



Contract No. DFD-1-00-04-00170-00 Task Order 4

Checchi and Company Consulting, Inc.

Rule of Law Stabilization – Informal Component

Monthly Report

August 2010

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The contract between Checchi and Company Consulting, Inc. (Checchi) and USAID/DCHA/DG for the Rule of Law Stabilization Program – Informal Component (RLS-I) was signed on March 19, 2010 and its implementation began on April 6, 2010. RLS-I supports the Afghanistan Rule of Law: Informal program with assistance in areas of 1) Informal Justice Support in Pilot Districts, 2) Mapping the CBDR and the State Justice System, 3) Legal Defense, 4) Public Outreach and Education, and 5) National Policy Development.

This report includes RLS-I accomplishments during August 2010. Activities kicked off in August with an Elders' Network Meeting in Nangarhar. This gathering was a first, providing elders with a forum to meet, discuss strengthening community-based dispute resolution (CBDR) and embrace future RLS-I activities. Followed by elders' meetings next month for women in Nangarhar and for men and women in Kandahar, future meetings will include seminars on property and the law of inheritance, Constitutional law and joint workshops with state justice sector actors to improve specific CBDR processes, such as recording decisions and sharing those decisions with the state justice sector.

Afghan field staff in early August travelled from Kandahar and Nangarhar provinces to participate in team workshops in Kabul. The meeting was led by RLS-I's senior traditional justice advisor, with discussions focused on creating action plan activities from the hundreds of interviews teams have conducted in villages and with state justice actors. Teams designed an activity plan template, first setting out goals and objectives, then detailing plans for execution. The template structure included activity rationale, expected outcomes, anticipated challenges and cross-over relationships with other activities.

RLS-I also continued its search to fill its field team in Dand (Kandahar province), with candidates' security concerns making recruiting for these positions difficult. However, the new Dand team will be ready to attend training in Kabul in September, with its activities beginning shortly thereafter.

The public outreach component completed purchasing for six community cultural centers, purchasing, preparing and then shipping furnishing and equipment to the Nangarhar and Kandahar field offices. The outreach team began setting up two centers in Behsud and Sukh Rod, and training volunteers. Opening ceremonies for the Nangarhar centers will be held in September.

The Ministry of Justice convened a meeting in August of the committee that will review and comment on the proposed Law on Dispute Resolution, *Jirgas* and *Shuras*. The RLS-I chief of party and the head of the public outreach component attended this meeting, guaranteeing that RLS-I will monitor this proposed legislation's review, and comment on substantive issues.

MAJOR ACCOMPLISHMENTS:

1. Pilot Projects

Kandahar

RLS-I team activities continued to be interrupted by kinetic and insurgent activity in Arghandab district, and to some extent in Kandahar City. The threat came closer in August when a staff member received a night letter addressed in his name, presumably from insurgents. The letter, which threatened him with harm if he continued association with a foreign organization, was attached to the front gate of his home. The staff member has since moved, and precautions were taken at the Kandahar field office for staff security.

Despite the security situation and night letter, this staff member and the team continued their work. The team soon returned to the villages, continuing with follow-up interviews with villagers, as well as analyzing and translating field notes. However, the field team was compelled to begin introduction meetings in a new Arghandab village, because security had deteriorated in a village they had previously covered. If security there improves, RLS-I will resume activities in the former village again immediately.

Using its contacts and relationships built in the field, staff completed a comprehensive list of Arghandab elders, as well as elders at the district level, and elders from Kandahar City, in preparation for elders' network meetings. These meetings will include approximately 200 participants, with the meetings to be held in a Kandahar City hotel, and an agenda that includes presentations by the provincial council member responsible for dispute resolution, and the judge assigned to Arghandab district. Similarly to the Nangarhar elders' meeting, this meeting will provide a forum for elders to discuss common issues and concerns, and learn about future RLS-I activities.

RLS-I continued on-going coordination with the Arghandab district center, with both local staff and international staff visiting on a weekly basis. The DST and RLS-I discussed a possible community advice center in the district, and regional justice advisors met the district prosecutor, JAG representatives and USAID and DoS representatives. The public outreach team met the head of the DDA *shura*, the Arghandab district governor, and several other district officials.

Regional justice advisors also travelled to the Dand district center and met with the CIDA stabilization office and Lt. Col. Paganini, the Brshigade Commander responsible for Dand district. The regional justice advisors briefed the commander about RLS-I and coordinated about outreach activities. In addition, staff met with KPRT representatives to discuss forthcoming program activities, the elders' network meeting in Kandahar City and proposed mapping expansion districts.

Recruiting for the Dand field team continues, with offers extended in August to at least four new Afghan staff. While considerable difficulties hiring qualified candidates in the south exist, program staff have been able to identify men and women willing to work to work in Dand, even though the security situation there remains unstable.

Nangarhar

The Nangarhar field team in August hosted its first implementation activity with the invitation of influential community members to an Elders' Network Meeting. Building upon relationships the field team had established during interviews, elders from Behsud and Sukh Rod districts convened at a Jalalabad hotel for a gathering that was the first of its kind in Nangarhar.



