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AFGHAN LEGAL TRAINING PROGRAM

OVERALL SUBSTANTIVE EVALUATION OF THE PROGRAM FOR

5308

THE THIRD GROUP OF AFGHAN PARTICIPANTS, TRAINING PERIOD

JUNE 1975 - DECEMBER 1976

This report summarizes and evaluates the activities of the third group of Afghan participants who attended the special legal training program at the National Law Center of The George Washington University from June 1975 to December 1976.

The third group again consisted of nine participants of whom three were professors at the University of Kabul and six were judges, prosecutors or administrators in the Ministry of Justice. A list of participants follows:

Abdul AZIZ
Anissa EMAM
Fazel Rahman FAZEL
Ata Mohammed NURSAI
Najibullah RAHMANI
Abdul Rasheed RASHID
Mohammed Hossain ROSTAIY
Abdul Jalil YOUSOFI
Sayed Karim YOUSOFY

Of these participants, eight completed the full eighteen months program. One, Mr. Abdul Rasheed Rashid, returned to Afghanistan on July 31,1976 due to family problems.

THE ACADEMIC PROGRAM

As was the case with the first and second groups, work for the third group began here in Washington with an intensive language program at Georgetown University followed by the Georgetown Law Center Orientation Course. As pointed out in my earlier report on this group, these two courses were useful, but had their drawbacks, particularly because they were taught at a different campus. This factor delayed opportunities for the participants to become acquainted with the project personnel and familiarize themselves with the George Washington University from the start. Consequently, all work was concentrated on the George Washington University campus for the fourth group.

Regular Law School Classes and Special Seminars

On the basis of the experiences gained, the pattern established for the first two groups was modified for the third group. Instead of generally taking only one regular law school course during the first semester, the participants took one regular course plus a special seminar on legal research and writing stretching over the fall and spring terms. This seminar was designed to give the participants experience with American legal research methods as early as possible. It paralleled the compulsory one semester course given the American students, but concentrated on problems and topics of particular significance to the Afghan participants. The extension over two semesters was considered necessary because American legal research methods and tools are very different from those usually used in continental Europe and Middle Eastern countries. English language instruction with emphasis on American legal terminology was also provided during both semesters. In the spring term the course load taken by the participants was, for the most part, three regular courses in addition to the legal research seminar.

As was the case with the two earlier groups, the regular law school courses were accompanied by special seminars taught by the same professors, designed to provide a better understanding of the course substance for the participants and to discuss substantive problems of special interest to them. The project coordin again taught his special seminar on law reform in the Middle East during the ent training period (except for the summer when practical work was most heavily concentrated). This seminar gave an opportunity to examine the techniques utili by other Islamic countries of the Middle East in introducing legal reforms and t discuss Afghan legal problems on a comparative basis using other Middle Eastern, continental European and American systems.

During the summer most participants took the course on Administration of Criminal Justice which had proven very useful when taken the preceding summer by the second group. The members of the faculties of Law and Political Science a of Islamic Law in the third group participated with the law teachers of the second group in a seminar on problems of teaching law arranged by Professor Park in the fall of 1975. In the summer of 1976 Professor Park taught a special semin on constitutional law.

As in former years, the participants wrote major papers on specific problem for the Afghan Government during the fall term 1976, in addition to taking cours and attending special seminars. The last semester gives the participants an opportunity to round out the knowledge and experience gained in the program. In writing the major paper, they also are given a chance to apply the comparative method to problems of American and Afghan law and to increase their research ski

PRACTICAL WORK

Building upon the experiences gained with the first two groups, the practic work was considerably reorganized to give the participants a more in-depth and systematic experience. The work was introduced by a two-week course dealing with court organization and the practical problems encountered in day-to-day practice by the courts. This was followed by a structured program of visits to courts and

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prosecutors' offices from June 7 through July 2. In order to make these visits more profitable for the participants, a seminar was held at the beginning of each week and end of each week with a lawyer experienced in criminal court work. In this seminar problems the participants would see during their visits that wee were discussed, followed at the end of the week by an exploration in depth of th experiences gathered. The seminar utilized general discussion, exploration of hypothetical cases and participation in mock hearings. Basic topics of civil procedure were also explored in addition to criminal procedure. Finally, each of the participants had to prepare a paper on some aspect of the practical work witnessed and discussed.

