

September 22, 2016

Agreement

**between the Government of the Islamic Republic of Afghanistan and
Hizb-e Islami of Afghanistan (HIA) that has been constituted with
the management and mediation of the High Peace Council**

Kabul, 1 Mizan 1395 (22 September 2016)

In the Name of Allah, the Gracious and the Merciful
“Verses from the Holy Qur’an”

Preamble:

Given that an immediate end to war, establishment of a durable peace, and provision of security and justice in Afghanistan are fundamental desires of the nation, and they will guarantee the development of an honorable, free, and prosperous Afghanistan, it is the responsibility of each individual and the country’s key political strata, to join hands in working towards the realization of these common goals.

The current conditions in the country require that the root causes of the imposed war, instability, insecurity, and injustice be eradicated, and anything that threatens the country’s national unity, independence, national sovereignty, and territorial integrity be jointly countered. The state be in the service of and supported by the people, and the country’s constitution and all Islamic and national values be respected by all political and social organizations in the country.

With this goal in mind, the Government of the Islamic Republic of Afghanistan and Hizb-e Islami of Afghanistan have agreed to the following:

Chapter One
Basic Principles

Article One:

Both parties, with firm and unshakable belief in exalted Allah and a steadfast faith in the holy religion of Islam, consider themselves bound to unconditional following of the noble principles of this religion and make this their objective.

Article Two:

Both parties believe that religious principles and guidelines will be the basic foundation of all laws and government administration as the second and third articles of the Constitution of Afghanistan emphasize that (the sacred religion of Islam is the religion of the Islamic Republic of Afghanistan, and no law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan).

Article Three:

The parties believe that all people of the nation have rights and responsibilities under the law and the law will guarantee the protection of the rights and privileges of every Afghan citizen, both women and men. A united and indivisible Afghanistan belongs to all tribes and the brave people of this land, and national sovereignty is the right of the nation, which is exercised directly or through its elected representatives.

Article Four:

While state sovereignty and securing national interests are shared objectives of both parties; and both sides believe that Afghans can, through their unity and solidarity, counter threats and inhibit the crisis caused by war, with regards to the withdrawal of foreign forces from Afghanistan, both parties have their specific viewpoints. While both parties have full obligation to the commitments and established principles in this agreement, Hizb-e Islami of Afghanistan wants a reasonable timetable for the departure of foreign troops from the country.

Chapter Two
Commitments of the Parties

Part One: Commitment of the Government of the Islamic Republic of Afghanistan

Article Five:

The Government of the Islamic Republic of Afghanistan guarantees that it will, for the sake of a permanent end to war and establishment of peace and lasting security in Afghanistan, upon signing of this agreement, officially request the United Nations Security Council and all relevant countries and organizations, to lift all sanctions that have been imposed on Hizb-e Islami of Afghanistan, its leadership, and its members in the earliest time possible. Additionally, the Government of the Islamic Republic of Afghanistan is obliged to use all possible means and efforts to lift every form of sanction off of the leaders and members of Hizb-e Islami in a timely manner.

Article Six:

The Government of the Islamic Republic of Afghanistan, upon signing this agreement, officially announces that the honorable Emir of Hizb-e Islami of Afghanistan and its other prominent figures may live freely anywhere in this country, where they may wish, in accordance with the laws. The Government of the Islamic Republic of Afghanistan considers itself obliged to provide the necessary and appropriate conditions for the realization of this provision.

Article Seven:

The Government of the Islamic Republic of Afghanistan is committed to announce officially that it recognizes Hizb-e Islami of Afghanistan's right to political activity in all political and social spheres in accordance with the Afghan constitution and fully cooperate in realizing this, and that Hizb-e Islami of Afghanistan can participate and nominate candidates in the presidential, parliamentary and provincial, district, and municipal elections.

