

**AFGHANISTAN JUSTICE SECTOR SUPPORT PROGRAM**  
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پروگرام حمایت سکتور عدلی افغانستان

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J S S P

**SPECIAL REPORT**  
**PROVINCIAL RULE OF LAW DEVELOPMENT IN AFGHANISTAN 2005-2008**  
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In 2005, the Afghanistan Justice Sector Support Program (JSSP) engaged the provincial justice communities of Afghanistan in the justice sector reform process. The dialog that began in 2005 to build the capacity of provincial justice professionals and link them with national officials and the international community has developed over the course of three years into a program that meets both the immediate and long-term needs of provincial criminal justice professionals. JSSP's activities in the provinces include quick impact projects, specialized trainings, extended legal academic trainings, as well as support for systemic legal reform and capacity building. JSSP, along with national and international partners,<sup>1</sup> has been able to reach provincial justice communities where little communication, coordination, planning, or training has taken place and where little assistance from the international community has been provided. As more fully described below, JSSP has laid a strong foundation bridging the gap between the provincial justice professionals, national officials, and the international community and has empowered Afghan justice institutions and professionals to take ownership of reform. As a result of JSSP's regional instructional programs, criminal justice professionals are able to more effectively implement the law and criminal justice system reforms in Afghanistan. JSSP will continue to collaborate with national institutions and international organizations to build upon the established relationships and expand to other provincial justice communities to develop the capacity of justice professionals and ensure access to justice services.

***Provincial Justice Conferences***

JSSP engaged the provincial justice communities in 2005 as the technical advisor for provincial justice conferences (PJs) organized by the then Combined Forces Command-Afghanistan (CFC-A) in Nangarhar, Parwan, and Logar provinces. The CFC-A conferences brought together the provincial leaders with the local justice officials in the provincial town. The participants discussed how to improve the efficiency of the justice system, ensure

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<sup>1</sup> It is JSSP's programmatic philosophy to collaborate with national and international justice professionals to achieve a sustainable solution to provincial justice reform. To date, JSSP has partnered on provincial justice initiatives with the Afghanistan Supreme Court (SC), the Ministry of Justice (MOJ), the Ministry of Women's Affairs (MOWA), and the Ministry of Interior (MOI), the Attorney General's Office (AGO), the Afghanistan Independent Human Rights Commission (AIHRC), the U.S. Department of Justice (DOJ), the U.S. Department of State representatives to the Provincial Reconstruction Teams (PRTs), the United Nations Development Fund for Women (UNIFEM), the United Nations Assistance Mission in Afghanistan (UNAMA), representatives of the government and military from the countries of Canada, Czech Republic, Germany, Italy, Turkey, New Zealand, and the United Kingdom, the European Union Police Mission in Afghanistan (EUPOL), the Afghanistan Rule of Law Project (ARoLP), Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), the Max Planck Institute for Comparative Public Law and International Law, Medica Mondiale, the Norwegian Refugee Council (NRC), Da Qanoon Ghushtonky, the German Police Project Office (GPPO)(no longer an operational organization), the International Legal Foundation-Afghanistan (ILF-A), the Legal Aid Organization of Afghanistan (LAOA), the Coalition Joint Task Forces 76, 82, and 101, the Combined Forces Command-Afghanistan (CFC-A)(no longer an operational entity), the Combined Security Transition Command-Afghanistan (CSTC-A), and others.

compliance with existing laws, and enhance cooperation between the police and the prosecutors.

In 2006, the CFC-A organized conferences were completed and JSSP began to explore opportunities to build upon its successes. JSSP partnered with the Department of State and the United States' Provincial Reconstruction Teams to continue the program. In April 2007, JSSP launched the first of its six PJs that would bring together a total of 492 provincial justice professionals in Bamiyan (58 participants), Kunduz (59 participants), Ghazni (107 participants), Logar (75 participants), Panjshir (106 participants), and Kapisa (93 participants). JSSP's PJs enhanced the CFC-A model by bringing Kabul-based national justice professionals face-to-face with provincial justice professionals. The goal was to provide a forum for provincial justice professionals to connect to the national justice system and improve cooperation. For many of the provinces, this was the first time national and provincial justice professionals interacted. To further encourage interaction, the participants were divided into groups defined by profession - police, prosecution, judges, corrections, human rights advocates, and defense attorneys. Furthermore, the discussions were facilitated by Supreme Court justices, the legal advisor to the Attorney General's Office, the legal advisor to the Ministry of Interior, the 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, their specific training needs, as well as infrastructure and material needs.

