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Checchi and Company Consulting, Inc.

USAID/DCHA/DG

**SEVENTH QUARTERLY
PERFORMANCE MONITORING REPORT**

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By

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I. AFGHANISTAN RULE OF LAW PROJECT, TASK ORDER NO. DFD-1-800-00-04-00170-00

A. MAJOR ACTIVITIES

The contract between Checchi and Company Consulting, Inc. (Checchi) and USAID/DCHA/DG for the Afghanistan Rule of Law Project (the Project) was signed on September 28, 2004 and implementation of the Project began on October 1, 2004. The Project 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, and 3) Building Linkages to the Informal Justice Sector.

1. Strengthening Court Systems and the Education of Legal Personnel

Support to *Strengthening Court Systems and the Education of Legal Personnel* is aimed at strengthening capacity of the Supreme Court to administer the courts of Afghanistan, to ensure that court proceedings are timely, just and fair, that qualified judges are trained and appointed, and to strengthen legal/judicial education at the University level.

a. Court Administration

In the previous quarter, the Project developed a Case-In registration form to be used at the courts in all levels and began informal testing of same at the Supreme Court. In this quarter, informal testing of the form was continued at the Supreme Court's Civil, Public Security, and Commercial Divisions, and the Balkh Provincial Appeals Court.

The Project continued to provide on the job training in developing and using electronic templates of court books and forms in the Balkh Provincial Appeals Court. Eleven computers were provided and training on computers began at the Parwan Provincial Appeals Court. The court in Parwan is the second court selected for introduction of technology as a tool for improving court administration and case processing.

Work with the Supreme Court Statistics Department continued. Computerization of the caseload statistical reports for quarters 3 and 4 of the Supreme Court was completed. The Project collected, compiled, and reported to USAID statistical data from 14 districts of the seven selected provinces. USAID uses the data as a baseline for its PMP indicator "*Number of Cases Filed in the Formal Judicial Sector*"

An organizational chart of the Supreme Court was drafted during the quarter. Five computers, one printer, one scanner, one photocopy machine, 15 visitors chairs, 4 desks, and other office stationery and materials were provided to enable staff of the Personnel Department to further improve their services. The Project worked with the Supreme Court to finalize designs of ID cards for judges and court administrators and began printing of same.

The Project continued the work with the Supreme Court Budgeting and Planning Department to assist the Department in improving its financial planning and budget management. Technical assistance was provided in allotment of the Supreme Court's budget to the provinces and discussions were held on several occasions with the Supreme Court authorities on improving the Financial Operational manual that was drafted by the Project.



A concept paper and terms of reference on establishment of a Judicial Reform Consultative Board of Inquiry (JRCBI) was prepared and submitted to the Chief Justice for sharing with President Karzai. Subject to the President's approval, the Project will provide further assistance in establishing the JRCBI.

English language and computer courses for the judges and administrators of the courts were continued. At the time of reporting, 149 judges and administrators attend English classes and 104 attend computer classes.

b. Increasing the Capabilities of Legal/Judicial Professionals

The Project's assistance to the Supreme Court's Stage Program (Training of Judicial Candidates) continued in this quarter. The assistance included provision of administrative support, logistical assistance, and texts of laws, as well as delivery of training courses by Project personnel in Human Rights, Commercial Law, Commercial Procedure Code, Fair Trial Practices, Juvenile Code, and Management Principles.

Phase I Foundation Trainings were designed and implemented for 93 least educated and less experienced judges with a focus on human rights and international conventions, basic civil and penal laws, the Constitution, and judicial skills and attitudes.

The Project conducted a National Judicial Training Needs Assessment to develop a judicial training strategy for the Supreme Court. The National Training Needs Assessment report and the Judicial Training Strategy Document were completed during the quarter.

Together with the Supreme Court, the Project identified and renovated/furnished a space at the Kabul Central Appeals Court for use as a Judicial Training Resource Center. The center will serve as a repository for all training materials used in the training of judges by all providers of judicial trainings. It also provides a location for judicial trainers to research, study and prepare for judicial trainings.

c. Legal Education Capacity Building and Support

The Project visited the provinces to assess the impact of the contributions to the quality of teaching by those members of the Law and Sharia faculties who had participated in the Project's supported U.S. and India study tours. In addition to several meetings and discussions with the participants, the Project observed ongoing classes to monitor developments in teaching methodologies. In general, the participants have begun to adopt to the extent possible, the points they learned during the study tours.

To increase access of the Law and Sharia students and professors to the basic laws of Afghanistan, a total of 651 sets of basic legal texts (BLTs) and 16 sets of 20 issues of Official Gazette (OG) were distributed at the Balkh and Herat universities.

In order to further improve the research and teaching material development capacities of the professors of the Law and Sharia faculties, the Project continued its English and computer trainings at the targeted universities. At the time of reporting, 118 professors attend English classes and 98 attend computer classes at their respective universities.



