, Anisa Rasuly, for the position of Supreme Court judge. The introduction of a female member of the Supreme Court had been an election promise by Ghani that was popular with civil society and Afghanistan's international backers. But the Wolesi Jirga on 8 July 2015 voted her off: Rasuli [received only 88 of the 193 votes](#), which was both an embarrassment and a setback. (A second – male – candidate, Muhammad Yusuf Halim, was [accepted](#) by the parliament, as was



the new head of the Central Bank. Halim was [made chief justice](#) later that month.)

By replacing acting members that had still been appointed by his predecessor, President Ghani is seeking to place people of his own choice. Sangari is largely considered a non-controversial candidate. But with his nomination, Ghani presumably tries to avoid another embarrassment, by not risking to put forward another female candidate (even though CEO Abdullah in July 2015 [stated](#) that another women judge would be introduced in the place of the rejected Mrs Rasuli).

What is next: The vote

President Ghani announced the nominees for Attorney General and Minister of Interior while parliament was in its winter recess. Since then there has been an on-going campaign to persuade the Wolesi Jirga to approve the government's choices. When on 6 March 2016, the Wolesi Jirga started its new half-yearly session, it was expected that the nominees would be introduced almost immediately, particularly given the critical security situation and the absence of both an Interior and Defence Minister. However, the election of the administrative board took longer than expected, and the votes of confidence were delayed for several weeks.

But now, after the candidate hearings on 4 April 2016, the parliament will finally vote on Jahed, Hamidi and Sangari today, 9 April 2016. The MPs have insisted to vote on each candidate separately, rather than treat the nomination as a package vote.

Update: Both Hamidi and Jahed received the vote of confidence on 9 April 2016. The MPs decided to postpone the vote on Sangari, as he had been introduced and they wanted more time to review his documents and credentials.

(1) Acting Defense Minister [Muhammad Masum Stanakzai](#), for instance, has held the caretaker position even since he was [voted off](#) by parliament in July 2015. NDS chief Rahmatullah Nabil resigned on 10 December 2015 ([see AAN's report here](#)) and was temporarily replaced by Muhammad Massud Andarabi. Sources in parliament said they did not expect Andarabi to be introduced for the permanent position, and there are speculations that the Stanakzai may be moved to the NDS while either former Deputy Interior Minister Munir Mangal or current Tribes and Frontiers Minister Gulab Mangal may be proposed for the Defence Ministry.

(2) The Afghan government already has failed once to deliver on a key appointment – when it had been expected that a permanent defence minister would be appointed before the May 2015 [NATO summit in Chicago](#).

(3) Ulumi, imprisoned under the Khalq regime (1979/80), became commander of the Central Army Corps in Kabul in 1982 and later served as Kandahar corps commander and 'super governor' for the southern region from 1989 to 1992. After his recent resignation from the ministry of Interior, he was appointed as Ambassador to the Netherlands.



(4) Article 64, paragraph 11 describes as one of the duties of the president: “Appoint the Ministers, the Attorney General, the Head of the Central Bank, the National Security Director as well as the Head of the Red Cross with the endorsement of the Lower House of the Parliament [...]” Nasim Sherzad, a lawyer and a former prosecutor, told AAN on 7 April 2016: “The term of office for the Attorney General is not [fully] clarified; neither in the Constitution, nor in the Structure, Authority and Duties of the Attorney General Office law.” He concluded that the Attorney General should follow the same rule as the ministers with regard to appointments and dismissals, saying that they are normally appointed for one presidential term. He added: “During the second term of President Karzai, Alko’s title was Acting Attorney General.”

(5) Officially called the *Shura-ye ali-ye Stera Mahkama* (High Council of the Supreme Court). But, apart from the nine Supreme Court judges, there is no other panel of judges that takes decisions, only the institution’s professional and technical apparatus.

(6) Professor Din Muhammad Gran [passed away](#) on 21 January 2016. He was head of the Supreme Court’s Commercial Division and also recently appointed as the Supreme Court’s member of the Selection Committee for the new electoral commission. He belonged to Professor Sebghatullah Mojaddedi’s Afghanistan National Liberation Front and was its highest-ranking government official.