### ***Provincial Justice Trainings***

JSSP reinforced the connection between the provincial justice professionals and the national justice system by designing provincial justice trainings (PJs) that addressed the needs expressed during the PJs. JSSP worked with the Government of Afghanistan and non-governmental organizations to deliver trainings to a total of 297 justice professionals participating in PJs in Ghazni (43 participants), Kunduz (55 participants), Kapisa (48 participants), Panjshir (51 participants), Logar (40 participants), and Bamiyan (60 participants). JSSP included crosscutting issues and coordination training to take advantage of the fact that the PJs brought together a multi-disciplinary group of provincial justice professionals. The PJ curriculum included: (1) the hierarchy of laws in Afghanistan; (2) gender justice; (3) criminal procedure; (4) individual rights; (5) the role of the defense attorney; (6) police law; and (7) corrections training.

After the PJ in Bamiyan, Governor Surabi requested specialized criminal justice training. JSSP designed and implemented a ten-day training that included topics specifically requested by the Bamiyan justice professionals including anti-corruption law, counter-narcotics law, juvenile justice, and victim rights. Sixty judges, prosecutors, police officers, human rights lawyers, defense attorneys, and corrections officials attended the specialized training.

In August 2008, JSSP returned to Logar for a second PJ addressing police-prosecution coordination. Twenty-five provincial justice professionals attended the two-day training. At the conclusion of the PJ, the justice professionals asked JSSP to return and conduct an additional training focusing on gender justice issues.

One of the most significant accomplishments over the course of the program was the shift from U.S. Justice Advisors to Afghan Legal Consultants (ALCs) as PJ trainers. During the first PJ, JSSP relied almost exclusively on its U.S. advisors to provide the substantive sections of training. From that point forward, JSSP worked with its ALCs to develop their

capacity, which allowed them to create the curriculum and present all but one section of the final PJT in Panjshir.

### ***Quick Impact Projects***

During the initial PJs, each province complained that they did not have access to the laws or legal commentary. To meet the immediate expressed need, JSSP selected the Afghan Constitution and *Basics of Afghan Law and Criminal Justice: A Manual for the Afghan Police and Legal Professionals*, a practical commentary on the most important criminal laws of Afghanistan, to be distributed to all of the participants at all of the PJTs. In the Logar PJT, JSSP also distributed copies of *Forensic Science*, written by Afghan Supreme Court Justice Mohammad Omar Babrakzai, and the criminal law sections of the Judicial Reference Set, which was originally developed by USAID's Afghanistan Rule of Law Project (ARoLP). JSSP continues to distribute hard copies of the laws and legal commentary to provincial justice professionals.

### ***Wardak Provincial Justice Coordination***

In April 2007, JSSP initiated a justice coordination project in Wardak Province. For almost a year, JSSP facilitated monthly meetings between international organizations and the provincial justice professionals to establish goals for justice sector activities. In consultation with the Governor of Wardak, a committee, which included members of the Ministry of Interior (MOI), the Attorney General's Office (AGO), court personnel, defense counsel and corrections officers, met to discuss various needs of the criminal justice system in the province. As a result of these meetings, judicial trainings, infrastructure support, and quick impact projects were coordinated and implemented through various international organizations. In addition, JSSP supported the establishment of the Wardak Defense Resource Center by providing funding for the facility, legal resource material, and working with the Legal Aid of Afghanistan (LAOA) to provide criminal defense services. LAOA was further supported by GTZ to implement a women's representation project out of the Resource Center. Unfortunately, in December 2007, the security situation in Wardak province deteriorated and LAOA was unable to continue to provide services out of the Resource Center. By March 2008, the monthly coordination meetings were suspended due to security concerns and all of the international justice professionals withdrew from the monthly meetings. JSSP remains optimistic that when the security situation improves it will be able to renew the cooperative relationship between the new Governor of Wardak, the provincial justice professionals in Wardak, and the international community.

