

## AFGHANISTAN JUSTICE SECTOR SUPPORT PROGRAM

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پروگرام حمایت سکتور عدلی افغانستان

تمویل کننده: وزارت خارجه امریکا - ریاست بین المللی مبارزه با مواد مخدر و تنفیذ قوانین



J S S P

### SPECIAL REPORT KUNDUZ PROVINCIAL JUSTICE CONFERENCE 28-29 OCTOBER 2007

JSSP presented the first ever Kunduz Provincial Justice Conference (PJC) on 28-29 October 2007. The Kunduz PJC, held in the provincial capital, brought Afghan leaders from national, provincial and district levels of government together with international donors to find means of improving the justice sector in Kunduz.

The event was conceived and organized by JSSP with the invaluable leadership and support of Jahn Jeffrey and Karen Hall, INL/Kabul Justice Program Managers, JSSP's Kunduz Regional Training Program team, the Kunduz Provincial Reconstruction Team (PRT) under the command of the German military, Matthew Assada, the U.S. Embassy Political Officer attached to the PRT and the Corrections System Support Program (CSSP).

The following representatives of the national government of Afghanistan attended the Kunduz Provincial Justice Conference:

Justice Dinarkhail	<u>Associate Justice of the Supreme Court</u>
Mr. Adalatkwa	<u>Deputy Minister of Justice</u>
Lieutenant Fasehi	<u>Ministry of Justice, Head of Prison Industries</u>
Mr. Patand	<u>Legal Advisor of the Attorney General's Office</u>
Mr. Zakiri	<u>Ministry of Interior, Legal Advisor</u>

Participants from international donor agencies included representatives from the Corrections System Support Program (CSSP), the United Nations Assistance Mission in Afghanistan, the German Technical Corporation, and the Max Planck Institute.

On the first day of the conference, Governor Eng. Mohammad Omar welcomed participants and discussed the need for international support for rule of law in Kunduz Province. Governor Omar thanked the Kabul Ministry officials for their support of the Kunduz justice sector. He encouraged all participants to discuss their issues, needs, and concerns frankly. After the Governor spoke, Mr. Matthew Assada, US Department of State/PRT Representative, and Mr. Jahn Jeffrey, INL Justice and Corrections Program Manager, delivered opening remarks. The speakers all endorsed the need for rule of law

assistance to Kunduz province, while pointing out the critical need for competent law enforcement and judicial officers to provide security and fairness to Kunduz residents.

Following the opening comments of the Governor and the US representatives, the conference participants split into five break-out groups, each concentrated on a different pillar of the justice sector: Police, Prosecution, Courts, Ministry of Justice and Corrections. In facilitated discussions, the break-out groups spoke about the challenges their particular sector faces in the administration of justice and the provision of public safety, identified potential solutions, and sought commitments from the national leaders and international participants of the conference. Participants agreed on goals for improvement and drafted action items to track improvements over time.

The second day of the conference began with a panel discussion, followed by a dialogue between the national and provincial leaders. Each break-out group summarized its discussions of the previous day for the rest of the conference participants. The provincial government leaders of each justice sector spoke first, followed by a response from the appropriate central government justice official. As a result of the discussions, each side pledged closer cooperation and follow-up on issues identified during the break-out sessions. JSSP will continue to work with the Afghan leadership and the international donors to ensure progress on the action items and follow-through on donor pledges for support.

Reports of the break-out sessions are summarized below.

## **POLICE:**

The Police break-out group included approximately ten participants. The discussion focused on physical and financial infrastructure, detention of females and juveniles, and lack of police personnel and training.

### Physical and Financial Infrastructure:

- *Buildings and Equipment:* The police in Kunduz Province do not have appropriate offices, chairs, desks, or barracks. The police officers stated that they require stationary, cameras, criminal investigation equipment, projectors for use during trainings, and night vision binoculars.
- *Detention Center:* There are currently no detention facilities for female or juvenile prisoners.
- *Vehicles:* The police reported a lack of cars and diesel fuel for use during criminal investigations and other policing activities.

### Salaries and Personnel

- Break-out group participants reported a lack of parity and equity in salary structures. A Brigadier General who works as a guard earns 3000 AF (the equivalent of U.S. \$60) per month, while soldiers earn 5000 AF (the equivalent of U.S. \$100) per month salary.

- Participants also reported a lack of personnel at the provincial and district levels.

### Training

- The police break-out group requested both short and long-term courses for police officers on issues of criminal law, and the authority of the police to detain a suspect.

