



**Contract No. DFD-1-00-04-00170-00**

**Checchi and Company Consulting, Inc.**

**USAID/DCHA/DG**

**EIGHTEENTH QUARTERLY  
PERFORMANCE MONITORING REPORT**

**For the Period January 1 to March 31, 2009**

**Submitted on April 30, 2009 by:**

**James L. Agee  
Chief of Party  
Afghanistan Rule of Law Project  
House #959, Street #6  
Taimani Watt  
Kabul, Afghanistan  
Mobile: +93.798.197.505  
E-Mail: [jagee@arolp.org](mailto:jagee@arolp.org)  
Internet: [www.checchiconsulting.com](http://www.checchiconsulting.com)**



## TABLE OF CONTENTS

INTRODUCTION .....	1
MAJOR HIGHLIGHTS OF THE QUARTER.....	1
PROGRAMMATIC TRENDS AND CONSTRAINTS .....	1
COMPONENT 1.A SUPPORT FOR COURT ADMINISTRATION .....	3
COMPONENT 1.B. & C LEGAL EDUCATION.....	8
COMPONENT 1. D SUPPORT FOR JUDICIAL TRAINING .....	14
COMPONENT 1.E SUPPORT FOR COMMERCIAL COURT REFORM.....	18
COMPONENT 2: LAW REFORM AND LEGISLATIVE DRAFTING .....	22
COMPONENT 3: ACCESS TO JUSTICE/INFORMAL SECTOR .....	25
COMPONENT 4. HUMAN RIGHTS AND WOMEN’S RIGHTS UNDER ISLAM.....	29



## INTRODUCTION

The contract between Checchi and Company Consulting, Inc. (Checchi) and USAID/DCHA/DG for the Afghanistan Rule of Law Project (ARoLP) was signed on September 28, 2004, and its implementation began on October 1, 2004. ARoLP supports the Afghan Justice Sector Institutions with assistance in areas of: 1) strengthening court systems and the education of legal personnel; 2) law reform and legislative drafting; 3) access to justice/informal sector; 4) support for commercial court reform; and 5) human rights and women's rights under Islam.

## MAJOR HIGHLIGHTS OF THE QUARTER

- Afghanistan Court Administration System (ACAS) database design completed.
- Non-judicial personnel Priority Reform and Restructuring (PRR) proposal approved by Supreme Court High Council and Civil Service Commission
- Supreme Court personnel database and ID cards issued for 85% of all judges and administrative staff.
- 20 Supreme Court IT personnel graduated from advanced IT training program.
- Academic Legal English program graduates 130 law students and professors.
- Moot court and instructional classrooms dedicated at Kabul University Law and Sharia Faculties.
- Model instructional classrooms completed at five provincial university Law and Sharia Faculties.
- Foundation Training Program for judges completed.
- 32 judges from 11 provinces receive Commercial Law training.
- 10,000 copies of laws and legal reference materials distributed to legal professionals across Afghanistan.
- Dari-Pashto Legal Dictionary published with 4,000 legal terms in Dari and Pashto.
- 34<sup>th</sup> Community Cultural Center opened in Kunduz province.
- Independent Legal Aid Board established.
- Women's access to justice campaigns launched in Nangarhar and Baghlan provinces.
- Public dialogue on women's right to divorce in Islam conducted in Kabul.
- Training manual on women's rights under Islam published.

## PROGRAMMATIC TRENDS AND CONSTRAINTS

While the next two months will be focused on completing a few new initiatives, this quarter was significant for the number of long-running and major new activities that were completed successfully. The long-running Foundation Training Program for judges who had not completed the Stage was finally completed with all but a few eligible Afghan judges participating. This was a major accomplishment for both ARoLP and Afghanistan; as of this quarter, virtually all judges have had at least basic training in the laws of Afghanistan. The Dari-Pashto Legal Dictionary was also completed after almost two years of development. The project printed 4,000 copies and requests are pouring in for additional copies. Print products developed by ARoLP remain in demand across Afghanistan and a major accomplishment of the project has been to



disseminate the law to every judge and law school in the country. Finally, with only four weeks' notice, ARoLP organized a third Academic Legal English program. This program was more successful than ever with additional law courses on legal writing and analysis and public speaking, and several moot court activities. The result is a strong core of law students and professors whose English language and legal reasoning skills make them capable of completing the most rigorous graduate law programs outside of Afghanistan.

During the reporting period, ARoLP received a request to plan for a third extension through the end of May 2009, this time without additional funds. The additional time will allow for completion of printing runs, including the judicial bench books and the case reporter, and the criminal law training program for judges from Focused Districts Development districts. The extension also meant that the project could plan for a more comprehensive follow-up to the women's access to justice campaign in Nangarhar province, and delay the women's access to justice campaign in Baghlan until after schools opened in late March.

Without additional funds, though, some activities had to be delayed indefinitely, most notably the anti-corruption training workshop for judges. We hope that the follow-on project will reschedule that training quickly after start-up, resulting in a delay of only a few weeks.

The project also suffered from an inability to fill positions for local staff as few Afghans have been willing to begin work at a project which has less than two months left to run. A critical new position for a senior local traditional justice sector advisor has gone unfilled for a month, despite intensive recruiting efforts. Current local staff are leaving the project at greater than average rates with about three leaving every week with no hope of recruiting replacements. This is having a major impact on our ability to implement project activities as planned.

While ARoLP successfully focused on extending its activities beyond Kabul to Afghanistan's provinces, security remained a major obstacle. Levels of violence continued to climb during the quarter. Attacks against U.S. and NATO military targets may reach all-time highs.

Despite these challenges, the Islamic Republic of Afghanistan (IRoA) and ARoLP are making progress toward strengthening the rule of law in Afghanistan with completion of the remaining long-running activities expected in the next two months.



## COMPONENT 1.A SUPPORT FOR COURT ADMINISTRATION

### AR 5: New National Court Administration System Implemented

Description	Baseline as of September 30,2006	FY 2007 Total	FY 2008 Total	FY 2009 Target	FY 2009 as of 3.31.09
<b>Indicator 1:</b> Adoption of ACAS by Supreme Court	NO	YES	N/A	N/A	N/A
<b>Indicator 2:</b> Number of courts using ACAS	0	0	356	400 <sup>1</sup>	356

### Progress Toward Activity Results

**Indicator 1:** ACAS was adopted by the Supreme Court on September 25, 2007.

**Indicator 2:** ARoLP made significant progress toward implementing the ACAS in all functioning courts in the country. Judges and court administrator from courts in every province have now received ACAS training.

### Description of Activities

**Afghanistan Court Administration System (ACAS)** Implementation of the Afghanistan Court Administration System (ACAS) remains virtually complete with numerous follow-up activities taking place during the reporting period as well as the production and distribution of ACAS materials for the Afghan year 1388 to all provinces. ARoLP has received approval from the Supreme Court for a final formal ACAS training program to be held in Kabul to train judges and administrators from courts that were unable to send staff during the initial ACAS training process. This training program will be identical to previous trainings except participants will come from across the country rather than from a specific region or province.

---

<sup>1</sup> The Supreme Court continues to transfer/assign judges to courts that previously had no staff and were not considered an active court. The 400 court target represents active courts as of December 31, 2008.





*The Herat Court of Appeals is fully utilizing the ACAS, including the party index card component.*

As part of the ACAS follow-up process, ARoLP staff traveled to courts to discuss implementation issues and to ensure that proper procedures are used and adequate materials are available. The ACAS is designed to capture caseload data to enable the Supreme Court to track where and when cases are filed at the courts. Courts where ARoLP conducts follow-up activities have begun to capture caseload data to transfer to the Supreme Court. During the reporting period, ARoLP worked on follow-up activities with 64 courts in 12 provinces: Herat, Balkh, Kunar, Laghman, Takhar, Baghlan, Kunduz, Kabul, Parwan, Kapisa, Panjshir, and Nangarhar.

ARoLP dedicated significant resources in conjunction with our Women's Rights under Islam program's women's access to justice campaign to measure cases filed by or on behalf of women in 19 courts in Nangarhar. Total case filings along with the number of cases filed by or on behalf of women was gathered by courts, including the Court of Appeals and urban District Courts, and reported to ARoLP. This will serve as baseline caseload data that will help determine the impact of ARoLP's women's access to justice campaign which took place in January 2009. ARoLP staff will return to the Nangarhar courts in April/May to determine if there has been an increase in the number of women filing cases.

In anticipation of the new year, 1388, ARoLP produced 220,000 file jackets along with new registry books. These materials were distributed to all provinces prior to the beginning of the year to ensure that courts would have a seamless transition from one year's filings to the next. During the year 1387, ARoLP distributed 189,000 file jackets and 700 file shelf units in our initial ACAS implementation rollout.

