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## AFGHAN LEGAL TRAINING PROGRAM

REPORT ON THE SUBSTANTIVE ASPECTS OF THE PROGRAM FOR THE PERIOD

JANUARY 1, 1975 TO AUGUST 23, 1975

This report covers the second semester of the academic year 1974/1975 and the two summer sessions of 1975 for the second group of participants in the Afghan Legal Training Program. The activities of the third group, beginning with their arrival in June 1975 will be covered in a separate report dealing with the work of that group through the fall semester 1975/1976.

### THE PROGRAM OF THE SECOND SEMESTER

As pointed out in the last report, the second semester is academically the most intensive period. The participants usually take two to three courses, coupled with special seminars. This pattern was followed by the second group, and as was the case with the first group, the participants found the work considerably more manageable than was the case with the first semester. Most of the participants took two or three regular law school courses. The special seminar on law reform in the Middle East was given by the Program Coordinator and continued through the summer. A majority of the participants again took Civil Procedure with a special seminar, taught by the Deputy Coordinator. Several of the participants took Comparative Law taught by the Project Coordinator which gives an insight into the differences between civil law and common law concepts and provides an introduction to non-Western legal systems. This course also presented an opportunity for participants to talk to the class during two sessions on the Afghan legal system. Insight into a foreign legal system, given by lawyers with first-hand experience in that system was greatly appreciated by the American students.

Practical work started during the spring term, but was limited by the participants' need to attend classes in the morning when court meets. Nevertheless, the participants were given an initial exposure which served as the foundation for a more intensive program during the summer. The participants visited sessions of the U.S. District Court for the District of Columbia, attending both civil and criminal cases, Small Claims Court,

Landlord and Tenant Court, Criminal Arraignment Court, and the Clerk's Office of the Superior Court of the District of Columbia. Following the court sessions the participants usually had an opportunity to speak with the presiding judges. They also were shown how court records are kept and how the courts are administered on a day-to-day basis.

### THE SUMMER SESSIONS

The emphasis during the two summer sessions was on practical work. During the first summer session the participants attended one regular law school course taught in the evening. During the second summer session they attended an intensive special seminar on legal research and writing, likewise in the evening. The Project Coordinator's seminar on Law Reform in the Middle East continued once a week in the afternoon. The mornings and most afternoons were left free for practical work. The goal was to have all of the participants work a minimum of two full days a week in the field. In deciding on placement, the participants' background, interest and professional needs were taken into account. The two prosecutors were consequently placed with the office of the US Attorney in a Virginia suburb of Washington, two other participants worked with the Neighborhood Legal Services Program which is a federally funded program for indigent litigants in the District of Columbia. Three members of the group were assigned to work with law firms in Washington. Two of the professors were placed in a clinical law program operated by the National Law Center in order to have them become acquainted with the way in which clinical programs for law students work. One of the problems which arose was that some of the participants did not attend regularly. This tended to create some irritation on the part of the judges, prosecutors and other officials with whom appointments for the participants in question had been arranged. An attempt was made to insure regular attendance by asking the participants to report briefly in writing to the Project Coordinator's office on their appointments and practical work, but this device was not wholly successful. In addition, there were two cases where the participants attended the appointment and the American officials, due to a misunderstanding in the arrangements, did not attend. Nevertheless, the participants did gain valuable experience in the practical work and were introduced to a variety of practical work situations. This work is continuing during the fall semester on a somewhat reduced scale.

A fact that emerged from the experience of the second group with practical work was that the seminar on legal research which was held during the summer should be taught early in the program to facilitate the participants' handling of American legal source materials. Consequently, this seminar is being initiated during the first fall semester for the third group, but conducted, in view of the longer time period available, in a less intensive manner. Assignment of participants to law offices or prosecutors' offices also is somewhat limited at times by English language capabilities.

### THE ENGLISH LANGUAGE PROBLEM

As pointed out in my last report, the participants make relatively easy and

satisfactory progress in the comprehension of legal English with which they have constant contact in courses and seminars. Idiomatic, every day English is more difficult for them to acquire, particularly in cases where several of the participants live in the same apartment or in close proximity and the temptation to speak Dari during leisure hours is very great. Some of the participants have succeeded in finding rooms with American families or at least away from other participants which helps with the language problem. Also, in the course of time the participants become acquainted with more American students. Nevertheless, the every-day language ability generally appears to lag behind the ability to understand and discuss legal problems; written expression, very necessary for exams and research papers, remains a problem in most cases. We are fully aware of these problems and have discussed them with the Department Chairman of English Language Instruction for Foreigners. While not critical, the problems remain and various instructional aids have been implemented, the assessment of which will be made at the end of the 1976 spring semester with the third group.

#### THE QUESTION OF A DEGREE

As pointed out in my last report, I made it clear to the participants from the very outset, and have since repeated it on various occasions, that a degree of Master of Comparative Law could be obtained only by fulfilling all the requirements of the National Law Center for that degree including a TOEFL score of 550 or higher and that no exceptions whatever to the National Law Center rules could be made. There appears to be less tension regarding the degree question in the second group than there was in the first group and concentration on trying and, hopefully, passing the TOEFL is at least much less obvious than with the first group. I likewise emphasized repeatedly that the program is a non-degree program and that a decision whether to take the TOEFL or not was exclusively up to the individual. I also stressed that preparation for the TOEFL must not in any way interfere with the work under the program. Realistically speaking, it is doubtful whether more than a very few, if that, will pass the TOEFL.

This situation once again brings up the question of the recognition by Kabul University of the certificate the participants receive as being the equivalent of a Master of Comparative Law degree. It is my understanding that the certificate given to members of the first group was denied such recognition. This decision is regrettable. The program which the participants follow is one which was worked out specifically with the Afghan Government and designed to be of maximal usefulness to Afghanistan in its endeavors to reform the legal system and make it more responsive to popular needs. Because these specific aims cannot be pursued in a regular academic program, the program was devised as a non-degree program and this non-degree character was again emphasized during the discussions which the Project Coordinator had with the Afghan Government and AID/Kabul last spring. Under these circumstances it would be most helpful if Kabul University could be persuaded to reconsider its decision.

#### RESEARCH PAPER FOR THE AFGHAN GOVERNMENT

The Afghan Government requires every participant to write a major research

paper on a topic determined in broad outline by the Afghan Government. At the end of the second summer session the participants began to select topics and consult with the Project Coordinator and other professors regarding their tentative choices. In all cases the paper will deal with specific legal problems on a comparative basis, utilizing Afghan and American law.

#### THE VISIT OF THE DEPUTY MINISTER OF JUSTICE

The Deputy Minister of Justice, Mr. Samiuddin Zhouand, visited Washington during the week of July 14, He met separately with the second and third groups and had several discussions with the Project Coordinator and his administrative assistant. No major problems emerged from the discussions with Mr. Zhouand.

#### CONCLUSIONS

The program of the second group of participants in the Afghan Legal Training Program has proceeded rather smoothly. There seem to be fewer apparent tensions in the group than was the case with the first group. It was possible to improve the program for the second group over that of the first group by utilizing the experience gained. This has been true particularly with regard to the practical work. Equally, the experience with the second group will be utilized to further improve the program for the third group.



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