



Special Report
JSSP Provincial Justice Conferences,
Follow-on Trainings and Quick Impact Projects
26 June 2008

The presentation of the Panjshir Provincial Justice Training ending on 17 JUN 2008 marked the completion of five JSSP Provincial Justice Conferences (PJC), five follow-on Provincial Justice Trainings (PJT), and five Provincial Quick Impact Projects (QIP). Since April 2007, JSSP has organized and presented PJCs in Kunduz, Ghazni, Kapisa, Logar, and Panjshir. JSSP then returned to each of those provinces and conducted PJTs. During each PJT, JSSP distributed Afghan legal reference books to the participants as QIPs.

Provincial Justice Conferences

The provincial justice project in each province began with a PJC, during which high level justice actors from Kabul were brought by JSSP to meet with their provincial counterparts in order to strengthen the linkage between them. This also facilitated them identify and prioritize the needs of the province's justice sector. PJCs were held in Ghazni (107 participants), Kunduz (59 participants), Kapisa (93 participants), Panjshir (106 participants) and Logar (75 participants). All PJC followed the same model developed based on best practices and lessons learned from earlier PJC work by JSSP.

After brief opening statements by the provincial governor, international representatives, and JSSP, the conference participants were divided into five breakout groups. The groups were defined by profession with separate groups for police, prosecution, courts, corrections, and human rights and defense. Each group discussion was facilitated by a high-level national justice leader. The PJC facilitators included Supreme Court justices, the legal advisor to the Attorney General's Office, the legal advisor to the Ministry of Interior, the Ministry of Justice head of prison industries, and the head of the legal department of the Ministry of Justice. The groups discussed the challenges they faced in the administration of justice, identified specific training needs, and laid out their infrastructure and material needs. JSSP utilized this information to define relevant quick impact projects and create curricula for its follow-up PJTs.

Quick Impact Projects

After analyzing the information obtained during the course of the PJCs, JSSP decided that the most important and most urgent need was hard copies of legal texts and reference books. Each province complained that they had no access to the laws or legal commentary. JSSP selected *Basics of Afghan Law and Criminal Justice: A Manual for the Afghan Police and Legal Professionals* as the main text for distribution. This book is a practical commentary on the most important criminal laws of Afghanistan. At each PJC, JSSP also distributed copies of the Afghan Constitution and *Forensic Science*, written by Supreme Court Justice Mohammad Omar Babrakzai. In the Logar PJT, the criminal law sections of the Judicial Reference Set were also distributed.

Provincial Justice Training

From the data collected during the PJCs, JSSP designed a three-day curriculum that addressed the training needs expressed by the provincial justice actors. JSSP focused on diversity of topics, more fully discussed below, to ensure that the PJT would benefit all participants. JSSP also included cross-cutting issues and coordination training to take advantage of the fact that the PJT brought together a multi-disciplinary group of provincial justice professionals.

Each of the five trainings followed a similar agenda with small amendments in the topics as the program developed. Over the course of the project, however, JSSP made a significant shift in trainers. During the first training, JSSP relied almost exclusively on its U.S. advisors to provide the substantive sections of the training. From that point forward, however, JSSP developed the capacity that allowed its Afghan Legal Consultants (ALC) to develop the curriculum and present all but one section of the final training in Panjshir. Considering the short time period between trainings, usually one to two weeks, this shift demonstrates the significant commitment of the JSSP ALCs to this project. This “Afghanization” of the training process was consistent with INL guidance.

In between the Provincial Justice Projects, the ALCs drafted new training material for future programs. With the supervision and mentoring provided by the JSSP U.S. advisors the ALCs have become extremely proficient in their respective fields of Afghan criminal law and procedure. Thus, the ALCs were able to deliver the complete PJT package with no reliance on international or external trainers.

Provincial Justice Curriculum

The first day of each training began with the recitation of the holy Koran followed by opening remarks from the provincial governors. The governors spoke of the importance of rule of law training in their provinces and reminded the participants that the trainings would provide a unique opportunity for the participants to discuss issues together and improve provincial-level cooperation and coordination between the various justice actors.

Hierarchy of Laws

A lecture on the hierarchy of laws was added to the last two PJTs in Logar and Panjshir, after JSSP noticed some confusion on the part of the participants in prior PJTs regarding the ways in which the various criminal laws in Afghanistan fit together. The lecture first discussed the position of the Constitution and its supremacy over all other laws. This was followed by a discussion on the applicability of other criminal legislation in the Afghan justice system. The place of Shari’a in the legal structure was also discussed, as well as, the applicability of international agreements to which Afghanistan is a party. This lecture has proven to provide an excellent base for the rest of the training to build upon.

Gender Justice

The gender justice training sessions were very well received by the participants, and prompted much discussion. The gender justice topics included compulsory marriage, assault, legal definitions of injury, violence, “running away”, and equality under the law.

Criminal Procedure Training

The criminal procedure training dealt specifically with problem areas of the Interim Criminal Procedure Code and included issues related to pre-trial, trial, and appellate phases of the criminal process. The case studies used in this section focused on police/prosecution

coordination and detention issues. The fact patterns were designed to ensure that all of the participants had the opportunity to engage in the classroom discussions.

Individual Rights

The lectures on individual rights laid out the basic concepts of equality under the law, access to the courts, the right to public trial, the rights of suspects and accused, and the prohibition on arbitrary arrest. The case study during this section was based on a family dispute that led to a killing in self-defense. Each of the rights discussed during the lecture was brought out in the fact pattern. The participants were asked to decide whether these rights had been violated in the course of the criminal process and to discuss their opinions.