**ACAS database design** As part of ARoLP's effort to prepare for migration of the manual ACAS to an automated or computerized system, an international consultant developed a basic prototype for the computerization of the ACAS, including database design, user interface protocols, software requirements, and procurement guidelines, as well as overall system development recommendations. The database system is designed to capture critical court data elements and allow for future individual case tracking and scheduling and to provide judiciary-wide caseload reporting functions critical to future resource allocation and judicial performance activities.



**Priority Restructuring Reform (PRR) for Supreme Court non-judicial personnel**

At a ceremony at the Supreme Court on March 25, Chief Justice Azimi and Acting Head of Civil Service Commission Board Rafiqi signed a Memorandum of Understanding officially acknowledging the Civil Service Commission’s approval of the Supreme Court’s non-judicial personnel PRR proposal. The signing ceremony marked the culmination of a 15-month effort by the Supreme Court and the Civil Service Commission supported by ARoLP to reorganize the Supreme Court’s non-judicial staffing structure. Priority Reform and Restructuring (PRR) is an element of the Government of Afghanistan’s Public Administration Reform Program. The PRR process is facilitated by the Civil Service Commission and requires all Government agencies to review their organizational structure and staffing and restructure their organization, identifying the staffing needed to most effectively achieve organizational goals.



*Acting Head of Civil Service Commission Rafiqi and Supreme Court Chief Justice Azimi sign protocol authorizing implementation of Priority Restructuring Reform.*

ARoLP collaborated with the Supreme Court PRR Advisory Committee and staff, advisors from the Civil Service Commission, and the European Community Justice Sector Reform Program to develop the PRR submission. The proposal is a set of documents, totaling over 600 pages, which includes a narrative document, and a range of annexes detailing the proposed structure, Terms of Reference for each Department, Recruitment Plan, costing for PRR, and Job Descriptions for all non-judicial staff within the new structure as well as a functional review of the Supreme Court.

Approval of the PRR proposal authorizes the Supreme Court to immediately begin PRR implementation, a two-year process, to be followed by Pay and Grade implementation, an additional one-year process. Staff and consultant assistance to the Supreme Court in implementing these systems will be provided by national and international staff of a Reform Implementation Management Unit (RIMU) to be funded by the ARTF/AJSRP and to be established at the Supreme Court within the next 90 days. A joint Supreme Court/Civil Service Commission application to fund the RIMU drafted with ARoLP assistance will be submitted to the World Bank within the next 30 days.

PRR implementation will begin with the recruitment of staff to posts delineated in the new structure, training programs for these staff, and implementation of a new performance assessment system. Implementation of the PRR proposal will result in salary increases, open competition for civil service positions, professional development opportunities, and expanded employment opportunities for women.



In January, ARoLP developed and delivered basic Human Resources training in merit-based recruitment for 27 senior Human Resources staff and Advisory Committee members. A follow-up training session in March covered the short-listing process, the role and responsibilities of the interview panel, and the interview process, including interview techniques and the development of interview questions. Staff were provided with sample forms for use in managing and facilitating the recruitment process, as well as a copy of Civil Service Commission appointment procedures.



*ARoLP staff members Asadullah Omer and Liz Johnson offer Human Resources training to Supreme Court staff.*

**Personnel database and ID cards** ARoLP produced 918 ID cards during the quarter for 289 judges and 629 administrative staff. The project has produced a total of 3,399 ID Cards to date, for a total of 1,334 judges and 2,065 administrative staff. The ID cards provide an important confirmation and update of the information in the ARoLP developed personnel database. ARoLP and Supreme Court Personnel Department staff have completed a review of all Kabul-based personnel and in March began contacting judges and administrative staff outside of Kabul province (initially in Uruzgan, Bamyán, Balkh and Kandahar Provinces) to update personnel records, obtain photos, and produce ID cards for all judges and staff whose personnel records have not yet been verified.

**Supreme Court budget management** Budget management technical assistance was provided to Supreme Court staff with a focus on budget monitoring and analysis tools and training on their use and maintenance. To facilitate the Supreme Court's efforts to implement improvements in the 1388 budget process, ARoLP staff developed a monthly budget management report to be maintained by the Supreme Court budget unit and to help Supreme Court senior management better align operating and development expenditures with the Court's strategic priorities, track budget distribution and execution among provincial courts, and share information with donors. The report will provide: operating budget year-to-date expenditures for the three major budget categories (salaries, goods and services, and acquisition of assets) overall and by province, as well as per capita distribution; development budget year-to-date expenditures by project and development priority; and separate tracking for activities under the National Justice Sector Reform Project.

**Afghanistan Justice Sector Reform Project** ARoLP continued to assist the Supreme Court in implementing the ARTF-funded AJSRP Phase I project to strengthen the Supreme Court's human and physical capital resources, including: facilitating the hiring of the Supreme Court's Project Unit Coordinator and assisting the Project Support Unit in evaluating and interviewing Project Unit Assistant candidates; helping the Supreme Court draft and process Scope of Work for projects to hire three engineers to strengthen the Supreme Court's physical facilities development capacity; developing Supreme Court Facilities Standards; contracting for Facilities Design, Construction and Project Management services; purchasing \$250,000 in library equipment and materials for the Supreme Court Library and nine regional court libraries;



contracting for design and construction management services for the \$32 million SC HQ facility; and establishing a RIMU to implement the Supreme Court's non-judicial PRR project. Project staff continued to assist the Supreme Court in reviewing bids to purchase 77 vehicles for an estimated \$2 million and to coordinate efforts to determine how to best apply \$300,000 in IT equipment resources allocated to the Supreme Court under the terms of the AJSRP Phase I budget allocation.



*Supreme Court IT professional receives certificate of completion for Advanced IT training from Judge Samiullah, Advisor to the Supreme Court.*

**Advanced IT training completed** On January 25, 20 Supreme Court employees completed a comprehensive three-month training program in Advanced Information Technology, funded by ARoLP and conducted at IQRA University. On March 5, the Afghanistan Supreme Court hosted a graduation ceremony to honor their achievements. The Supreme Court staff members enrolled in the three-month IT training program acquired skills in web design, database design, and network administration. The skills brought to the Court by the newly-graduated IT personnel will lead the way for other computerized programs that will ensure that the

Supreme Court delivers high quality justice services throughout Afghanistan. ARoLP has trained a total of 31 Supreme Court IT staff since March 2008.

### **Key Events for Next Quarter**

- ACAS training to ensure that all active courts have implemented the system.
- ACAS follow-up activities continue.
- Funding for and publication of RIMU proposal by World Bank.
- Appointment of Supreme Court PRR Recruitment Committee.
- Supreme Court personnel database and ID cards issued for 95% of all judges and administrative staff.
- Complete AJSRP Phase I procurement of vehicles, furniture, libraries, facilities standards consultant, court facility construction architect, three SC engineer/architects, Supreme Court HQ design architect and \$300,000 in IT equipment; implementation of \$500,000 court operations and \$350,000 vehicle maintenance and repair accounts.
- Publish first comprehensive collection of all Afghan judicial administrative policies and procedures.
- Publish first Supreme Court IT users survey and assessment.
- Implement Supreme Court facilities database.
- Deliver Supreme Court list of 28 highest priority construction projects to CJTF-101.
- Facilitate agreement between CJTF-101 and the Supreme Court for military to implement pilot mobile courtroom project in RC-East.



## Summary of Component Training Programs and Workshops

Date	Title	Agencies Involved	No. of Participants
January 2009	HR Orientation	SC HR staff	33
March 2009	Supreme Court Advanced IT training	SC IT staff	20
March 2009	HR orientation	SC HR staff	33
March 2009	Budget Management	SC Finance staff	5

## COMPONENT 1.B. & C LEGAL EDUCATION

### AR 5: Formal Legal Education Strengthened

Description	Baseline as of September 30, 2006	FY 2007 Total	FY 2008 Total	FY 2009 Target	FY 2009 as of 3.31.09
1. Number of core course syllabi developed and being taught	0	0	3	6	6
2. Competency test mechanism in place	No	No	No	Yes	No
3. Number of articles in Law Journal (cumulative)	11	21	46	56	46

### Progress Toward Activity Results

**Indicator 1:** By supporting the creation of new syllabi and teaching materials for the 11 courses that make up Afghanistan's new core curriculum for all law and Sharia university students, ARoLP promotes both the standardization of course content throughout Afghan universities and the introduction of new teaching techniques that promote participatory and interactive learning. The 11 agreed upon courses are as follows: Introduction to Law, Constitutional Law, Human Rights Law, Principles of Fiqah (Islamic Jurisprudence), Criminal Law, Criminal Procedure, Commercial Law, Commercial Procedure, Civil Procedure, Civil Law/Civil Code, and Professional Responsibility and Ethics for Lawyers. (Criminal Law and Civil Law are general subjects comprised of 11 distinct sub-courses, so the total core curriculum includes 20 courses). Each course syllabus is developed by a working subcommittee made up of principal subject matter experts and assistants drawn from faculties around the country. Each syllabus is reviewed



and approved by a plenary committee made up of academic experts and members of the faculty working committees from appropriate Law and Sharia Faculties from all provincial universities in Afghanistan and ARoLP advisors. Once approved by the plenary committee, the syllabus is used to teach the subject in an increasing number of Law and Sharia Faculties of provincial universities, and is also used to develop the new textbook for that subject. The textbook is authored by the principal subject matter expert or experts and their assistants.