### Action Items

- JSSP-R is implementing a police/prosecutor training program that will be implemented in Kunduz province which will address many of the training needs requested during the PJC.
- Include police training on detention issues as part of the Kunduz Provincial Justice Training;
- Follow up with provincial police to ascertain the need for police barracks and seek out donor funding if the need is confirmed;
- Identify donors to assist police with their material needs, including detention facilities for females and juveniles; and
- JSSP Regional Team Kunduz will distribute crime scene investigation kits to the police participants in their program. Thereafter, the need for additional kits can be assessed.

## **PROSECUTION:**

The prosecutors' break-out group included approximately 11 participants. The discussion focused on physical and financial infrastructure, the need for more prosecutors within the province, salary concerns, and training needs.

### Physical Infrastructure:

- *Buildings:* None of the prosecutors' offices in the province are owned by the Attorney General, and most are either rented from private parties or are co-located with the police. The former is problematic because the prosecutor's office can only afford dilapidated space; the latter is also a problem, as the prosecutors then become dependent on the goodwill of the police and cannot be as objective as they might be otherwise.
- *Office Supplies and Equipment:* A second concern was the general lack of office equipment and supplies. The Prosecutors reported that they are in need of furniture. In most offices, two to three prosecutors share a single desk. There is no photocopy machine in the offices, and so prosecutors pay for photocopying expenses out of their own pockets. Offices also lack computers; several break-out group participants explained that they could do their work more effectively with

computers. Prosecutors also reported a severe shortage of other, more basic, supplies. For example, their offices lack enough pens and stationery to handle the daily work-load. They receive just one pack of paper every month.

- *Transportation:* There is only one vehicle available for the prosecution office in the provincial capital. In the six districts of the province, there are no vehicles. The lack of transportation delays prosecutors' arrivals at crime scenes and slows their investigations. The prosecutors reported that the police have financial difficulty transporting the accused from Kunduz districts' to the province capital. The prosecutors explained that the police have been taking money from the family of the accused for transportation costs associated with transporting the accused to the province capital.
- *Communication:* There are no official telephones in the prosecutors' offices, which causes difficulty in communication between district level prosecutors, provincial prosecutors, and Kabul-based officials. The prosecutors use their personal mobile phones for official use, and they are not reimbursed or otherwise compensated for official calls. In regard to correspondence and documents that are sent to Kabul, the provincial prosecutor's office is 300,000 AF (the equivalent of U.S. \$6,000) in debt to the Ministry of Communications. The group suggested that computers and Internet access could facilitate communications and prevent future accumulation of such debt.

#### Salaries and Personnel:

- The prosecutors in Kunduz province are having significant problems with the low number of prosecutors throughout the province. In Kunduz, there are 49 prosecutors, administrative officers, and investigators working throughout the province at the prosecution offices. In every district, there are only three employees: one prosecutor, one investigator, and one administrator. Each district has a population of approximately 200,000 to 300,000 people. It is not possible for the one prosecutor assigned to each district to handle all cases within the statutory time limits. This situation has resulted in corruption among the prosecutors. The group suggested that the provincial level staff be increased.
- *Salary:* The low salary of the prosecutors is problematic. Their salary is AF 2500 to 3000 (the equivalent of U.S. \$50 to \$60) a month, which is not sufficient even to cover the cost of weekly transport between the provincial capital and the districts.

#### Training:

- Very few prosecutors have attended any training programs. The group unanimously agreed that they would welcome training programs. The group requested training programs for new prosecutors, professionalism training for all prosecutors, and trainings for the administrative staff. Specific topics of interest included criminal justice techniques, explanation of criminal laws, modern investigation techniques used in other countries and human rights topics. The

Kunduz prosecutors suggested that these programs should be as close as possible to their offices to make it easier to continue working while they are in training. They also requested that the training programs be structured in two sections so that one section can be trained while the other group is working, and vice versa. The prosecutors suggested that training programs should be taught in conjunction with judges and police to facilitate cooperation and coordination between the justice institutions.

- The Kunduz prosecutors also requested a law library with copies of all laws and other relevant sources such as legal texts and conventions. They suggested that it would be helpful to have copies of laws in CD or DVD format.

#### Action Items:

- JSSP-R is implementing a police/prosecutor training program that will be implemented in Kunduz province which will address many of the training needs requested during the PJC.
- Assess feasibility of providing computers to prosecutor offices based on availability of power supply, possibility of improved efficiency, training costs, and maintenance;
- As part of the Kunduz Provincial Justice Training, include training with prosecutors and police on the legality of charging family members for the cost of transporting an accused person to the provincial capital;
- Include ethics training in the Kunduz Provincial Justice Training;
- Include coordination training with all justice actors in the Kunduz Provincial Justice Training; and
- Investigate the feasibility of establishing a law library in the province for use by prosecutors and other provincial justice actors.