(7) For instance, on 22 July 2013 the Wolesi Jirga voted off interior minister Mujtaba Patang after an *isteza* process, but Karzai did not accept the MPs’ decision. He made Patang acting minister and turned to the Supreme Court to check the legality of the *isteza* ([see AAN analysis here](#)). He did the same earlier, when his then foreign minister, Rangin Dadfar Spanta [lost the vote of confidence](#) in June 2007. Spanta remained in office until early 2010. For more details, also refer to [this AAN analysis of the Wolesi Jirga performance](#).

Annex

The candidates’ biographies

Taj Muhammad Jahed

According to the [official biography](#) on the website of the Ministry of Defence, Taj Muhammad Jahed was born in 1964 in Omarz village of Panjshir province. He is a cousin of former Defence Minister, the late Marshal Fahim.

Before he was appointed acting interior minister in February 2016, Jahed exclusively served in the army; he has no previous experience in the police force. He was the Commander of 207th Zafar Military Corps of the Afghan National Army (ANA) in Herat (from 2012-2016). Before, he was the commander of the Defence University (2011-12), of the *Qomandaniat Qarargah* (2006-11) and the 209th Shahin Military Corps in Mazar-e Sharif (2003-06). He was promoted to



Major General in 2002. General Jahed obtained the degree of a *ma'awen-e daktari* (below a full doctorate) from Kabul Military University (formerly, the Military Academy) “in the early years after establishment of the new government in 2001” and had advanced military training in Pakistan during the war against the Soviet occupation, in 1988 (his official biography does not provide more detail) and onwards.

He apparently joined the mujahedin at the age of 16 (in 1981) and served in two positions under the Rabbani regime (during the factional wars in the 1990s): as commander of a commando unit, the Ghund-e Zarbati, starting in 1992, and commander of the Mechanised Battalion of the NDS, starting in 1993. He was promoted to brigadier general in 1993. During the subsequent war with the Taleban, he was a military commander under Ahmad Shah Massud.

Muhammad Farid Hamidi

Mohammad Farid Hamidi was born in Nangrahar province on 24 August 1967. He holds a Bachelor degree in Criminology from the Kabul Police Academy and a Bachelor degree in Political Sciences from Kabul University. He later obtained a Masters degree in Criminal Law from Azad Islamic University in Pakistan, and a Masters degree in Public Administration from Harvard University in the United States, around 2015. He is a well-known lawyer with extensive experience in criminology and investigation.

Before Hamidi was introduced as candidate for the post of Attorney General, he served as a commissioner in the AIHRC (2002-13). He was appointed deputy chairperson in July 2013, before he took leave to study for his public administration degree at Harvard. While at the AIHRC, he also chaired the Advisory Board to the President of Afghanistan on Senior Appointments and was an advisor to the Policy and Management Unit of the President's office. In 2005, he was a commissioner of the first Independent Electoral Complaints Commission. In the first half of 2002, he was a member of the Independent Commission for the Preparation of the Emergency Loya Jirga.

During the Taleban regime, he led a circle of students in the political underground and later a human rights group, operating from a small office in Peshawar, initially without international support. Hamidi has good relations with civil society organisations and international human rights networks. He was co-founder of some civil society organisations, including the Free and Fair Election Foundation (FEFA) in 2004 (see also [here](#)), and a member of international human rights organisations, like the Asia Pacific Forum for Human Rights.

Muhammad Zaman Sangari

Mohammad Zaman Sangari, son of Sangar Khan, was born in 1333 (1954/55) in eastern



Afghanistan (according to the biography which was presented to MPs by the Ministry of Parliamentary Affairs, he is from Kunar province; according to his official bio which AAN received from the Supreme Court, he is from Nangrahar). He received his BA from the Sharia Faculty of Kabul University in 1358 (1979/80). After that, Sangari served in various positions with various Afghan courts from 1369 (1981/82) onwards. This included work as a trainer with a civil court in Farah (1981-82), as a judge with the commercial court at the Supreme Court in Kabul (1982-85), as a judge with the Kabul Family Court (1985-91), as the Head of the primary court of district 11 in Kabul (1991-93), as a member of Kabul's commercial court (in 1993). There is no information available about his career during the years of the Taleban emirate. After that, he became head of the Primary Court of the 1st district in Kabul (2001-05) and counsellor at the Criminal Court of the Supreme Court (2005-09) and director of Inspections of the Supreme Court. His last job before his nomination for the High Council of the Supreme Court was head of the Anti-Narcotics Primary Court of Kabul (since 2009).