To date, four of the 11 core course syllabi have received plenary committee approval and are being used to teach: Commercial Law, Introduction to Law, Human Rights Law, and Constitutional Law. The following additional syllabi have been approved by the plenary committees for the following sub-courses of Civil and Criminal Law: Family Law, Inheritance Law, Islamic Criminal Law, and Forensic Medicine. The plenary committee for the core course of Principles of Fiqah has prepared an abridged syllabus of courses now taught over several semesters in Sharia faculties that is suitable for use in Law Faculties and has circulated it to the Law Faculties for comment. In cooperation with ARoLP, IDLO has taken principal responsibility for the development of syllabi and textbooks for the core course of Commercial Procedure and the following sub-courses of Criminal Law: General Criminal Law, Criminology, and Penology. Syllabi have been completed for these courses and are being used in the classroom.

In total, six syllabi for substantive core courses and seven syllabi for sub-courses in Civil and Criminal Law have been completed. Use of the syllabi depends on when courses are offered and on specific university faculties' processes for changing their curricula. In addition to syllabi, textbooks have been completed for four core courses and five sub-courses in Civil and Criminal Law: Introduction to Law, Constitutional Law, Commercial Law and Commercial Procedure (the latter in cooperation with IDLO), and the sub-courses of Family Law, Forensic Medicine, General Criminal Law, Penology and Criminology (the latter three in cooperation with IDLO).

Due to budget constraints and while waiting for the Joint Coordination Committee identified in the Description of Activities below to meet, no further textbooks or syllabi have been completed.

Textbooks for Introduction to Law, Constitutional Law, Commercial Law, Family Law, and Forensic Medicine have been printed and distributed to Law and Sharia Faculties, libraries, the Supreme Court, government ministries, and select NGOs.

**Indicator 2:** The Advocate's Law signed by President Karzai in November 2007 took effect on March 17, 2008. It contains provisions to establish a national bar association, the Independent Afghanistan Bar Association (IABA). The IABA was established in late July 2008 under the Advocate's Law. The IABA will be responsible for developing a national standard of competence for those lawyers who want to become licensed advocates.

ARoLP has been working with the International Bar Association (IBA) to advise the Ministry of Justice and the IABA on setting up an IABA Committee on National Bar Examinations that will be responsible for determining requisite qualifications and standards for becoming a licensed advocate in Afghanistan. ARoLP planned to work with the IABA to design a new competency



test mechanism, drawing on ARoLP's two years' experience preparing the Supreme Court's Stage entrance examination and assessing those examination results. Although ARoLP remains ready to begin work on the test mechanism, the IABA will not be able to address these qualification and competency issues during the life of the project.

**Indicator 3:** ARoLP anticipated that a fifth issue of the Kabul University Law Journal with at least ten articles would be published by the end of this quarter. Ten articles are ready for publication, but ARoLP has no budget for printing.

## Description of Activities

**Second National Conference on a Core Curriculum** As mandated at the first National Conference on Core Curriculum held in January 2008, ARoLP, in partnership with the Ministry of Higher Education, supported the second National Conference on a Core Curriculum at the Safi Landmark Hotel on January 3 and 4, 2009. Over 130 participants from all over the country, including chancellors, assistant chancellors, deans, senior professors, and representatives of the Supreme Court, the Attorney General's Office, the Ministry of Higher Education, and the Ministry of Justice, participated in the conference. The conference afforded professors and educators the opportunity to discuss issues with the Ministry of Higher Education and with each other.



*Deputy Minister of Higher Education Prof. Barbury delivering remarks at the National Conference on a Core Curriculum.*

Completed textbooks for Introduction to Law, Commercial Law, Constitutional Law, Family Law, and Forensics Medicine were on display at the National Conference. After a lengthy discussion on the process of creating new textbooks, participants agreed that the Deputy Minister for Academic Affairs of the Ministry of Higher Education would organize a Joint Coordination Committee comprised of Law and Sharia professors to serve as a resource for the development of new textbooks. ARoLP assisted the Deputy Minister in selecting committee members and the universities were notified of members of the committee in mid-March. The first meeting of the committee has not yet been scheduled by the Deputy Minister.

**Workshop to improve teaching methodologies** As part of its mission to introduce and encourage participatory teaching techniques into Law and Sharia curricula, ARoLP presented a two-day workshop on participatory teaching techniques and modern theories of learning immediately following the Second National Conference on a Core Curriculum at the Safi Landmark Hotel in Kabul. Over 60 Law and Sharia professors from around the country attended. The workshop was led by Professors Laurel Oates and Mimi Samuel from Seattle University. Participating in small group exercises, role playing, and short lectures, professors enthusiastically practiced techniques they could use in their classrooms and pass on to other professors in their Faculties.



**Academic Legal English Program** 130 Law and Sharia professors and students from across Afghanistan attended the third Academic Legal English program at the Safi Landmark Hotel in Kabul from January 20 to March 11, 2009. Participation was limited to high scoring students and professors. The program offered students and professors intensive courses to improve their academic English skills in order to take the TOEFL examination and to prepare them for LLM and other postgraduate opportunities at U.S. law schools. The curriculum included academic legal English courses and law courses in commercial contracts, legal reasoning, and mortgage contract law taught by U.S. law professors from the University of San Francisco and the University of New Mexico. In addition to class work, students participated in two moot court exercises and presented academic research projects in small group settings. For many of the students, this was the first time they have studied with foreign professors and been exposed to modern participatory teaching methodologies. The visiting professors also trained four Afghan professors to be instructors in an anticipated in-country LLM program



*130 Law and Sharia professors and students graduate from AROLP's third Academic Legal English program.*



*Prof. Naseh of Kabul University leads methodology training for Balkh University Law and Sharia professors.*

**Teaching methodology demonstration held at Balkh University** As a first step in encouraging more provincial Law and Sharia Faculty professors to introduce new teaching methods in their classroom instruction, AROLP conducted a demonstration using the newly developed core curriculum materials and the newly furnished instructional classroom at Balkh University. In addition to AROLP personnel, Dean Wasel and Professor Naseh of the Kabul University Law Faculty gave a demonstration on teaching methodology to 30 Law and Sharia professors and also delivered presentations on criminal law and commercial law to Balkh University Law and Sharia Faculty students. The demonstration stimulated change efforts among faculty by highlighting the instructional importance of active rather than passive learning. The new AROLP-funded instructional classroom provides a place where professors can practice modern teaching methods as well as incorporate new technology into their teaching.

**New textbooks distributed** Textbooks for courses in Introduction to Law, Commercial Law, and Constitutional Law and sub-courses of Family Law and Forensic Medicine were distributed to Law and Sharia Faculties and libraries at Kabul, Herat, Balkh, Nangarhar, Khost and Al Biruni Universities and to the INLTC, select ministries, and Supreme Court libraries.



**Support for Jessup International Moot Court Competition team from Balkh University** AROLP supported the participation of the first ever moot court team from the Balkh University Law Faculty in the Jessup International Moot Court Competition in Washington, D. C. in March 2009. The team was prepared and ready to attend and compete but was unable to do so because visas could not be obtained for all of the members and their faculty advisor to travel to the United States.

**Moot court and instructional classrooms dedicated at Kabul University**

On March 19, AROLP dedicated USAID-funded moot court and instructional classrooms at Kabul University Law and Sharia Faculties. The new classrooms offer Afghanistan’s future legal professionals opportunities to develop their oral presentation and advocacy skills as they participate in simulated role-playing scenarios and moot court exercises. Professor Hamidullah Amin, Chancellor of Kabul University, thanked USAID for its support, and said that the new classrooms mean “progress for Kabul University, better lawyers for Afghanistan, and ultimately, restoration of the rule of law in our country.” Professor Deen Mohammad Gran, Dean of the Sharia Faculty, described the classrooms as “laboratories for law students where they can learn how to prepare a proper defense statement and how to represent a client in court.” Each classroom is fitted with a computer, a digital projector and screen, and a whiteboard. The two moot court classrooms are each furnished with a judges’ bench, counsel tables, a dock, and a witness stand.



*Professor Hamidullah Amin, Chancellor of Kabul University, and Mr. Bahaudin Baha, Justice of the Afghanistan Supreme Court, cut the ceremonial ribbon dedicating Kabul University Law Faculty’s new moot court classroom.*

**Model instructional classrooms completed at five provincial university Law and Sharia Faculties**

Following completion of model instructional classrooms at Kabul University, AROLP installed instructional classrooms in faculties in five provincial universities: Balkh, Herat, Nangarhar, Khost, and Al Biruni. The classrooms are equipped with modern teaching equipment such as a projector for computer generated presentations and slides, screens, and white boards. The classrooms are venues for presentations by the authors and assistants who developed modern textbooks for the core courses and will be valuable resources for future teaching training.