Article Eight:

The Government of the Islamic Republic of Afghanistan is committed to make preparations – in consultation with the political institutions, civil society organizations, and governmental agencies of the country – for greater reform of the electoral process and present specific plans in this regard.

Additionally, the Government is committed to prepare the ground for the presence of Hizb-e Islami of Afghanistan in the process of the electoral reform. The Government – in consultation with relevant institutions – remains committed to amend the electoral system based on a proportional party representational system and like other political parties, consider the active presence of Hizb-e-Islami of Afghanistan in the electoral process and structures in accordance with the law. The details and implementation of this article will be referred to the Joint Executive Commission and ultimately presented for meeting and consent of the leaders of both sides of the agreement.

Article Nine:

The Jehadi leader of Afghanistan, Honorable Gulbuddin Hekmatyar, will be accorded special honorary and respected status through a special presidential order by the President of the Islamic Republic of Afghanistan for the sake of establishing peace in the country and making efforts for the freedom of Afghanistan. The High Peace Council in coordination with the honorable delegation of Hizb-e Islami will specify a protocol in this regard and present it to the President of Afghanistan.

Article Ten:

The leadership of Hizb-e Islami of Afghanistan may select two or three appropriate places for his residence in Afghanistan. Preparation of the place, conditions, and provision of an appropriate budget for his residence together with necessary security measures are the responsibilities of the Government of the Islamic Republic of Afghanistan. The details of the necessary measures will be worked out by the Joint Executive Commission which will be set up for the implementation of this agreement.

Article Eleven:

The Government of the Islamic Republic of Afghanistan will guarantee judicial immunity of the leader and members of Hizb-e Islami in regards to past political and military acts upon announcement and in accordance with this agreement.

Additionally, the Government of the Islamic Republic of Afghanistan is committed to the release of the prisoners and detainees of Hizb-e- Islami of Afghanistan who have been imprisoned for political and military activities and against whom there are no *haq-ul-abd* [right of people – as opposed to right of God] claims, based on the list agreed by the Joint Executive Commission,

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through a special legal commission that will include representatives from Hizb-e Islami, in the earliest possible timeframe which is no longer than two months.

Hizb-e-Islami of Afghanistan is committed to ensure that the prisoners of Hizb-e Islami who are released will not return to the battlefield against the Government of the Islamic Republic of Afghanistan and will not join any illegally armed and terrorist groups. Oversight of this process and resolution of any dispute in this regard will be referred to the Joint Executive Commission in good faith.

Article Twelve:

The leadership of the State and Government of Islamic Republic of Afghanistan commit to include the presence of Hizb-e Islami's leadership in the advising and decision making processes and implementation of important government and state policies. The details of this provision will be elaborated and determined by the Joint Commission.

Article Thirteen:

The Government of the Islamic Republic of Afghanistan considers itself bound to provide the necessary conditions for the presence and participation of Hizb-e Islami of Afghanistan in government institutions in accordance with the law. An appropriate and acceptable framework for implementing this provision will be prepared by the Joint Executive Commission and presented at the meeting of the leaders of both parties for final decision.

Article Fourteen:

The Government of the Islamic Republic of Afghanistan is committed to recruit lawfully eligible members and commanders of Hizb-e Islami of Afghanistan, who are interested in serving, into the defense and security forces.

Additionally, the Islamic Republic of Afghanistan is committed to their lawful, honorable, safe, and sustainable integration into the society. The Joint Executive Commission will manage the details of the implementation of this provision.

Article Fifteen:

Those government officials and officers of Hizb-e Islami of Afghanistan who have previously served in government institutions and were separated from duty will be reinstated, promoted or considered for retirement pension based on the period of their service in accordance with the law, provided that they can present proof and legal documents.

Article Sixteen:

The Government of the Islamic Republic of Afghanistan is committed to take all measures to resolve the problems of the Afghan refugees living in Nusrat Mina Camp and other refugees

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based in Pakistan and Iran, and for their voluntary and dignified return to their homeland, including provision of land for their shelter with other necessary services in Kabul and other provinces.