2. Law Reform and Legislative Drafting

Support to the *Law Reform and Legislative Drafting* component is designed to strengthen the capacity of the Government of Afghanistan to engage in law reform and to draft appropriate legislation and to collect, index, classify, and disseminate its laws in both print and electronic form.

In this quarter, the Project continued to coordinate with and provide legal advice, recommendations and information to all parties involved in the legislative process. Follow-up discussions were made on a number of pieces of draft legislation including the Defense Attorney Law, and the commercial laws.

Work on reproduction and dissemination of all issues of the OG was continued. OG Issues Nos. 1 – 873 and all known unnumbered issues to date were scanned. A Dari and Pashto index of all documents contained in all issues of the OG (4,162 titles) was prepared. The indices were linked to the scanned OGs and programmed in a searchable form. 206 copies of this product were distributed in DVDs. Typing of OGs for inclusion into a legal information database was continued. 152 OGs have been typed so far. The Project also distributed 1,223¹ sets of BLTs and a considerable number of individual laws published in individual issues of the OG to the justice/legal sector entities.

Project's support to collect/translate information to update and further refine the Ministry of Justice website continued. The Project also established a computer training room and began computer training for members of the Taqin.

Conducting legislative drafting training is part of the efforts to strengthen the legislative drafting capacity of the government of Afghanistan. In this quarter, the Project began a Legislative Drafting Training for 42 members of the MoJ Legislative Drafting Unit (Taqin). Training sessions are being held twice a week, for 90 minutes each, at the Ministry of Justice.

In order to establish communication between legal translators, to improve the quality of legal translation in Afghanistan, to reduce the amount of duplication of translation work and to encourage the development of standards in translation, the Project continued its leadership in conducting legal translation weekly coordination meetings amongst international donors. To establish a sustainable translation capacity within Taqin, the Project continued its English classes at the Taqin. During the reporting period, the Project's Translation Unit has also provided translation services to the Ministry of Justice as well as the Supreme Court and other justice sector stakeholders.

3. Component 3, Building Linkages to the Informal Justice Sector

a. *Research and Study on the Afghan Informal Justice Sector*

In the previous quarters, the Project conducted research in several provinces on the relationships of the formal and informal justice systems of Afghanistan. In addition to other issues, one of the main recommendations of the researchers was design and implementation of legal awareness initiatives in both rural and urban communities. Based on these recommendations, the Project's

¹ This number includes the 651 sets reported under sub-title '*Legal Education Capacity Building and Support*'



work moved from research of the informal justice sector to implementation of public awareness and education programs.

b. Public Awareness and Education

Production of 10 Dari and 10 Pashto legal awareness radio spots was completed. The Project's legal awareness audio/video materials were being broadcast through local media with Project funding and/or collaboration of the local media. In addition to Project's direct intervention in broadcasting legal awareness audios/videos, a total of 377 copies of animated cartoons, 120 Quiz Shows, 20 talk shows, 53 radio dramas, and 39 radio spots were produced in VHS/CD/DVD and distributed through a variety of networks in rural and urban communities.

Distribution of legal awareness comic books, pamphlets on rights of the accused upon arrest, and the Constitution of Afghanistan was continued. A total of 6,906 comic books, 2,246 pamphlets, and 1,390 Constitutions were distributed to communities of different categories in rural and urban areas.

As part of the provincial legal awareness initiatives, the Project continued to further work on activating 11 community cultural centers in Wardak Province. In this quarter, the Project provided a complete set of public awareness tools and equipment to eight out of 11 community centers. The centers will utilize the tools and equipment in implementing public awareness activities at their respected districts.

In order to build capacity amongst the journalists to better cover legal/judicial issues in their reporting, the Project began training 24 journalists on legal/judicial issues and institutions in Kabul. The training will be completed next quarter.

B. PROGRAMMATIC TRENDS AND CONSTRAINTS

Afghanistan provides a very difficult environment in which to work. The political situation is unsettled and security is a constant concern. The numerous donors have frequently competing agendas, which place a premium on coordination, while simultaneously making coordination more elusive. Increasing politicization in the general post-parliamentary election environment is also a matter of particular concern regarding the Project's work at the Supreme Court and the Ministry of Justice. The 3rd calendar quarter of 2006 will likely bring the seating of a new Supreme Court with all 9 members being replaced. The political environment of the court and the extent to which it will be able to coalesce and lead reform will continue to be uncertain. Another example of uncertainties in the political environment of the Project's operations concerns the relationship of the Law and Sharia faculties. The direction the universities will take in legal education is a political issue, at least as much as it is an educational one. It is predictable that with the seating of the new Parliament after 30 years and some recent increased violence, the uncertainties in the political environment have likewise increased.

Difficulties in communication caused by language barriers and limited translation capacity and low level of current human resource capacities within the justice institutions, which makes introduction of new ideas and new technologies extremely difficult and subject to non-sustainability, are further challenges that the Project faces in its work in Afghanistan. Checchi has found from its early experience that as important as good planning is, flexibility also is extremely important. While plans may go astray due to unforeseeable circumstances, opportunities to move in new and unanticipated directions often offset disappointments.