With the assistance of the Director of the International Legal Exchange of the American Bar Association it was possible to place the participants in an Executive Prosecutor Course arranged by the National College of District Attorne from July 6 to July 16 at the College of Law of the University of Houston in Houston, Texas. This was a practice-oriented course which gave the participants an opportunity to discuss various problems with prosecutors from different sections of the United States.

After their return from Houston, the participants rounded out their practic work with a number of visits and short assignments to courts, law offices, offic on Capitol Hill and offices of administrators in local government during the period of July 19 to August 6. This was followed, from August 9 - 18 by the special seminar on Constitutional Law mentioned before. The fall semester began on August 23, with registration on August 19 and 20.

More extensive work in law offices would still be desirable. One of the difficulties is that most law offices are very busy and have little time to devote to foreign lawyers assigned to them. This is aggravated by the language problem. While the participants generally improve their English language knowledge significantly during their stay here, it is usually difficult for them to do any substantive work in a lawyer's office on the basis of brief and sometimes hurried instructions. We may be able to find a solution to this problem, however During a brief visit to Washington in November 1976, Mr. Richard C. Csapler, Jr. a Boston attorney who has been a Fulbright professor in Kabul, met with the participants in the third group and offered to have them come to Boston for a week on their way to London in January 1977 for the purpose of gaining some insight into the functions and operation of a private law firm engaged in commercial and financial law. While it would have been very useful to take advan of Mr. Csaplar's kind offer, there just was not enough time to work things out for a Boston visit which would have been fitted in between the end of the progr in Washington and the beginning of the two-week program in London. It is hoped that the fourth group will be able to spend some time in Mr. Csaplar's office during the practical work of the summer and thus take advantage of the program he has offered to arrange.

ATTITUDES TOWARD THE PROGRAM

In interviews with the participants a number stressed the difficulties with English which made the work harder, particularly in the first fall semester As expected, the case method also was mentioned as causing some difficulty to the Afghan participants. This difficulty they share with most foreign students who are generally also not used to the case books and the socratic method.

As was the case with earlier groups, the special seminars were regarded by the participants as very useful and as a remedy for the difficulties encountered in t courses. The practical work appeared to satisfy most participants. The majority found the prosecutor course in Houston helpful, stressing the opportunity of meeting and talking to American prosecutors. There was criticism, however, on the part of some that the course was not basic enough and did not touch upon the more basic problems which these participants felt would have been useful.

The question of a degree did not emerge as a significant problem in the third group. It had been made clear to the participants that they would have to pass the TOEFL with a satisfactory score before being admitted to the Master of Comparative Law (MCL) program , that any try for the TOEFL was strictly a personal affair and that any preparation for the test must not interfere with their work in the program. We are not certain whether anybody actually tried for the TOEFL. In any event, nobody achieved a satisfactory score. The recognitic by Kabul University of the certificate given to the participant in the program no doubt helped ease pressures for the MCL.

THE ENGLISH LANGUAGE PROGRAM

As has clearly emerged in the course of the training program, the language problem faced by the participants is twofold; one is gaining familiarity with legal English in order to be able to read cases and other assignments with reasonable ease and to follow discussions in classes and special seminars, and the other is the achievement of sufficient fluency in the every day language. In order to achieve these objectives, the English language program was strengthen in both general English instruction and legal English. This approach has been generally satisfactory.

CONCLUSIONS

As was to be expected, the program for the third group could benefit from the experience gained with the first two groups. Improvements could be made in such areas as legal English training, early training in legal research and writin and enrichment of practical work. The practical work remains that part of the program demanding the most detailed and careful planning. The changes made for the practical work of the third group appear to have increased its value. The experience gained will be utilized in introducing further refinements for the fourth group. Comments from the participants and impressions gathered by the instructors indicate that the training results achieved have been generally satisfactory. The participants' training was concentrated on those subject matters which appeared most useful from the standpoint of their special interests and needs. In addition,the aim was to give them experience in American legal methodology and in the comparative approach. It is believed that these aims were accomplished.

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Program