Role of Defense Attorneys

During the sessions on the role of defense attorneys in Afghanistan, the trainers explained the important position defense attorneys now have in ensuring justice. They explained Article 31 of the Constitution, which grants the right to counsel from the moment of arrest until the final judgment. The participants were uniformly interested in the new concept of the defense attorney, which produced lively discussions.

Police Law

The Police Law lectures began with a short review of the general role police should play in ensuring public order, individual and public security, protection of individual freedoms, and the protection of property and assets. Thereafter, the trainings focused on specific duties and areas of operation of police. In each training, the discussion focused on police action and coordination with prosecutors. The case studies in this section dealt with the collection of evidence, proper questioning of suspects, and custody issues.

Corrections Training

Trainers from the Corrections Systems Support Program (CSSP) provided two days of specific training to corrections officers during the Ghazni PJT. The training was geared to prison heads at the district level and included discussions on management, use of force, the pay and rank reform process, as well as a briefing on the then developing case tracking system, which has now been put in place at Pol-i-Charki prison.

Recommended Follow-Up

During the five PJTs, JSSP received requests for additional training from many participants, the provincial governors, and some US actors on the ground. Many of these requests were general in nature, but JSSP was able to define some specific areas, described below, in which further training is definitely needed.

Corrections/Prosecution Coordination

The discussions in Ghazni with the provincial corrections officers led to a significant debate with the provincial prosecutors over the release of detainees. The prison officials complained that there were people in their prisons who had served their sentences or had been acquitted, but because the prosecutor had not sent release authorization these people could not be released. The prosecutors argued that they have to review case files before sending release orders and the reviews take time. The prison officials, however, countered that this should not take up to a year to accomplish. JSSP also noted that the prosecutor should not be performing a substantive review of the files after there has been a decision by the court. The prosecution is only required to execute final decisions - not review them. From these discussions it became clear that JSSP should put together a corrections/prosecution coordination training similar in structure to JSSP police/prosecutor training focusing on the roles and responsibilities of each group and ways in which they can communicate in order to

more effectively provide justice to the provinces. JSSP would like to work with CSSP to design this training and present it jointly with CSSP in Ghazni and then in other provinces.

Police/Prosecution Coordination

The Logar justice actors and the governor of Logar stated to JSSP that there is a significant disconnect between the police and prosecutors in that province. Police often submit reports to the prosecution that are incomplete making it impossible to pursue a case against a suspect due to lack of information and evidence. The police, in turn, consider the provincial prosecutors unresponsive to their efforts on many cases. This disconnect has led to the dismissal of many cases. The justice actors and the governor have asked for JSSP support to improve police/prosecutor coordination in the province. JSSP would like to utilize JSSP trainers from the JSSP-Regional Program, which focuses on police/prosecutor coordination, to develop a condensed version of their normal training for the police and prosecutors in Logar Province. This training could be presented in other provinces.

Regional Defense Attorney Training

JSSP invites any and all defense attorneys that can be identified in the provinces to its PJTs. In most cases, JSSP has found that only a handful of attorneys are working in each province and these attorneys are in desperate need of training. JSSP realizes that attempting to train the attorneys by province would be impractical; however, JSSP could prepare training for these attorneys on a regional level. For example, JSSP could hold a defense attorney training for attorneys from Kapisa, Panjshir, Logar and other nearby provinces in Kabul. This type of training would not only build on the participants' defense skills, but would have the added benefit of providing attorneys with a forum to discuss their issues with colleagues from other provinces. The training could be then be replicated in other regions, possibly at the Regional Training Centers where JSSP has a presence.

Provincial Women's Justice Conferences

Gender related issues are of great importance in the development of Afghanistan's justice system. As stated above, each of the PJTs included a gender justice section that was well received in each province. The discussions from these sections made it clear that additional work in this area is necessary. JSSP, through the combined efforts of the Gender Justice Advisor and the Provincial Justice Advisor, is well placed to assist in this development. JSSP would like to develop Provincial Women's Justice Conferences as follow-ups to PJTs in each of the covered provinces. The conferences would include provincial justice actors, as well as provincial and district council members, religious leaders, and other respected members of the community. JSSP would provide speakers and a forum for this diverse group to discuss gender justice issues that affect members of the provincial community. Based on the PJT experience, this type of event could be very useful in disseminating information concerning the current state of law and begin to attract buy-in from community leaders beyond the justice sector.

Conclusion

The provincial justice project has been a great success. It has given JSSP the opportunity to reach out to provinces where little communication, coordination, planning, or training has taken place. The PJs and PJTs allowed Afghan justice professionals build relationships with fellow justice professionals on provincial and national levels. The continuation of the project will substantially develop the capacity of justice actors on the provincial level and will help ensure harmonization of the criminal justice system across the provinces. It is hoped that JSSP will be able to reach out to new provinces in the future while maintaining the training relationships already established in the five provinces targeted this year. Follow-up training in these provinces will demonstrate JSSP's commitment to provincial justice

development and assist in creating a competent and sustainable justice system throughout the country.

Photographs



JSSP ALC Dr. Abdul Hakim leads the discussion on the hierarchy of laws in Afghanistan during the Panjshir PJT.



Idrees Aalimi, JSSP Afghan Legal Consultant, addresses the participants during the Ghazni PJT.



Angeella Barekzia, JSSP Afghan Legal Consultant, takes questions from the participants during the gender justice training in Kapisa province.