**Legal English classes resume in four universities**

ARoLP resumed Legal English classes after the winter vacation in four universities -- Kabul, Balkh, Herat, and Al Biruni -- while Nangarhar University continued Legal English classes with 121 students. The course consists of four levels of legal terminology training in both Afghan and American law, and is in high demand. Balkh and Herat Universities offer the course for credit to law students. To date, more than 2,500 students, professors, and judges have participated in AROLP’s Legal English courses. During this quarter, 250 Law and Sharia students benefited from the ALE program and Legal English course. 1,116 students from both Law and Sharia Faculties and professors from Al Biruni, Balkh, Herat, Kabul and Nangarhar Universities will participate in the Legal English classes over the next two months.



### Key Events for Next Quarter

- Continue work to complete Syllabi and Textbooks for Core Curriculum Courses.

The following undertakings will be limited due to budget constraints:

- Convene Joint Coordination Committee meeting on core courses textbooks.
- Sponsor Legal English classes for students at five universities.

### Summary of Component Trainings and Workshops

Date	Title	Agencies Involved	Number of Participants
January 5-6, 2009	Workshop on Teaching Methodologies	All provincial Law and Sharia Faculties	60
January 17 – 19, 2009	Training of Trainers (ToT)	Local Instructors of the 3 <sup>rd</sup> ALE and Legal English programs	24
January 20- March 11, 2009	Third Winter Academic Legal English Program	Professors and Students of Law and Sharia Faculties of Kabul, Balkh, Herat, and Al Biruni Universities	130
January - May 19, 2009	Computer Training	Professors of Sharia Faculty of Kabul Universities	35
March 25,26, 2009	Demonstration of Interactive Teaching Techniques	Balkh University Law and Sharia Faculties	30
March 30 – May 19, 2009	Legal English Classes	Students of Law and Sharia Faculties of Kabul, Balkh, Herat, Nangarhar and Al Biruni Universities	1,116



## COMPONENT 1. D SUPPORT FOR JUDICIAL TRAINING

### AR 3: Opportunities to Improve Judicial Professionalism and Improve Skills

Description	Baseline as of September 30, 2006	FY2007 Total	FY2008 Total	FY2009 Target	FY 2009 as of 3.31.09
1. Code of Judicial Conduct Adopted	NO	YES	YES	N/A	N/A
2. Number of Judicial Training Hours Offered	404	239	174	294	220

#### Progress Toward Activity Results

**Indicator 1:** Since adoption by the Supreme Court of the Regulation of Judicial Conduct in June 2007, ARoLP has trained a total of 1,043 judges in its provisions. The regulation is a modern code of conduct containing internationally recognized ethical standards to govern the conduct of judges. ARoLP, following adoption of the Regulation, also submitted disciplinary regulations drafted by a Judicial Conduct and Ethics Working Group assigned by the Court to work with ARoLP representatives. The enforcement mechanism for the code was submitted to the Supreme Council in late 2008. Council members could not reach consensus on provisions addressing public complaints, public hearings, and due process guarantees for judges accused of misconduct.

Little progress has been made during the second quarter of 2009 in moving the enforcement provisions of the Code of Conduct off the table. However, in March, Justice Rashid, head of the Supreme Court's Division of Public Security agreed to return the disciplinary regulations to the working group and assured ARoLP that he expected progress in April. The Supreme Court is aware of the increased interest of the Afghan public and of the international community in anti-corruption measures and judicial ethics as well as the necessity of adopting an effective enforcement regulation to insure that the Judicial Code of Conduct will have the maximum impact on judicial performance, and result in increased public confidence in Afghanistan's judiciary. ARoLP's efforts during the third quarter of 2009 will focus on strengthening the anti-corruption efforts of Afghanistan's judicial institutions by enacting the proposed disciplinary regulations as part of its emphasis on strengthening the capacity and effectiveness of public security and anti-corruption courts at both the trial and appellate levels. Anti-corruption training programs for judges proposed and planned for the second quarter could not be implemented because of budgetary constraints and will be given priority in coming months. Following adoption of the disciplinary regulations, a renewed effort will be made to offer training in the disciplinary component of the code in order to train those judges who have not been introduced to the basic regulation, and to also engraft upon the Stage curriculum the disciplinary component of the Regulation of Judicial Conduct.



ARoLP has completed work on a focused training course to put Afghan judges on notice of the Regulation's standards and to train them on their meaning and importance as the first step toward its implementation. Since the adoption of the Regulation, 1,043 of the 1,408 sitting judges, including graduates of the 2007 Stage class that received judicial appointments by the President, have received training on the Regulation; 945 of those judges have been trained using ARoLP's focused training course materials.

**Indicator 2:** In addition to its emphasis on Anti-Corruption measures, ARoLP plans during the to renew efforts to revitalize the Judicial Stage. Encouraging development of a Continuing Judicial Education Program as a separate department within the Supreme Court and of a trained cadre of judges to serve as full-time judicial trainers will also continue throughout the fiscal year.

During the first quarter of 2009, the Supreme Court gave final approval for publication of ARoLP's judicial training courses on Afghan Constitutional Law, Work of the Judge and Legal Research, Regulation of Judicial Conduct, Commercial Law, Commercial Procedure Law, and Penal Law – both General Principles, and Private Penal Law. Printing and partial distribution of those training texts was completed during the second quarter. Printing of training manuals for courses in Criminal Procedure, Special Criminal Laws (anti-money laundering, anti-corruption, counter-narcotics, and crimes against internal and external security), and a course on Family Law are nearing completion and will be distributed prior to the end of the quarter.

## **Description of Activities**

**Mechanism for enforcing Regulation of Judicial Conduct** Following the June 10, 2008, adoption by the Supreme Council of the Supreme Court of a regulation for disciplining judges, a working group appointed by the Chief Justice was assigned to develop a mechanism for enforcing the Regulation of Judicial Conduct with technical assistance from ARoLP. The Supreme Court working group drafted a regulation that included an enforcement mechanism in accordance with internationally-accepted standards. It also included a citizen complaint procedure, confidential investigations to determine probable cause and hearings open to the public, and due process rights for judges alleged to have committed violations. The draft was submitted to the Supreme Council.

The Council deleted those articles in the working group's draft regulation that established a citizen complaint procedure, that required a public hearing in cases where probable cause has been determined, and that specified the due process rights of the accused judges. In November 2008, Justice Rashid, who chairs the working group, called the group back together and it agreed to present to the Chief Justice and the Supreme Council amendments to the disciplinary regulation drafted by ARoLP. After a number of unexplained delays, Justice Rashid in mid-March, at the request of ARoLP, once again referred the amendments submitted by ARoLP to the chair of the working group with direction that they be acted upon and returned to the Council in April.

**Anti-Corruption training** During February and March, ARoLP designed and planned a program to provide those judges assigned to the public security divisions of primary and appeals



courts with training in the content and application of recently enacted statutory law provisions to combat corruption and threats to state security. The week-long training program includes the application of special criminal laws against money laundering, bribery, and trafficking of narcotics. Investigative techniques, the gathering of evidence and its use at trial as well as common defenses will be taught. ARoLP's focused training materials in special criminal laws will be used as the basic text.

**2008 Stage Judicial Training Program** ARoLP's financial and technical support for the Judicial Stage continued during the quarter, during which ARoLP also continued to provide its English language classes to Stage students and Supreme Court administrators. Support of the Judicial Stage is the combined effort of ARoLP, the Max Planck Institute, and the French International Institute for Comparative Studies.

The Supreme Court Education Committee unveiled plans to extend the Stage from its present year-long course, consisting of nine months of academic study and a three month practicum, to up to an additional year. The Court's plan also included revision of the 2008 Stage Practicum to include internships solely with the court in contrast to past years when judicial candidates interned with various ministries during the Stage practicum segment. The new policy will place the 196 Stage students with panels in the Kabul primary and appeal courts and also briefly with the Supreme Court in rotating internships through each level of the judicial system, during which a mentor judge will be assigned to every four students. The revised Stage practicum is consistent with recommendations recently made by ARoLP, which also included a 14-week preparatory course followed by an extensive skills training and practicum regimen for entering judicial candidates under the supervision of mentor judges.