Elders from Behsud and Sukh Rod pilot districts attend their first network meeting in Jalalabad. The meeting will take place regularly as a forum for elders to discuss strengthening CBDR in their villages.

The field team had invited 80 elders to the meeting; 80 attended. Elders discussed disputes destabilizing their communities – particularly long-standing disagreements over land. They recounted recent altercations between those asserting land ownership rights and refugees still returning home after fleeing during Taliban times, or even the Soviet occupation. Elders also discussed creating forms to record and register decisions consistently. They talked about different formats, and how to organize and share decisions with the state justice sector.

Elders discussed CBDR process and its strengths and weaknesses in villages. One *malik* (elder) pointed out that *jirgas* have been solving disputes in Afghanistan for perhaps more than a thousand years. He said that elders should however strive to improve their legal knowledge, as well as knowledge of the formal justice sector. Other participants questioned how *jirgas*' decisions impact not only the formal justice sector, but Shari'a law, as well.

“These meetings build links between tribes. Discussions identify problems and strengthen relations between the formal justice system and jirgee.” -Mohammad Arif, an elder from Behsud district in Nangarhar province.

Before breaking for Iftar dinner, the Nangarhar field staff discussed the RLS-I program at length, and introduced future activities in which elders will be called upon to participate. An immediate activity following is a meeting of women elders in mid-September, which participants endorsed. More than 35 women from each pilot district will be invited to attend, along with 15 women from neighboring Kama, Kot, Khewa, Rodat and Chaparhar districts.

In August, the Nangarhar field team continued to analyze and revise its interview data for the pilot districts' assessment. In addition, staff set new or follow-up meetings with district and provincial officials, and local and international donors. The team's Afghan regional justice advisor discussed establishing advice centers in Behsud and Sukh Rod districts with the regional director of Qanoon Ghoshtonky, an Afghan NGO that provides legal aid and defense attorney services.

A meeting was also secured with head of the Huqooq department in Nangarhar, and the Behsud and Sukh Rod directorates. The Huqooq refers and sometimes registers *jirgas'* decisions; after a quick inventory of the departments' needs, advisors determined that simply providing file cabinets and shelves would assist the small department with organization and access to informal justice decisions. RLS-I sized the Huqooq's request, and will provide new equipment the beginning of September.

Staff met as well with the heads of the IDLG *shura* from Sukh Rod and Behsud districts, during which both agreed to participate in discussions with state justice actors and elders. Staff evaluated the IDLG *shura's* meeting space in both districts, finding each under-resourced and virtually bare, with no storage or even a table and chairs to conduct sessions. RLS-I staff sized furnishing and equipment requirements for each space, beginning the procurement of basic items that will be provided along with Huqooq offices in September.

The Nangarhar field team made a special effort to secure meetings with women elders from pilot districts in August. Staff met with three women members of Nangarhar's provincial council, inviting them to participate in the upcoming women's network meeting and future RLS-I activities. Staff also met separately with women members of the IDLG and DDA *shuras*; these women will all participate in the network meeting, and pledged participation in future RLS-I activities.

2. Mapping CBDR and State Justice

Interviews are underway for staff field teams that will map Afghan men and women's access to justice across pilot districts. Recruiting continues for southern and eastern pilot districts. RLS-I also continued searching for an international candidate to head the mapping initiative.

Discussions to identify appropriate sites for the mapping study were reviewed and revised, considering security and other considerations, especially in the south. To date, possible sites under discussion in the south are Spin Boldak, Daman and Panjwayi in Kandahar; and Tarin Kot and DehRahwod in Urzugan. In the east, possible locations are Qarghayi in Laghman, and Khuz Kunar, Rodat and Shinwar in Nangarhar.

3. Legal Defense

Security concerns impacted mobility of defense attorneys working for the International Legal Federation – Afghanistan (ILF-A) in July, the latest period reporting information is available. Attorneys reported that the highway from Nangarhar to Kunar was frequently too dangerous to travel. Despite security issues, ILF-A defense attorneys took on 427 new cases nation-wide in July. Defense attorneys represented defendants charged with assault, drug smuggling, vehicular homicide, theft and kidnapping. Of those, attorneys were assigned 28 new cases in Kandahar and 62 new cases in Nangarhar.

ILF-A began clinical instruction to prepare new defense attorneys for practice in Nangarhar. Twelve students - nine men and three women - began coursework that includes criminal law and procedure, the rights of the accused, including confessions under Islamic law, ethics and client interviewing skills. In Herat, clinical program work continued for students there, with a mock trial concluding training. Continuing legal education also took place for ILF-A defense attorneys in Nangarhar and Kandahar provinces. In Jalalabad, workshops included discussions regarding the third chapter of the Afghan Penal Code, and certain types of crimes under Islamic law. In Kandahar, defense attorneys studied criminal procedure and regulations effecting defense attorneys' practice.

