

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



SPECIAL REPORT PANJSHIR PROVINCIAL JUSTICE CONFERENCE 13-14 January 2008

JSSP facilitated the Panjshir Provincial Justice Conference (PJC) on 13-14 January 2008. The Panjshir PJC, held in the provincial capital, brought Afghan leaders of the national, provincial, and district-level governments together with international donors to find the means to improve the justice sector in Panjshir. One hundred six members of Panjshir's justice community, including 3 women, attended the conference, engaging in lively discussions over the course of two days.

The event was conceived and organized by JSSP with the invaluable leadership and support of the Panjshir Office of the Governor, INL/Kabul Justice Program Manager Jahn Jeffrey, the entire Panjshir Provincial Reconstruction Team (PRT), including Director Bennet Lowenthal, U.S. Department of State, PRT commander Lt. Col. Christopher Luedtke (USAF), and PRT deputy commander Lt. Col. Michelle Atkins, and the Corrections System Support Program (CSSP).

The following representatives of the national government of Afghanistan attended the Panjshir PJC:

Justice Abdul Qadir Habib	<u>Study and Research Directorate of the Supreme Court</u>
Mr. Khalil Khan	<u>Ministry of Justice, Government Cases Department</u>
Col. Said Hamadullah	<u>Ministry of Justice, Sec. of Head of Prisons</u>
Muneer Ahmad Patang	<u>Legal Advisor of the Attorney General's Office</u>
Gen. Zakir Zakiri	<u>Ministry of Interior, Legal Advisor</u>
Professor Muhsin Farid	<u>Afghan Independent Human Rights Commission</u>

Deputy Governor Haji Kabiry welcomed participants to the conference, and thanked the international community for organizing and hosting the PJC. The Deputy Governor stated his belief that Panjshir has been neglected by the central government and has not been provided with facilities on a par with other Afghan provinces. He requested that participants engage fully in conversations aimed at enhancing coordination between the different government agencies in attendance, and specifically asked that judges, prosecutors, and police make a concerted effort to coordinate their work. He expressed his desire that those offices stage monthly coordination meetings.

The Deputy Governor noted that Panjshir is a secure province with little corruption, and invited JSSP and other international organizations to hold more trainings and conferences in Panjshir. He went on to encourage prosecutors, police, and judges to maintain their high ethical standards in order to maintain the public's confidence in the justice system, and stressed the importance of the rule of law and sound governance in maintaining security.

Following the opening comments by the Deputy Governor, the conference participants were divided by profession into five breakout groups, each of which concentrated on its particular pillar of the justice system. Each group -- police, prosecution, courts, corrections, and human rights -- discussed the challenges it faces in the administration of justice and the provision of public safety, identified potential solutions to the challenges, and sought commitments from the national leaders and international participants of the conference. Action-items and goals were agreed upon and drafted to chart improvements over time.

The second day of the conference began with a panel discussion, followed by a dialogue between the national and provincial leaders. The participants pledged closer cooperation and follow-up on issues developed in the conference, and each breakout group summarized its discussions 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 breakout sessions. JSSP pledged to continue to work with the Afghan leadership and the international donors to ensure progress is made on the action-items and the assistance pledged by donors.

The reports of the breakout sessions are summarized below:

POLICE:

There were approximately 15 police officers from six districts in the breakout section. The discussion focused on training and infrastructure needs, and the need for additional, qualified police officers throughout the province of Panjshir.

Physical and Financial Infrastructure:

- The Panjshir police representatives stated that there is an urgent need for basic medical care, including ambulances, hospitals, and medicine.
- The district police lack basic firefighting tools, such as fire extinguishers in government buildings.
- The police officers requested filing and storage equipment for case files, as well as basic office supplies.
- In most of the districts, there are no office buildings for judges, prosecutors, and ministry of justice officials.
- Most police officials lack a residence in the districts to which they are assigned.

- Basic investigative tools and communications equipment are needed, such as tape recorders and mobile telephones.
- A detention facility for female detainees is sorely needed.

Salary and Personnel

- There are no female police officers, which are needed to conduct searches and routine investigations involving female suspects.
- The current number of police officers in Panjshir is insufficient.
- The police officers stated that their salary, which is currently less than U.S. \$150 per month, is insufficient and should be increased.

Training

- Long-term training courses (six months or more) are needed for all police personnel.

Action Items

- JSSP will work with the PRT leadership and the Panjshir Chief of Police to submit to INL proposals for quick impact projects to address some of the equipment needs of the Panjshir police; and
- JSSP will coordinate a criminal justice training program, which will include training for the police representatives that attended the Panjshir PJC.

PROSECUTION:

The prosecution breakout group included approximately 15 prosecutors, whose discussion focused on physical infrastructure and training needs. The prosecutors from the districts of Panjshir have had few opportunities to participate in training programs, and the group requested that the international organizations assist in providing them.