#### **COURTS:**

The judicial break-out group included 13 judges and featured lively discussions. Several regional judges were able to interact and interface with national jurists. Throughout the presentations, the judges remained interested and engaged. A spirited dialogue developed on the second day when several regional judges began to discuss how to treat a recent case involving multiple serious crimes. At issue was whether to treat a course of criminal conduct as one individual crime, or multiple crimes. An example given was based on a home invasion robbery that occurred recently in Kunduz. When the suspect was caught outside the residence, he had drug contraband on his person, in addition to the items taken from the house. The judges concluded that they ought to treat that case as involving three serious crimes, as opposed to two.

Echoing a common theme, the judges stated that better coordination between prosecutors and police was essential to improving the justice sector in Afghanistan, and expressed the opinion that Conferences like the Kunduz PJC are helpful in encouraging such coordination. The judges took full advantage of the opportunity to meet with representatives of the council, high-ranking members of the police and prisons bureau, and local and national prosecutors, even using the refreshment breaks to continue their conversations about the justice sector with other conference members.

The collected judiciary indicated that their courts have major material needs ranging from basic problems such as a lack of office supplies to serious facility construction and maintenance problems. The judges also requested that a computer database be built to track files and cases, and that salary reform continue to bring salaries up to a livable wage reflective of judges' stature and role in the community.

### Physical Infrastructure

- The judges requested a secure area in which to keep copies of laws and legal texts.
- The judges complained of a lack of computers at courts.
- The judges requested space and buildings for the courts in Kunduz province.
- The judges requested a large supply of existing forms that are necessary for use in civil and commercial cases. These forms are generally distributed by the Supreme Court, however the Kunduz judges reported that they rarely receive a supply of these forms.
- The judges requested transportation for the judges of the appeal court tribunals, primary court judges, and employees.

### Salaries and Personnel

- The judges requested higher salaries.

### Training

- The judges requested training programs regarding the role of a judge and human rights.
- The judges requested information regarding Afghanistan's enacted laws, amendments, decrees, and conventions.
- The judges requested that JSSP provide training for the primary and appellate court judges.

### Coordination

- The judges have difficulties communicating with other governmental entities.

### Action Items

- As part of the Kunduz Provincial Justice Training, include human rights training for judges, judicial training, and an update on the status of the pay reform process;
- Investigate the feasibility of establishing a law library in the province for use by judges and other provincial justice actors; and
- Follow up with international donors including GTZ to assess the feasibility purchasing new buildings for the judiciary in Kunduz.

## **CORRECTIONS:**

The corrections break-out group included approximately nine participants. The discussion focused on physical and financial infrastructure, coordination with other justice actors, the need for more staff within the province, and training needs.

### Physical Infrastructure

- The Kunduz correctional officers (COs) stated that they desperately need weapons and ammunition for those working in the prisons. The Kunduz COs stated that for the past two years the detention center in Archi district was attacked. The detention facility had only 120 rounds of ammunition which was not sufficient to ward off the attack. Therefore, the local police officer had to assist in protecting the prison personnel.
- There is no equipment for communication between the detention centers of the districts and the provincial capital.
- The COs have no winter clothing for either prison personnel or prisoners.
- The prison facilities need blankets, pillows, mattresses, and other gear for the winters.
- There are insufficient vehicles at the prisons and no vehicles at detention centers. This causes significant problems when a prisoner needs to be transported to a court proceeding. Currently, prisoners use public transportation, which creates an obvious and significant security risk.
- There are insufficient medical facilities and medication to treat the prisoners at the prison facilities.

### Salary and Personnel

- The lack of security personnel is one of the most significant issues within the prison department. For example, in one detention center 40 to 50 prisoners are held at a time, but there are only four correctional officers assigned to the facility. This is insufficient to ensure safety and security.
- The low salaries of the personnel at the prison facilities, and the discrepancy between salaries for corrections officers and other security personnel are an

ongoing problem. For example, an officer whose rank is brigadier earns AF 2500 AF (the equivalent of U.S. \$50) per month, while an ordinary soldier receives a monthly salary of AF 4000 (the equivalent of U.S. \$80). The lack of soldiers at detention facilities is another issue, as higher-ranking officers cannot patrol the prison.