**Foundation Training Program** A ceremony marking completion of the 24th and final Foundation Training Program was held at Kabul's Safi Landmark Hotel on January 14, 2009. Twenty-six judges from 16 provinces were presented with Certificates of Completion at a ceremony attended by members of the Supreme Court, representatives of USAID, and members of the Foundation Training faculty. Since August 2005, ARoLP has offered month-long intensive skills training to sitting judges who did not receive Stage training. The Foundation Training Program covered core subjects including penal law and criminal procedure, commercial law and commercial procedure, civil law and civil procedure, and Afghan constitutional law, as well as instruction on the Regulation of Judicial Conduct, women's issues, and legal research techniques. Judicial training materials prepared by ARoLP are used to teach many of the subjects. Since its inception, the Foundation Training Program has graduated 860 participants, including 43 women. Judges from every province in Afghanistan have received Certificates of Completion from the program. All of Afghanistan's judges who did not attend the Stage have either completed the Foundation Program or have been offered the opportunity to do so. The final class included judges from



*Mr. Bahaudin Baha, Supreme Court Justice, speaks at Foundation Training Closing Ceremony.*



Badakshan (5), Bamyán (2), Day Kundi (2), Ghazni (2), Jawzjan (1), Kabul (2), Kapisa (1), Kunar (1), Kunduz (2), Laghman (1), Logar (1), Nangarhar (2), Samangan (1), Sari Pul (1), Takhar (1), and Wardak (1) provinces attended the training.

**Criminal Justice Program** Two-week Criminal Justice Programs for judges responsible for criminal cases from districts identified by the Combined Security Transition Command – Afghanistan (CSTC – A) in cycles 1 – 6 of its Focused District Development (FDD) program were completed in both Kabul and Herat during the quarter. AROLP is sponsoring criminal justice training for the judges responsible for criminal cases in those districts in order to complement training of Afghan National Police by Security Transition Command Afghanistan and training of prosecutors by the Justice Sector Support Project in those same FDD districts.

Certificates of Completion were awarded in Kabul on January 11 to 22 judges assigned to primary courts in or responsible for criminal cases from the following provinces: Ghazni (1), Helmand (1), Jozjan (2), Kandahar (2), Kunduz (2), Nangarhar (4), Paktia (3), Wardak (3) and Zabul (4). On February 10, Certificates of Completion were awarded to 28 primary court judges who completed the FDD Criminal Justice Program in Herat. The judges represented five provinces: Badghis (1), Farah (4), Ghor (4) Herat (15), and Nimroz (4).

The Kabul and Herat training programs were the fourth and fifth FDD training programs conducted by AROLP. The two-week FDD Criminal Justice programs include courses in Afghan Constitutional Law, Penal Law-General Principles, Private Penal Law, Criminal Procedure, including principles of fair trial and police law, and Special Criminal Laws (anti-corruption, anti-money laundering, counter-narcotics, and crimes against internal and external security). Judicial training course materials prepared by AROLP in these subjects are used as texts and the programs are presented by experienced judges and law professors.

**Supreme Court approves judges to be future judicial trainers** Following interviews conducted during the first week of January by a committee composed of two Supreme Court Justices, a judge, and a representative from AROLP, six judges were approved to participate in a Study Tour to the United States to receive advanced training in teaching methodology at the National Judicial College in Reno, Nevada and an overview of the U.S. justice system. AROLP was also given authority to select 12 additional judges from a list provided by the Supreme Court for additional training as instructors. Completion of the selection process is a significant step by the Supreme Court in the adoption of USAID recommendation to develop a training faculty to teach in judicial education programs and to participate as instructors in training programs supported by AROLP and other organizations. The Supreme Court will be encouraged to adopt a program for the periodic selection of judges to join a cadre of trained judges who can teach their colleagues in provinces throughout Afghanistan.

### **Key Events for Next Quarter**

- Consideration by the Supreme Council of amendments to the disciplinary regulation for judges designed to bring the regulation in conformity with international standards.
- Continuation of Regulation of Judicial Conduct Training for judges.



- Proposing additional changes in the Stage curriculum to the Supreme Court and encouraging revisions of the Stage Entrance Examination.
- Continuing support for the Judicial Stage and Stage Practicum.
- Publication of focused judicial training manuals and Bench Books: the first containing course and resource materials on Afghan Constitutional Law, the Regulation of Judicial Conduct, and Work of the Judge and Legal Research; a second containing course and resource materials on General Principles of Penal Law, Private Penal Law, Criminal Procedure, and Special Criminal Laws, and a third containing course and resource materials on Commercial Law, Commercial Procedure Law and Family Law.

### Summary of Component Training Programs and Workshops

Date	Title	Agencies Involved	Number of Participants
January	24 <sup>th</sup> Foundation	Judicial Staff	26
December/January	Criminal Justice Program	Judicial Staff	22
January	Criminal Justice Program	Judicial Staff	28
February	Commercial Law Training	Judicial Staff	32
January - March	English Language	Judicial Candidates	215

### COMPONENT 1.E SUPPORT FOR COMMERCIAL COURT REFORM

#### AR 6: Foundation for Effective Resolution of Commercial Disputes in Place

Description	Baseline as of September 30, 2006	FY2007 Total	FY2008 Total	FY2009 in Target	FY 2009 as of 3.31.09
1. National policy on enforcement developed	No	No	Yes	N/A	N/A
2. Supreme Court clarifies jurisdiction of commercial courts	No	Yes	No	No	No
3. Number of judicial training hours offered to commercial court judges	0	197	197	269	60



## Progress Toward Activity Results

**Indicator 1:** ARoLP successfully assisted the GIRoA in drafting a national policy and a law for the reform and modernization of how civil judgments are enforced in Afghanistan.

While the national policy will be implemented through a new law, we were disappointed over the speed with which the Ministry of Justice moved on the drafting of the law. The intention of developing a policy was to explain in a short, succinct document what the GIRoA planned to do with regard to the enforcement of civil judgments. This policy document was intended to be the basis of public and inter-agency discussions of the policy that would be the basis not only for an improved policy but also a starting point for a law that would be implemented. ARoLP has not had much involvement in the drafting of actual laws, focusing instead on training legislative drafters. While training legislative drafters, the project realized that without further development of the legislative process, the newly trained drafters would not be as effective as hoped. While the Ministry of Justice agreed to the development of a policy paper prior to drafting the implementing law, there was little discussion of the policy paper and in the end, even with massive input from ARoLP, the law did not sufficiently reflect the agreed upon policy. While not the subject of this component, more needs to be done to address the legislative process in Afghanistan if the country is to have laws that can be implemented and meet the needs of the people.

**Indicator 2:** ARoLP did not meet its FY2008 objective for this indicator and additional action was not taken during the quarter inasmuch as the Supreme Court failed to include ARoLP-suggested amendments in its recent amendments to the Law on the Organization and Jurisdiction of the Courts. The Supreme Court has yet to understand the difficulty that may arise from a poorly defined subject matter jurisdiction such as is contained in the current Commercial Code. This realization may have to await a more sophisticated Bar and more complex litigation. For this reason, ARoLP does not expect that the Supreme Court will clarify the jurisdiction of the commercial courts in the near future, although the project still plans to engage the Supreme Court on this through the end of the project.

**Indicator 3:** Only one new training opportunity was offered to commercial court judges during the quarter. The Supreme Court has not focused on developing commercial courts for two reasons. First, the Supreme Court faces many more basic challenges in the areas of basic human resource development and a lack of infrastructure. Second, low levels of commercial activity and subsequent commercial litigation require little judicial attention or sophistication. With the transfer of responsibility for commercial courts from Justice Baha to Justice Behsodi, there is renewed interest in the development of the commercial courts. ARoLP has been working with Justice Behsodi to select and train a cadre of commercial court judges who will be tapped to fill new openings in commercial courts throughout the country. Based on these discussions, an additional commercial law training was offered by the Judicial Training Component during the second quarter.

**Huqooq and the Law on Obtaining Rights** During the previous reporting period, a final draft of the Law on Obtaining Rights was adopted by the legal advisors and leadership of the Ministry of Justice and submitted to the Ministry's Taqin Department. Once enacted by Presidential



Decree in the coming months as expected, this new law – which sets forth in greater detail the authorities, obligations, and practices of members and directors of the Huqooq nationwide – will enhance the mediation and enforcement of judgments' work of those working inside the Huqooq Department of the Ministry of Justice.

**Commercial Law Training** Late last quarter, Justice Behsodi agreed to work with ARoLP to move toward the opening of new commercial court venues in numerous places, including Ghazni and Bamyan. This follows some reticence on the part of the Supreme Court to endorse the introduction of new commercial court venues. A prerequisite to the introduction of additional commercial courts is training and equipping additional judges to transition into these court venues. Upon securing the agreement of the Supreme Court for the subjects to be delivered, ARoLP presented a commercial law training program in Kabul in February 2009.



*32 judges from 11 provinces listen to ARoLP's Saaed M. Rahi lecture at ARoLP's Commercial Law training.*

### Key Events for Next Quarter

- None

### Summary of Component Training Programs and Workshops

Date	Title	Agencies Involved	Number of Participants
February 15 – March 1	Commercial Law	Judicial Training and Judicial Education Staff	32



## COMPONENT 2: LAW REFORM AND LEGISLATIVE DRAFTING

### AR 8: Legislative Process Improved

Description	Baseline as of September 30, 2006	FY2007 Total	FY2008 Total	FY2009 Target	FY 2009 as of 3.31.09
1. Number of draft laws sent to the Office of Administrative Affairs by Taqin	N/A	49	70	45	N/A
2. Number of agencies with members trained in legislative drafting	1	6	6	0	N/A
3. Number of entities distributing Afghan laws, regulations, legal information	1	8	14	10	2

### Progress Toward Activity Results

**Indicator 1:** During this quarter, ARoLP did not provide legislative drafting support to the Taqin. Also, the Ministry of Justice’s Law Reform Technical Working Group, of which ARoLP is a member, did not call a meeting to provide donors with an update on the Taqin’s legislative progress. The Taqin told ARoLP that 21 legislative documents were prepared and sent to the Council of Ministers, via the OAA.