Physical and Financial Infrastructure:

- There is insufficient office space in the one building that the prosecutor's office currently shares with other government agencies.
- The prosecutor's office has only one vehicle in Panjshir, and none in the outlying districts, which makes it virtually impossible for a prosecutor to travel to a district and conduct investigations.
- The prosecutors discussed the lack of furniture, stationery, computers, photocopy machines, and typewriters. The prosecutors specifically requested filing cabinets and other storage equipment.
- Communications equipment, such as mobile telephones, is lacking.
- The prosecutors also lack sufficient investigative equipment and need training on how to use such equipment.
- There is currently no means by which prosecutors can communicate between district offices. The prosecutors requested computers and Internet service to facilitate communications.

- A library with computers and access to Afghan laws does not exist and was specifically requested.

Salary and Personnel

- There is a need for additional prosecutors in the province, and salaries are insufficient. In addition, female investigative prosecutors are needed throughout the province.
- Salaries are insufficient to support prosecutors and their families.
- Prosecutors also noted that the Tashkil was either inadequate or not being implemented, and that individual prosecutors were concerned for their safety.

Training

- The participants asked for legal training courses in Panjshir province. Specific training on the law and its interpretation is severely lacking, and there is a shortage of experienced prosecutors.
- Training courses should also focus on fostering cooperation between police, prosecutors, and the judiciary.
- In addition to legal training, the prosecutors requested training on computer skills, foreign language skills (in particular, English courses), and human rights.
- A public awareness campaign specific to legal rights of citizens was requested.

Action Items

- JSSP will work with the PRT leadership and the Panjshir prosecutor's office to submit to INL proposals for quick impact projects to address some of the equipment needs of the Panjshir prosecutors; and
- JSSP will coordinate a criminal justice training program, which will include the prosecutors who attended the Panjshir PJC.

COURTS:

Approximately 20 judicial officials took part in the breakout group. The judges focused their discussion on the lack of coordination between the justice actors in Panjshir, and the need for training programs that target this issue. Breakout group participants also expressed their frustration with the lack of coordination and communication between the Supreme Court leadership and the Panjshir judges.

Physical and Financial Infrastructure:

- The judges decried a lack of communications equipment, as well as transportation for judges. The majority of the judges in Panjshir live in Kabul, requiring that they commute to their assigned districts.
- The judges expressed an urgent need for a legal library in each court in the districts and province capital, as well as basic office equipment and stationery. In addition, computers and copies of the Afghan Constitution and other laws are lacking.

- The primary court judges do not have sufficient office space, and the building used by the appeals court is in need of repair.
- There is a significant need of housing for judges and court staff.

Coordination

- The judges' group discussed the lack of cooperation between justice institutions, and expressed a desire for training in this area.

Salary and Personnel

- There is not enough trained and experienced court staff.
- The salary is insufficient for all justice sector employees.

Training

- The judges requested a training seminar for police and judges, to focus on interpretation of the penal code, the civil and commercial procedure codes, and general legal concepts.

Action Items:

- JSSP will provide training as part of the Provincial Justice Training seminar, to include training on coordination and statutory interpretation for judges; and
- JSSP will investigate the feasibility of establishing a law library in the province for use by judges and other provincial justice actors.

CORRECTIONS:

Approximately 15 corrections representatives participated in the Panjshir PJC. The corrections breakout session was co-led by Robert Aguirre, a CSSP mentor, and focused on the concerns and issues of the prison system in Panjshir. The discussion was lively and positive, and it was evident that correctional staff is aware of how the prison should function. The discussion was not limited to issues particular to Panjshir, but also focused on changes occurring in Kabul at the Central Prison Directorate (CPD). These issues included: change in rank and pay structures, new files and records management process, transportation systems (including additional vehicles), and developing a stronger “industries and vocational” program. The prison staff also discussed their interest in training courses on human rights, administrative/management skills, and computer literacy.

Physical and Financial Infrastructure:

- Communication – There is a lack of communication equipment, and mobile telephones are needed to facilitate communication between the district detention centers. Additionally, poor record keeping and a lack of communication within the justice sector results in many prisoners remaining incarcerated after the term of their sentence has expired.
- Transportation – The Panjshir detention centers and prison lack sufficient vehicles for transporting detainees and prisoners. There is limited ability to transport

- prisoners between detention facilities; with some district detention centers using rented vehicles to transport prisoners.
- Finances – The detention centers and the prison function on a very low budget. The Prison Commander states that he is allowed only AF 50 for prisoner food per day, regardless of how many prisoners are incarcerated. The prisoners/detainees have inadequate clothing and no blankets for winter.
 - Facilities –The provincial prison is a former military base, and was not designed for use as a detention facility. The current census is 26 prisoners, and there is no facility in which to house separately females or juveniles. The prison itself has one toilet, to be used by both prisoners and staff. District detention facilities are almost uniform in their need of electricity, potable water, clothing, medical clinics, mosques, libraries, and administrative offices.
 - Detention Centers – In Panjshir province, most of the districts do have detention centers. However, all are in serious disrepair, and Panjshir correctional officers requested refurbishing of the existing detention centers and new buildings for those districts that currently do not have detention centers.
 - Juvenile Housing – According to the Juvenile Commander there is one building to house juveniles in all of Panjshir province. It is in close proximity to the provincial prison, and consists of two rooms with no means to separate males from females. There are no areas for recreation or classroom instruction.
 - Communication – Most detention facilities have no radio communication. The provincial prison has one radio that is powered with a solar battery charger, and has a limited range. The provincial prison is only able to reach one of Panjshir’s district detention centers by radio.
 - Electricity – Most of the facilities are in need of electricity.