As the first step in this regard, the Government of the Islamic Republic of Afghanistan is committed to create practical conditions for the return of around 20,000 refugee families with the assistance of the international community. Moreover, the Government of the Islamic Republic of Afghanistan will undertake necessary measures to provide support to the families of martyrs and disabled members of Hizb-e-Islami like other martyrs and people with disability in the country. The implementation of this provision will be consolidated and organized by the Joint Executive Commission.

Article Seventeen:

The return of all those figures and personnel of Hizb-e-Islami who live out of the country will take place in accordance with the conditions written in this agreement.

Part Two: Commitments of Hizb-e Islami of Afghanistan

Article Eighteen:

After the official announcement of this agreement by the High Peace Council and the Government of the Islamic Republic of Afghanistan, Hizb-e Islami of Afghanistan will officially declare that it will – for the greater good of the country, permanent end to war, and establishment of an enduring peace – act as an important political party in the country, observe the constitution, instate permanent ceasefire, stop all military movement and activities, and based on information provided by Hizbi Islami of Afghanistan after signing of this agreement and in accordance with a plan and timetable by the Joint Executive Commission, disband its military structures. Additionally, upon signing of this agreement, Hizb-e Islami of Afghanistan commits to the release of those detainees who are in custody of Hizb-e Islami and hand them over to the government of Afghanistan in the earliest possible time. The Government of the Islamic Republic of Afghanistan will take necessary measures for the security of Hizb-e Islami of Afghanistan's members.

Article Nineteen:

Hizb-e Islami of Afghanistan commits to announce after signing this agreement that it will not maintain any ties with terrorist groups and illegally armed organizations and it will not support them.

Article Twenty:

The Hizb-e Islami of Afghanistan, as an official political party, considers itself committed to cooperate with the Government of the Islamic Republic of Afghanistan in the defense of people

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and establishment of sustainable security across the country, and to open its offices in the capital and the provinces as an official party.

Article Twenty-One:

Hizb-e Islami of Afghanistan is fully prepared to make efforts in establishing peace and permanent stability in Afghanistan in line with the understanding of its religious and historical responsibilities, and support the efforts of the High Peace Council in this regard.

**Chapter Three
Miscellaneous**

Article Twenty-Two:

This agreement, as an authoritative and official document between the Government of the Islamic Republic of Afghanistan and Hizb-e Islami of Afghanistan with the management and mediation of the High Peace Council of Afghanistan, will be valid and enforceable as of its signature date. Any changes requested by either party after signing of this document must be in writing and incorporated in it after the consent of both parties.

Article Twenty-Three:

For the purpose of supervision and comprehensive realization of this agreement, both parties agree to establish a Joint Executive Commission comprising of their authorized representatives. The aforementioned commission will operate in coordination with the High Peace Council of the Government of the Islamic Republic of Afghanistan.

Article Twenty-Four:

In the event that any difference arises in the implementation of this agreement, both parties will resolve it through consultations and amicable negotiations with goodwill in the Joint Commission whose members will be appointed by both parties.

Article Twenty-Five:

This agreement, consisting of three chapters and twenty-five articles, was signed by both parties on 1st day of Mizan, 1395 (22nd September, 2016).

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End and Signatures

*Head of Hizb-e Islami of
Afghanistan's
negotiation team*

Eng. Mohammad Amin Karim

*Head of the High Peace Council
Negotiation team*

Maulavi Attaurahman Saleem

*Representative of
of the Islamic Republic
Afghanistan*

M Haneef Atmar

Chairperson of the High Peace Council of Afghanistan

Pir Sayed Ahmad Gailani

Emir of Hizb-e Islami of Afghanistan

Eng. Gulbuddin Hekmatyar

President of the Islamic Republic of Afghanistan

Mohammad Ashraf Ghani