**Indicator 2:** Because of the interest shown in providing legislative-drafting training to the Taqin and others by the U.S. Department of State and the Canadian government, ARoLP will not pursue in-country legislative drafting training in FY2009. This decision is reflected in ARoLP’s approved Work Plan.

**Indicator 3:** ARoLP has distributed an additional 250 copies of the 17-volume Judicial Reference Set, as well as 3,046 individual copies of the Dari-Pashto Legal Dictionary, 950 copies of the Legal Research Manual, and updated sets of the Official Gazette to Law Faculties and courthouses in all Afghan provinces, with the exception of three courthouses in Laghman, Bamyán and Wardak.

While ARoLP encourages the reproduction of Afghanistan’s laws, legal materials, and training materials collected and published by the project, few private or public organizations ask for



digital copies of the laws to reprint themselves. At the project's inception, it was assumed that other organizations would recognize an opportunity to develop small and perhaps even large-scale legal publishing operations. While a few international donors have requested assistance publishing select laws -- for example, JSSP, GTZ, and UNDP have all asked for hard-copy or digital copies of laws to reprint for their own publications or training classes -- a for-profit or non-profit market for publishing laws outside the project has not developed. However, demand remains high for laws and legal materials. The World Bank-funded AJSRP will address this unmet need by studying the feasibility of establishing a printing unit within the Ministry of Justice. For the duration of ARoLP's extension period, the project will continue to work to increase access to Afghanistan's laws, publishing legal materials in hard copy and electronic formats and online at [AfghanistanTranslation.com](http://AfghanistanTranslation.com), [www.moj-research.gov.af](http://www.moj-research.gov.af), and on the Supreme Court's website at [www.supreme-court.gov.af](http://www.supreme-court.gov.af).

## Description of Activities

**Publication and distribution of new legal materials** With the launch of the Dari-Pashto Legal Dictionary, the completion of a Dari-Pashto Legal Research Manual, and republication of the Official Gazette, ARoLP continues to make thousands of volumes of laws and legal reference materials available to the legal community in Kabul and each of the 34 Afghan provinces. In March, the project distributed a record 10,000 individual hard-copies of laws and legal reference materials, with several thousand more to be distributed through the project's completion in May.



*Authors, editors, and linguists celebrate the launching of ARoLP's Dari-Pashto Legal Glossary.*

In February, ARoLP introduced the first dictionary of Dari and Pashto legal terminology published in Afghanistan in 38 years. The dictionary improved upon the 1972 text, including for the first time cross-referenced terms in both Dari and Pashto languages. Six Kabul University law faculty professors who selected and wrote terms of art spanning civil, criminal, and commercial areas of law as well as other legal subject areas produced the dictionary over an 18-month period. The terms were reviewed by Supreme Court and Ministry of Justice representatives, who edited and corrected them for substance. In addition, two linguists from Kabul

University contributed grammatical and stylistic improvements. ARoLP staff managed the project, proofreading and technically composing the dictionary's format and page graphics.



Of the 4,000 copies published, ARoLP has distributed 3,046 through the end of March. By the end of April 2009, all Judges from the Supreme Court, Kabul, and all provinces will have received a copy, as well as all Law Faculty professors. Other recipients of multiple copies to date have included the Afghan Bar Association, UNDP's provincial Justice Support Centers, and both houses of the Afghan Parliament, whose members requested and were presented with 402 copies - one for each member, plus administrative offices and the Parliament library.



*Mr. Qanooni, Speaker of Afghanistan's Wolesi Jirga, reviewing ARoLP's Dari-Pashto Legal Dictionary.*

Other recent ARoLP publications include the republication of all laws of Afghanistan since 1964. ARoLP staff typed, proofread, and digitally formatted more than 30,000 pages of the Official Gazette, completing a four-year process in cooperation with the Ministry of Justice. In addition, ARoLP staff procured older laws from sources outside the Ministry of Justice, scanning copies from the Afghan National Archives, the Kabul Public Library, and the Academy of Sciences library. The updated Official Gazette set is 170 volumes in Dari and Pashto languages; the project published 100 sets. Both hard-copy and electronic copies of the Official Gazette were presented to Minister of Justice Sarwar Danish, making this version the most complete set that the Ministry has had in its possession. Sets were also distributed to all provincial courthouses; law faculties in Herat, Khost, Nangarhar, Kapisa, Balkh, and Kabul; the Afghan Bar Association; and the International Legal Foundation-Afghanistan.

This quarter, the INLTC law library staff completed writing what is considered the first Legal Research Manual published in Afghanistan in 30 years or more. The manual walks readers through legal research using hard copy and electronic sources, and gives a brief overview on updating laws. The library staff has already incorporated this manual into their legal research instruction using the law library's computer lab, whose equipment and Internet access was provided by ARoLP. In March, the staff taught a half-day workshop to new instructors who teach Attorney General and Ministry of Justice Stage classes at the INLTC. This class was a first for these instructors, as Afghan law schools do not yet include legal research as part of their curriculum. ARoLP has distributed 950 Legal Research Manuals to judges, law faculties, government legal professionals and libraries throughout Afghanistan.

**INLTC Law Library welcomes Judge Wallach** Federal Judge Evan Wallach from the U.S. Court of International Trade toured the INLTC Law Library during his visit to Kabul in March. Judge Wallach congratulated the three-member staff on its work to build and maintain the library's physical space, as well as its collection which numbers more than 4,000 volumes. Having just visited Kabul University's law faculties, the Judge was interested in the law library collection's acquisition of legal materials that include the laws of the Official Gazette and other Ministry of Justice and Supreme Court publications, as well as an extensive collection of Shari'a law texts and commentaries. When the Judge learned that the library's Head of Reference Ahmadullah Masoud had won a grant to attend the American Association of Law Libraries



annual conference in Washington, DC, he promised to assist him with making contacts among the profession's most notable librarians in Washington, DC. To date, Judge Wallach has already facilitated meetings between Masoud and the Librarian of Congress, Mark W. Strattnner, as well as law library directors from Georgetown University Law Library and George Washington University Law Library.

**INLTC Law Library Head of Reference awarded prestigious grant** Ahmadoullah Masoud, Head of Reference for the INLTC Law Library, will attend the American Association of Law Libraries annual conference in July 2009. His grant was awarded in a unanimous vote by the AALL's Foreign and Comparative International Law section, which received hundreds of applications worldwide from librarians working in both developed and developing countries. He will present a program in English during the conference for AALL membership that will describe the challenges of creating the first true full-service law library in Afghanistan, as well as his work writing the first manual on legal research in Dari and Pashto, published by ARoLP in February 2009. Blair Kaufmann, Yale Law Library Director, will join the program in a discussion following Masoud's presentation. Kaufmann assisted the library's initial resource planning and staff development during his January 2008 short-term consultancy in Kabul, and has remained in touch with ARoLP's Legal Publishing advisor and library staff, answering questions and establishing contacts among law librarians in the U.S.

#### **Key Events through May 2009**

- Publish and distribute 1,000 copies of the first volume of Supreme Court decisions (printing in process as of April 2009).
- Distribute the remaining 954 copies of the Dari-Pashto Dictionary of Legal Terminology.
- Distribute the 47 remaining sets of Official Gazette laws of Afghanistan (issues 1-953 from 1964 through current).
- Distribute the remaining 3,050 copies of the Afghan Legal Research manual in Dari and Pashto languages.
- Distribute 30 remaining copies of Judicial Reference Sets (2nd Edition).
- Continue cataloging materials and make technical adjustments so the INLTC law library catalog is accessible via its website at [www.inltclawlibrary.org](http://www.inltclawlibrary.org).



## COMPONENT 3: ACCESS TO JUSTICE/INFORMAL SECTOR

### AR 2: Appropriate Sector for Resolving Disputes

Description	Baseline as of September 30, 2006	FY2007 Total	FY2008 Total	FY 2009 Target	FY 2009 as of 3.31.09
National policy on informal justice sector developed	No	No	No	No	No
Change in public attitudes toward the formal justice sector, based on the percentage of Asia Foundation survey respondents who said they went to state courts to resolve disputes.	20.1%	46%	N/A	N/A	N/A

### Progress Toward Activity Results

**Indicator 1:** At the Ministry of Justice's request, ARoLP authored a draft policy on the informal justice sector in late FY2007. The goal is for the Ministry of Justice to develop an informal justice policy statement that defines the authority and jurisdiction of the informal justice sector as an alternative venue for dispute settlement, working alongside the formal justice system. The policy was also to encompass ways in which the informal justice sector can support the formal justice system. In November 2007, ARoLP submitted its draft policy to the Ministry of Justice for review. The draft was based on substantial research and consultation with government officials and other justice sector stakeholders and is intended to provide recommendations to the Government as it moves forward in developing its official policy on the issue. The Ministry of Justice has reviewed the draft policy and agreed with much of its content, sharing it with Supreme Court Chief Justice Azimi.