Salary and Personnel

- Staffing – The corrections system is severely under-staffed. The participants noted that there is a need for female correctional staff.
- Salaries – Salaries are inadequate, as monthly salaries barely cover the cost of transportation for corrections staff.

Training

- Training – Corrections officials all agreed that there is a significant deficiency in training throughout the province.

Action Items

- JSSP will coordinate with CSSP and the Panjshir PRT to assess the priority needs for the Panjshir prison system;
- JSSP will seek advice from CSSP on how to address the lack of vehicles for transporting detainees in the districts; and
- JSSP will work with CSSP to ensure that the upcoming Panjshir Provincial Justice Training includes training on the procedural course of action to inform other justice actors when detainees have reached the maximum length of detention.

HUMAN RIGHTS/PUBLIC AWARENESS:

The public awareness/human rights breakout group included approximately 25 participants. The participants of this group included representatives from the Ministry of Justice (MOJ), the United Nations Assistance Mission in Afghanistan (UNAMA), and international non-governmental organizations (NGOs) devoted to human rights issues. The discussion focused on physical infrastructure, salary concerns, lack of coordination in the justice sector, the shortage of defense lawyers, and training needs. Participants were particularly vocal regarding the need for additional support necessary for the Department of Women's Affairs, both in increased salary and procurement of office space and equipment.

Physical and Financial Infrastructure:

- There is a lack of vehicles for the Huquq and Government Cases departments of the MOJ.
- The Huquq department requested a computer and database capabilities.
- The MOJ officials requested furniture, a generator, and public awareness presentation tools such as projectors, and computers.
- Provincial offices of the MOJ, in particular the Huquq and Government Cases departments, lack sufficient office space.

Salary and Personnel

- Salaries remain below a living wage, and offices are understaffed.

Coordination

- Breakout group participants reported that there is virtually no coordination between justice sector actors.

Training

- There is a need for legal and technical workshops, which should be organized by the international community.
- Participants concluded that law libraries and a public awareness campaign would be of immediate benefit.
- There are no criminal defense lawyers in Panjshir province.
- Judges are not conducting public trials. The participants discussed the need for transparency in the judicial system.
- There is an urgent need for training courses for judges and prosecutors in all facets of the justice system.

Action Items

- JSSP will 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 Panjshir Provincial Justice Training, include an introduction to the new bar association in an effort to increase the number of defense lawyers in the province.

- JSSP will ensure that the Panjshir Provincial Justice Training includes discussion on cooperation between courts, the Huquq department of the MOJ, police, and prosecutors.
- JSSP will work with the MOJ's Panjshir Huquq department to prepare a public awareness initiative.

CONCLUSION:

The Panjshir Provincial Justice Conference, with critical support from the Panjshir Provincial Reconstruction Team, was a great success. The PJC, attended by over 100 members of Panjshir's justice community, resulted in focused discussions regarding the needs and challenges of the Panjshir justice sector. Panjshir is somewhat unique, given its proximity to Kabul and its relatively stable security situation. This should allow JSSP to become more actively involved in future training and implementation of quick impact projects. Panjshir's PJC was effective in creating critical relationships between the Afghan justice sector actors and the international donor community. Present at the conference were representatives from UNAMA and the U.S. military, both of whom expressed an interest in helping develop the Panjshir justice sector. JSSP will continue to work with the international community, the U.S. military, and Panjshir justice sector actors to implement follow up justice training program and quick impact projects.



Deputy Governor Haji Kabiry welcomed over 100 participants to the Panjshir Provincial Justice Conference and thanked the international community for organizing the PJC.



MOI advisor Zakir Zakiry facilitates discussion during a breakout session. Participants included police officers and local government officials.



A participant in the human rights breakout group makes a point during discussions regarding access to justice for women and children during the first day of the Panjshir Provincial Justice Conference.



JSSP Afghan Legal Consultant Idrees Aalimi moderates the Panjshir PJC.



Participants sign in during registration period on the first day of the Panjshir PJC.



Capt. Stephen Sarnoski, USN, Task Force Cincinnatus, listens to discussion during MOJ breakout group. Capt. Sarnoski attended the PJC in advance of the Kapisa PJC on 27-28 JAN.