- A female prison officer is needed at the detention facilities to search female visitors.

#### Coordination

- The Kunduz COs discussed the issue of time limits. They stated that prisoner cases are not resolved within the statutory timeframes. The detention center authorities only have the authority to keep an accused for 10 months. However, the Kunduz COs stated that there are many cases in which detainees are held for years without their cases being resolved.

#### Facility Issues

- The Kunduz COs stated that they have difficulties dealing with juvenile detainees, as there is no juvenile detention center. The group stated that it is very dangerous to house juveniles with an adult population.
- Classification of the prisoners at prison should be based on the gravity of the crime. Dangerous criminals should be separated from the general population. However, due to lack of space all prisoners are kept together.
- The Kunduz COs requested vocational training programs for the prisoners.

#### Action Items

- Coordinate with CSSP to assess the priority needs for the Kunduz prison system;
- Liaise with CSSP concerning winter uniforms for prison guards if deemed necessary by CSSP;
- Seek advice from CSSP on how to deal with the lack of transportation vehicles for detainees in the districts;
- Liaise with JSSP Gender Justice Advisor, Melinda Lord, to seek out a proper solution to the problem faced by prison officials that must search woman but have no female prison staff
- As part of the Kunduz Provincial Justice Training, include training on the procedural course of action to insure that other justice actors are informed when detainees have reached the maximum length of detention and also include awareness of the salary reform process
- Discuss the feasibility of providing vocational training for prisoners

## **PUBLIC AWARENESS/HUMAN RIGHTS:**

The public awareness/human rights break-out group included approximately 16 participants. The participants of this group included representatives from Ministry of Justice, local defense lawyers, UNAMA and other international NGOs devoted to addressing human rights issues. The discussion focused on physical infrastructure, salary concerns, cooperation, and training needs.

### Physical Infrastructure

- Participants discussed that there are no buildings for the Huquq and Government Cases Departments of the Ministry of Justice, in the province.
- Participants concluded that the Ministry of Culture and Information should establish law libraries in the provincial capital and in each district, and requested that international organizations support this initiative.

### Salaries and Personnel

- Low capacity of the governmental employees in Kunduz province.
- Lack of personnel.
- Low salary and privileges for governmental employees.
- Lack of defense lawyers.
- The group discussed the need for internationally funded non-governmental organizations to open offices in Kunduz province to provide legal services to indigent defendants.

### Training Needs

- The participants requested training programs on computer skills and foreign languages.
- The Huquq Department of the Ministry of Justice was requested to initiate a public awareness programs.

### Cooperation

- The public awareness group discussed the issue of interference by other governmental entities in the affairs of Huquq and Government Cases Departments.
- The group discussed issues of cooperation and coordination between the courts, police, and prosecutors.

### Action Items

- Investigate the feasibility of establishing a law library in the province for use by defense lawyers, human rights workers, and other provincial justice actors;
- As part of the Kunduz Provincial Justice Training, include an introduction to the new bar association in an effort to increase the number of defense lawyers in the province;
- Include discussion on cooperation between courts, Huquq, police, and prosecutors during the Kunduz Provincial Justice Training; and
- Work with the Kunduz justice actors the group to prepare a public awareness initiative.

### **CONCLUSION:**

The Kunduz Provincial Justice Conference was a great success according to the provincial participants; Kabul based Afghan representatives; and the international actors involved in the conference. JSSP made clear to the participants that the conference was the first step in improving the justice sector in Kunduz. JSSP is eager to return to the province in the near future to begin preparations for follow-up training and to set meetings with provincial justice leaders in order to begin the planning for quick impact projects.



**Lieutenant General Moh. Qais Fasehi, Head of the Crafts and Industries Sub-Department of Central Prison and Detention Department, discusses issues facing Kunduz's correctional officers.**



**JSSP Afghan Legal Consultant Mr. Khan Rahman Rahmani discusses issues with PJC participants.**



**Kunduz PJC participants review the agenda for the two days of the conference.**



**Danny Alexander, CSSP's representative at the conference, and Lieutenant General Moh. Qais Fasehi, representative from the MOJ/Prisons Department, facilitate a discussion with the corrections break-out group.**



**Jahn Jeffrey, INL/DOS Program Manager, conducts an interview during the Kunduz PJC with an Afghan local television station regarding the purpose and function of the Kunduz PJC.**



**JSSP Access to Justice and Integration Section Leader Rachel Saunders (seated) assists participants prepare a written statement of their professional needs.**