ARoLP planned and took the draft policy to the provinces for review by local leaders in the formal and informal justice sectors. This activity was suspended during the third and fourth quarters due to budget constraints and UNIFEM resistance to any policy on Afghanistan's informal justice sector. During this quarter, ARoLP received feedback from the meetings with local leaders from the 32 ARoLP-supported Community Cultural Centers in the 27 districts of Kapisa, Panjshir, Parwan, and Maidan-Wardak provinces and obtained input on the draft policy. The feedback report and the draft policy will be delivered to the Ministry of Justice in May. In March, ARoLP signed a contract with a local firm to carry out a pilot survey in Jalalabad and Parwan provinces on linkages between formal and informal justice sectors and related practices which will be completed by the end of April. The outcome of the survey will be presented to the Ministry of Justice by the beginning of May to feed into the Ministry's informal justice policy. On April 12, ARoLP presented a progress report to members of the National Informal Justice



Policy Working Group which includes the Deputy Minister of Justice and representatives from the Supreme Court, the Afghanistan Independent Human Rights Commission, ARoLP, UNIFEM, UNAMA, DFID, the United States Institute of Peace, and the International Development Law Organization. Under the leadership of the Ministry of Justice, the Working Group will begin drafting the Afghanistan Informal Justice Policy on May 12 and will share the draft with a task force of national and international stakeholders whose feedback will inform ongoing work. Once the policy is finalized, the Ministry of Justice will send it to the Council of Ministers for approval. It is unlikely that the new policy will be adopted before the project ends in May 2009.

**Indicator 2:** According to the 2007 Asia Foundation Survey report, 46 percent of Afghans who could not resolve a dispute on their own turned to the formal justice sector, up from 21.1 percent reported in the 2006 survey. As more and more Afghans turn to the formal justice sector for help, ARoLP continues to produce and disseminate public outreach materials to educate citizens on the roles of the formal and informal justice sectors in Afghanistan. The next Asia Foundation survey will not be released until after the project ends, but ARoLP will continue with its outreach activities, such as distributing outreach materials throughout the country through Community Cultural Centers and other outreach partners such as USAID-PRT to increase Afghan awareness of the formal justice sector.

## Description of Activities

**ARoLP's 34<sup>th</sup> Community Cultural Center established in Kunduz province** ARoLP established its 34<sup>th</sup> Community Cultural Center in Kunduz province, expanding rule of law public outreach activities in the north of Afghanistan. The Center's volunteers provide community and cultural services to youth and adults throughout the province. ARoLP trained core staff on public and media outreach, legal referral, human rights, and principles of fair trial, and provided the Center with digital equipment such as a computer, printer, scanner, projector, screen, and digital camera. ARoLP also provided the Center with comic books, pamphlets, bumper stickers and audio and video CDs to increase the impact of their outreach activities. During the quarter, ARoLP distributed 548,622 comic books, 59,600 bumper stickers, 443,100 pamphlets, 1,214 CDs, and 2,000 copies of a pocket version of the Afghan Constitution to Kabul, Kandahar, Badghis, Herat, Baghlan, Bamyán, Paktia, Kunduz, Sare-e-Pul, Helmand, Ghore, Nangarhar, Balkh, Ghazni provinces.



*Distribution of ARoLP comic books, pamphlets, stickers, pocket constitutions, and CDs to Kunduz Community Cultural Center.*





*National Informal Justice Policy Working Group meets at Ministry of Justice.*

**Informal justice policy development** ARoLP has taken a lead in drafting guidelines for a national policy on state relations with informal justice mechanisms in Afghanistan. On April 12, ARoLP presented a progress report to the National Informal Justice Policy Working Group whose members include the Deputy Minister of Justice and representatives from the Supreme Court, the Afghanistan Independent Human Rights Commission, ARoLP, UNIFEM, UNAMA, DFID,

the United States Institute of Peace, and the International Development Law Organization. ARoLP's progress report laid out guiding principles for a national informal justice policy which encourages use of the formal justice system while recognizing the importance of resolving disputes through traditional justice dispute resolution mechanisms at the community level. Under the leadership of the Ministry of Justice, the Working Group will begin drafting the Afghanistan Informal Justice Policy on May 12. Draft policies will be shared with a task force comprised of national and internal stakeholders whose feedback will inform ongoing work.

Earlier in the quarter, ARoLP attended a coordination meeting at the Ministry of Justice with international donors such as UNIFEM, UNAMA, USIP, DFID and the Deputy Minister of Justice Mr. Hashemzai to discuss development of a traditional dispute resolution (TDR) mechanisms policy. In a separate meeting at the US Embassy-Kabul with INL, and USIP, the project discussed technical aspects of the policy development process. In support of a comprehensive and inclusive policy which will be drafted by the Ministry of Justice with technical help from international donors, ARoLP launched a pilot informal justice survey in Jalalabad and Parwan provinces to gather information on linkages between formal and informal justice systems, including which laws are applied by informal practices and human rights issues in informal justice decisions. In support of the Minister of Justice's request to hire an Afghan national consultant and assistant, ARoLP announced these two positions and hired the assistant.

**Independent Legal Aid Board** In late 2008, the Afghan government's legal aid efforts were moved from a small group at the Supreme Court to the Ministry of Justice as a result of the newly passed Advocates Law. Early this quarter, the Ministry of Justice established the Independent Legal Aid Board which is tasked to coordinate the work of government legal advocates and NGOs in the delivery of legal aid services. The Board is responsible for the implementation of policies and procedures that affect all legal aid providers in Afghanistan. ARoLP supported the formation of the Board and agreed to work with the Board by providing technical assistance, including assistance in redrafting the Legal Aid Board regulations, a comprehensive set of policies designed to standardize the provision of legal aid and indigent defense services in Afghanistan. ARoLP's Legal Aid Advisor has met with the Board on a weekly basis to discuss the structure and language of regulations that will govern and support legal aid practitioners in Afghanistan. The Legal Aid Advisor has also surveyed the activities of NGOs and made recommendations to both the Ministry of Justice and Board regarding areas on which the government should focus to ensure uniform delivery of legal aid services in



Afghanistan, especially in remote areas where it is difficult for persons charged with a crime to find criminal defense representation.

In February 2009, ARoLP signed a memorandum of understanding with the Independent Legal Aid Board agreeing to support the Board's office of the Secretariat. The Secretariat is a crucial position that will support the Board in an administrative capacity and will propose policies, procedures, and regulations for the Board's approval, as well as liaise with other NGO-based legal aid providers, donors, and the private bar.

**International Legal Foundation-Afghanistan** Support continues for the International Legal Foundation-Afghanistan (ILF-A), the country's most effective network of criminal defense lawyers in 13 offices giving priority to women detainees, pretrial detainees, detainees with the most frivolous charges, and detainees facing the most serious sentences. ARoLP has supported the expansion of ILF-A offices into remote provincial areas, and provides technical assistance and published legal materials to ILF-A offices. ARoLP's Legal Aid Advisor has had several meetings with ILF-A directors and Deans of Law and Sharia at local universities to discuss the expansion of ILF-A's successful Clinical Legal Aid program, the first university-sponsored clinical legal program in Afghanistan.



*ARoLP Legal Aid Advisor Chris Boeder and ARoLP Curriculum Advisor Mark Hough officiate at mock trial.*

**Mock trial for Law and Sharia Faculty students** In March 2009, ARoLP held a mock criminal trial for Law and Sharia Faculty students enrolled in the Academic Legal English program in Kabul. ARoLP's Legal Aid Advisor created a criminal case involving the theft of a camera. Hearing testimony from the plaintiff and the defendant, the six student jury panel found in favor of the defendant. The Legal Aid Advisor spoke to the students about legal aid careers in Afghanistan.

### **Key Events for Next Quarter**

- Present the findings of ARoLP's informal justice pilot survey on linkages between formal and informal justice mechanisms in Jalalabad and Parwan provinces to the Ministry of Justice.
- Participate in National Informal Justice Policy Working Group meetings to draft a new informal justice policy.
- Support and mentor the Legal Aid Independent Board Secretariat and provide management oversight to the Secretariat office.



