



MAX PLANCK FOUNDATION
for International Peace and
the Rule of Law



موسسه حمیده برمکی برای حاکمیت قانون
HAMIDA BARMAKI ORGANIZATION
FOR THE RULE OF LAW

CONCEPT AND PROGRAM:

AFGHAN LEGAL STUDIES CONFERENCE

Kabul, 16-18 NOVEMBER 2015

CONTACT:

Max Planck Foundation:

Tilman Röder (programme)
roeder@mpfpr.de

Ms. Antje König (logistics)
koenig@mpfpr.de

Hamida Barmaki Organization:

Sayed Hameed Zia (programme)
zia@hborl.org.af

Ahmad Shah Ahmadyar (logistics)
ahmadyar@hborl.org.af

CONCEPT

The second Afghan Legal Studies Conference will be held in Kabul from 16 to 18 November 2015. The main aim of the conference is to provide a forum for scholars from Afghanistan and abroad where they can present and discuss recent results of their research. The organizers intend to strengthen academic exchange among Afghan law professors, Ph.D. students and independent researchers and connect them with the international scientific community.

The Afghan Legal Studies Conference is integrated in the Hamida Barmaki Ph.D. Scholarship Program of the Max Planck Foundation for International Peace and the Rule of Law. Fourteen candidates have been selected to write doctoral dissertations in different fields of law. Four of them will present some of their research results at the conference.

The Afghan Legal Studies Conference is hoped to contribute to the development of an independent, serious legal research culture in Afghanistan. Six axes of research have been identified and will constitute the basis for the conference panels: public law, private law, criminal law, international public law, interdisciplinary and Islamic studies and the rule of law. The panel on interdisciplinary studies is open for presentations in the fields of legal history, legal sociology, legal anthropology, legal theory, legal philosophy and other areas related to law. Speakers may choose to present their papers in Dari or in English.

Selected conference papers will subsequently be published in Dari in the 1394 edition of the Yearbook of Afghan Legal Studies (سالنامه مطالعات حقوقی افغانستان).

ORGANIZERS

The Max Planck Foundation for International Peace and the Rule of Law provides assistance to the reconstruction of states that have experienced fundamental change. This includes post-conflict states, states in transition after a regime change, and new states that have come into existence after secession. The Foundation offers consultation, training and other forms of support.

The Hamida Barmaki Organization for the Rule of Law (HBORL) provides assistance in the areas of rule of law, access to justice, human rights and social peace in Afghanistan.

Both are independent, politically neutral nongovernmental and non-profit organizations. They collaborate on many projects in Afghanistan.

DONOR

The Afghan Legal Studies Conference is funded by the Foreign Office of the Federal Republic of Germany. The organizers are deeply grateful to the Foreign Office as well as the German Embassy in Kabul for their invaluable support.

PROGRAM

16 Nov. 2015 Opening of the Conference (Chair: Tilmann Röder and Sayed Hameed Zia)

09:00-09:30 Registration of Participants

09:30-10:00 Opening Addresses – Markus Potzel, Mohammad Ashraf Rasooli

10:00-10:15 Concept of the Conference – Tilmann Röder and Sayed Hameed Zia

Tea/Coffee Break

Panel I: International Law (Chair: Tilmann Röder)

10:30-11:15 Akbar Siapoosh, *The Coexistence of Human Rights Obligations and International Responsibility of Afghanistan*

11:15-12:00 Priya Urs, *Accountability for International Crimes in Afghanistan: A Role for the ICC?*

Lunch Break

Panel II: Private Law (Chair: Soraya Paikan)

13:00-13:45 Mohammad Hashim Kamali, *Marriage Laws and Women's Rights: A Critique of the Afghan Civil Code 1976*

13:45-14:30 Nasima Rahmani, *Afghan Women's Financial Rights after Divorce: A Critical Analysis of the Concept of Mahr*

Tea/Coffee Break

14:45-15:30 Abdullah Shefaee, *Forced Marriage in Afghanistan*

17 Nov. 2015 Panel III: Public Law (Chair: Mohammad Hashim Kamali and Astrid Wiik)

09:30-10:15 Mohammad Ayub Yusufzai, *The Legal Framework of Electoral Management Since 2001*

10:15-11:00 Jawad Taghizadeh, *Interim Succession in Case of Presidential Vacancy in the Afghan Constitution*

Tea/Coffee Break

11:15-12:00 Zahra Azhar, *The Freedom of Media under Afghan Law*

Lunch Break

13:15-14:00 Mohammad Amin Ahmadi, *The Role of the Loya Jirga in the Afghan Constitution*

14:00-14:45 Ali Mohammad Merzaiee, *State Liability for Damage Caused by Terrorist Attacks*

18 Nov. 2015 Panel IV: Interdisciplinary and Islamic Studies (Chair: Mohammad Ashraf Rasooli)

09:30-10:15 Wahidullah Amiri, *Procedural Fairness in the Formal and Informal Justice Systems in Afghanistan*

10:15-11:00 Aminuddin Muzaffari, *Waqf in Islamic Fiqh and Afghan Law*

Tea/Coffee Break

11:15-12:00 Andreas Dürr, *Education, Sharia and Pashtun traditions*

Lunch Break

Panel V: Criminal Law (Chair: Sayed Hameed Zia)

13:00-13:45 Mohammad Ashraf Rasooli, *The Evolution of the Code of Criminal Procedure in Afghanistan*

13:45-14:30 Najibullah Amin, *The History of the Imprisonment System in Afghanistan: The Pul-e-Charkhi Prison as a Case Study*

Tea/Coffee Break

14:45-15:00 Closing Address, Tilmann Röder, Sayed Hameed Zia