### ***JSSP-Regional Provincial Police-Prosecutor Training Program***

In August 2007, The JSSP-Regional Program (JSSP-R) launched a long-term, intensive Provincial Police-Prosecutor Training Program for provincial and district prosecutors as well as police investigators at regional training centers (RTCs) located in Herat, Kunduz, Balkh, and Nangarhar provinces. The program seeks to improve police-prosecutor coordination and build inter-agency efficiencies, which advance the overall goal of the government to create a transparent and effective criminal justice system. The seven-month course combines classroom instruction, small group seminars and workshops, as well as on-the-job mentoring when security permits. The curriculum encompasses a broad spectrum of criminal justice issues including the Afghan Constitution, criminal procedure, search and seizure, human rights, crime scene investigation, witness interviewing, ethics, anti-corruption, and counter-narcotics. Since 2007, JSSP-R has completed eight Provincial Police-Prosecutor Training programs. A total of 249 prosecutors and investigative police have graduated from the program and are serving in 15 different provinces across Afghanistan.

The success of the JSSP-R Program has been recognized by the chief of Herat's criminal investigation police. He acknowledged that following the JSSP training his criminal investigation police were better able to handle significant criminal investigations. In addition, he noted that his department was able to work more cooperatively with the provincial prosecutors. JSSP's training not only developed the capacity of the justice professionals, it allowed them to more effectively implement the law.

### ***Focused District Development – Law Program***

In April of 2008, JSSP-R successfully implemented the Focused District Development-Law Program (FDD-Law) in cooperation with the CSTC-A. The CSTC-A initiated a comprehensive educational and training program designed to reform the Afghan National Police (ANP) in select districts across Afghanistan. FDD-Law was created to provide a complementary educational and training program to train prosecutors and criminal investigation police from the same districts. The FDD-Law program is a four-week, 100-hour program, providing instruction on critical thinking and legal reasoning, the Afghan Constitution, criminal procedure, the Attorney General's Office, police-prosecutor coordination, crime scene investigation, anti-corruption, counter-narcotics, ethics, the Advocates' Law and the Afghan Bar Association, gender justice, the Juvenile Code, and file administration and case management. A total of 140 students from Kunar, Laghman, Wardak, Kapisa, Paktika, Zabul, Baghlan, Kandahar, Helmand, Herat, and Farah provinces have graduated from the program. The FDD-Law program has been able to reach prosecutors, defense attorneys, and criminal investigation police in areas of Afghanistan that have been, and continue to be, largely inaccessible to traditional reform initiatives.

### ***Systemic Justice Reform and Capacity Development***

In 2008, JSSP conducted four assessments of the structure and capacity of the provincial prosecutor's offices in Balkh, Herat, Kunduz, and Nangarhar provinces. The findings and recommendations of JSSP's assessments were an integral part of the Priority Reform and Restructuring recommendations to the Attorney General for restructuring the provinces' prosecutors' offices.

JSSP also determined that in addition to the training and educational programs it offered, it could build the capacity of Afghan legal professionals and encourage systemic justice reform through mentoring relationships with provincial justice professionals. In Balkh, Jawzjan, Kunduz, Nangarhar, Samangan, and Herat provinces, JSSP has engaged in mentoring relationships with the chief prosecutors and other senior prosecutor officials.

As a result, JSSP has been able to lead reform efforts including the creation of the first family violence prosecution program in Balkh and a victim advocates program in Balkh and Herat provinces. Additionally, JSSP has successfully encouraged the establishment of defense counsel and has witnessed the population of defense attorneys in Kunduz, Baghlan and Takhar provinces more than double.

Furthermore, JSSP has facilitated meetings among provincial prosecutors, police, correction officers, judges, and legal aid officials. On many occasions, JSSP has initiated the first-ever joint meeting of provincial justice professionals with each other and with national justice professionals. In Balkh, this has led to the establishment of a working group of provincial justice professionals to facilitate the release of prisoners unlawfully detained or incarcerated. In Samangan, JSSP's ability to match donor resources to identified needs has made the

construction of a new provincial prosecutor's office possible through the UNODC's generous financial support.

### ***Conclusion***

JSSP's presence in the provinces of Afghanistan since 2005 has allowed it to take a leading role in rule of law development, particularly in the provinces. From improving the legal infrastructure to providing substantive legal training, JSSP and its close partners have worked to meet both the long term and short-term needs of provincial criminal justice professionals in 29 provinces.

Most significantly, JSSP has been able to assist in linking the provincial justice communities with the national justice system and the international community. Consequently, the provincial justice communities are more fully able to engage in the justice reform process. JSSP will continue to take a cooperative approach in developing the capacity of provincial justice professionals and ensuring better access to justice services throughout all of the provinces of Afghanistan.

# Justice Sector Support Program (JSSP) Provincial Outreach