## Summary of Component Training Programs and Workshops

Date	Title	Agencies Involved	Number of Participants
February 18-28	Public Outreach Training to Staff of Community Cultural Center	Afghanistan Rule of Law Project (AROLP)	15
February 18-28	Legal Referral Training to Staff of Community Cultural Center	Afghanistan Rule of Law Project (ARoLP)	15

## COMPONENT 4. HUMAN RIGHTS AND WOMEN'S RIGHTS UNDER ISLAM

### AR 1: Knowledge Of Women's Rights Increased

Indicator	Baseline as of Sept 2006		FY 2007 Total		FY2008 Total		FY 2009 Target		FY 2009 as of 3.31.09	
	Kabul	Provinces	Kabul	Provinces	Kabul	Provinces	Kabul	Provinces	Kabul	Provinces
1. Number of dialogue events	0	0	26	41	34	89	N/A	N/A	0	0
2. Public attitudes on women's rights changed, based on the percentage of Asia Foundation survey respondents who gave positive responses to questions about women's rights	85%		83%		83%		N/A		N/A	

### Progress Toward Activity Results

**Indicator 1:** During the quarter, ARoLP partnered with the Center for Law and Islamic Jurisprudence to facilitate a one-day seminar in Nangarhar province on women's dignity in Islam vs. women's treatment in Afghan culture. This is the second such seminar ARoLP has co-facilitated; the first was held in Kabul. Participants at the seminar in Nangarhar included university lecturers; representatives from the Ministries of Women's Affairs, Labor, and Social Affairs; provincial council members; representatives from the Afghan Independent Human



Rights Commission; and other civil society organizations. ARoLP's staff observed a significant contrast in the views of Kabul-based and Nangarhari scholars on fundamental women's rights. Some of the Nangarhari participants, including Sharia Faculty lecturers, argued that the rights and privileges given to women by Islam and the Prophet are not applicable at this time because of insecurity in Afghanistan. They said that women should only study religious subjects and should be discouraged from working outside of the home or furthering their education.

**Indicator 2:** Two province-wide campaigns highlighting women's right to access justice were launched in Nangarhar and Baghlan provinces. The objective of these campaigns was to raise awareness on those articles of the Afghan Constitution that guarantee women's equal protection and women's right to access justice. The campaign targeted all citizens of the two provinces through radio, television, and print materials designed for both literates and illiterates. The campaign encouraged women to use the court system by telling them that they have the right to use the courts and that it is not shameful to do so. Messages stating that "Access to justice is the right of every man and woman" and "According to the law, every man and woman has the right to access to justice" were repeated in broadcast media and on posters, shopping bags, and school bags, along with other items that get frequent and public use.

## **Description of Activities**

**Seminar on women's participation in public life** ARoLP's Women's Rights under Islam and the Center for Law and Islamic Jurisprudence co-facilitated a one-day seminar in Nangarhar province on women's participation in public life from an Islamic perspective as compared to Afghan customs and traditions. The seminar was attended by 43 government officials, Law and Sharia Faculty members, and civil society representatives. Panelists included ARoLP's consultative group members.

Mr. Najibullah, a lecturer at the Nangarhar Sharia Faculty, commented that it is inappropriate for women to work outside the home. He stated that the government and elders should ensure that women are discouraged from working in international organizations and government offices where men and women work together. "If segregation among men and women is not observed, our society will be corrupted like western societies where men and women work together without segregation." In response, Mr. Shaker, a member of ARoLP's consultative group, said that not only does Islam *not* prohibit women's participation in public life, but it encourages both men and women to work to earn an honorable income to sustain their lives. Verse 71/16 of the Quran states: "Anyone who works righteously, male or female, while believing, we will surely grant them a happy life in this world, and we will surely pay them their full recompense (on the Day of Judgment) for their righteous works."

Nangarhar University Faculty scholars expressed conservative views on women's basic rights including the right to education, participation in public life, and personal decision-making. Many local customs and practices ignore the law of the country and provisions of Islamic laws that give rights and privileges to women. Many Nangarhari scholars who participated in the seminar expressed the belief that women are the source of social corruption and immorality.



**Public discourse on women’s right to divorce** The Women’s Rights under Islam program held its final public discourse on women’s rights to divorce from an Islamic perspective on January 10 in Kabul. Participants included ARoLP’s consultative group members, civil society representatives, and religious scholars. Divorce is a controversial issue that is rarely discussed in public. Some scholars and members of civil society believe if the issue is talked about, more women will seek divorce. While some conservative scholars states that it is a man’s God-given right to dissolve his marriage at any time without any reason, the majority of participants argued that unity of the family is a priority for the sake of children and that divorce is always the last choice, after exhaustion of all possible means of reconciliation.

At the conclusion of the discussion, participants thanked ARoLP for facilitating important dialogues on women’s rights issues among liberal and conservative scholars over the past two years. Abdul Ahad Muslim, Vice President of Administrative Affairs at the Education University, said he had been in denial about women’s problems and challenges in Afghanistan, and praised the program for “providing us an opportunity to travel to the provinces and meet with religious scholars and ordinary citizens to learn firsthand about women’s problems as a result of the misinterpretation of Islamic laws and the injustices women face.”

Thirty-two public discussions in total have been held in Kabul. Since its inception in November 2006, ARoLP’s Women’s Rights under Islam program has facilitated more than 100 public dialogues for 2,858 individuals in 23 provinces, including academics, civil society representatives, community leaders, government officials, high school teachers, judges, and scholars, both men and women.

**Women’s access to justice campaigns launched in Nangarhar and Baghlan provinces**

ARoLP’s Women’s Rights under Islam program mounted a comprehensive campaign in Nangarhar province to raise awareness of women’s right to access justice and to dispel misperceptions associated with women’s right to file cases with the formal court system. The first campaign was conducted in Nangarhar province in January and February, covering 21 districts in addition to Jalalabad city. The campaign only covered districts which had court facilities, with the exception of Behsood district which is covered by the closest urban court. Before the campaign was launched, ARoLP’s ACAS program determined the number of women plaintiffs in each districts, and learned that between March 2008 and January 2009, 57 women had registered as plaintiffs in all 21 district court facilities.



*Local shura members in Bati Kot district of Nangarhar province promote ARoLP’s Women’s Access to Justice campaign.*

Campaign messages were broadcast throughout the province via radio and television programs which aired public service announcements and spots highlighting women’s rights to access justice, women’s equal rights before the court, and women’s right to inheritance and to own property. A total of 208 minutes of airtime was dedicated to campaign messages through radio



and television channels such as Ariana, RTA, Killid Radio, Sharq Television and Radio, and Radio Nargis and Muram.



*Local men read message affirming women's right to access justice on AROLP poster.*

A women's access to justice campaign was launched in Baghlan province in March in partnership with AROLP-supported Community Cultural Centers in all 14 districts of the province as well as in the capital, Pul-e-Khumri. The campaign reached out to women, men, and school children with affirmative messages such as "Access to justice is the right of every man and woman." Campaign messages were broadcast in local media and on posters, shopping bags, and school bags, as well as on other items that get frequent and public use. AROLP utilized a total of 185 minutes of airtime on media outlets in Baghlan province to reach residents across

the province with campaign messages. Mr. Naseem Sahar, deputy principal of Khatam al Anbia boys' high school in Pul-e-Khumri commended AROLP. "Your campaign is effective in reaching young and old and literate and illiterate," he said. In Tala wa Barfak district, Mr. Emam Ali, head of the local Shura, welcomed the campaign's approach to educating people about women's rights, promising that "every family in our district will hear about women's right to access justice" at the Shura's weekly meetings.

30,000 school bags (including pen, pencil, notebook, pencil sharpener, and eraser), 12,000 canvas bags, 20,000 pamphlets, 500 posters, 2,000 stickers, and 50,000 comic books containing women's rights messages were distributed in Pul-e-Khumri and 14 districts of Baghlan province.

**AIHRC audio recording center established** With support from AROLP, the Afghanistan Independent Human Rights Commission opened a new recording studio to independently produce and disseminate human rights programming for national distribution. The audio/visual recording facility enables the Commission to develop and air human rights awareness messages on local, regional, and national issues. At the opening ceremony, Nader Nadery, one of the 9 commissioners, stated that the studio can compete with all radio stations in Afghanistan, except for national radio. Topics addressed include thematic issues and region-specific issues such as basic human rights, women's rights, torture, human trafficking, and child rape. The Commission can tailor programs for any locality and can develop programs on generic issues, as well.

### **Key Events for Next Quarter**

- Review and analyze the Shiite personal status law.
- Conduct a one day seminar on women's rights for judges participating in ACAS training.



<b>Date</b>	<b>Title</b>	<b>Agencies Involved</b>	<b>Number of Participants</b>
January 10, 2009	Public discussion on women's rights to divorce according to Islam	Representatives, from Ministry of Hajj, Academy of Sciences of Afghanistan, Supreme Court, AIHRC, Civil Society and women's rights organizations.	32
January 13, 2009	Seminar on Women's Rights under Islam in Kabul	Judges from Foundation Training	18
February 3, 2009	Joint seminar on women's dignity vs. treatment in Afghan culture in Nangarhar	Representatives from government agencies (ministry of education, health, labor and social affairs), AIHRC, NGOs, Nangarhar University and Academy of Sciences.	43