Currently, only nine women work as ILF-A defense attorneys, although efforts are underway to recruit more women law graduates into clinical programs, such as the one held currently in Jalalabad. The following illustrates ILF-A's current staff of defense attorneys throughout Afghanistan:

Number of ILF-A Defense Attorneys in Afghan Provinces

Province	Men	Women
Kabul	20	4
Kunduz	2	1
Kandahar	5	
Herat	6	2
Jalalabad	6	1
Ghvor	1	
Balkh	4	1
Paktya	1	
Baghlan	3	
Baghdis	1	
Sar-e-Pul	2	
Bamyan	1	
Helmand	2	
Total	54	9

In August, the USAID Rule of Law Advisor from Bamyan met with the ILF-A director to discuss with adding two new male and one female defense attorney to the organization's Bamyan office. The director agreed, and but said that identifying a qualified female defense attorney to staff that office may prove challenging, and asked that the Bamyan ILF-A office make a formal request in the meantime.

4. Public Outreach and Education

The public outreach team in August took another step toward development of Community Cultural Centers in the south and east with the purchase of furniture and equipment. Kabul staff assembled the technical equipment, then tested and loaded software and anti-virus programs on computers provided for each center.



The Community Cultural Center director in Jalalabad signed an MOU between the center and RLS-I in August.

All commodities were sent to the field offices in Kandahar and Nangarhar, in anticipation of centers opening in Behsud, Sukh Rod, Jalalabad City, Kandahar City, Arghandab and Dand. Local community cultural center staff volunteers will be trained in September in specific technical and outreach skills so that they can provide referral services to citizens, as well as and digital equipment/computer skills.

The public outreach team also traveled to Kandahar and Jalalabad in August to deliver workshops on existing messaging and new messaging under development. The team presented

current TV and radio spots, polling field staff as to which content would resonate the most in their districts. Together, staff brainstormed ideas for development of new messages, particularly those occurring most frequently in field staff interviews: land disputes, inheritance and divorce.

Radio and TV broadcasting of public outreach messages continued in both Dari and Pashto languages in both Nangarhar and Kandahar. In Kandahar, radio and TV stations in August began their first broadcasts as well, after signing agreements with RLS-I. In Nangarhar, broadcasts have continued since July. This programming includes these basic legal rights spots and dramas:

- A Glimpse at the Constitution: Crimes (Article 26 of the Constitution)
- A Glimpse at the Constitution: Rights of the Accused Constitutional (Article 30 of the Constitution)
- A Glimpse at the Constitution: Right to Defense (Article 31 of the Constitution)
- A Glimpse at the Constitution: Citizens' Rights (Article 24 of the Constitution)
- A Glimpse at the Constitution: Crimes (Article 26 of the Constitution)
- A Glimpse at the Constitution: Rights of the Accused Constitutional (Article 30 of the Constitution)
- A Glimpse at the Constitution: Right to Defense (Article 31 of the Constitution)
- A Glimpse at the Constitution: Education Rights (Article 43 of the Constitution)
- A Glimpse at the Constitution: Forced Labor (Article 49 of the Constitution)
- A Glimpse at the Constitution: Preserving Public Order (Article 56 of the Constitution)
- A Glimpse at the Constitution: Responsibility of Ministers (Article 80 of the Constitution)
- A Glimpse at the Constitution: Rights of National Assembly (Article 81 of the Constitution)

Womens' rights radio dramas:

- A Glimpse at Women's Rights under Islam: Rights to forbid people from forcing women into marriage, violating women education rights
- A Glimpse at Women's Rights under Islam: Rights to forbid people from forcing women into marriage, violence against women, asking money in exchange of marriage and violating women education rights
- A Glimpse at Women's Education Rights under Islam and Afghan constitution which speak against traditions violating women rights.

The radio and television spots will be broadcast in Kandahar province with focus on Argandab and Dand districts. The radio listening audience in particular is the general public, including women and youth. These spots were produced by the USAID-funded Afghanistan Rule of Law Project (ARoLP) in 2008 and 2009.

Based on demand from national and international counterparts for outreach materials from ARoLP, the outreach team reproduced fifty CD packages of radio, television and printed materials and started to distribute them across the country. Each package includes 18 CDs with radio, TV and printed versions. In August, packages were distributed to Task Force Wolverine at Bagram, the NGO Women for Afghan Women and to the RLS-I Nangarhar office for distribution in Jalalabad and pilot districts.

5. Support National Policy Development

RLS-I met this month at the Ministry of Justice with Sayed Yosuf Halim, administrative deputy minister and head of the committee examining legislation addressing CBDR issues. The committee is specifically reviewing the Law on Dispute Resolution, *Jirgas* and *Shuras*. Policy behind the law formed by ARoLP staff and other donors, as was its drafting. At the time, Halim was head of the Taqin, the Ministry of Justice's legislative drafting section.

August's meeting provided RLS-I a seat at the committee's table, along with other international donors, the Supreme Court, the Attorney General's Office and other Afghan government officials. After the committee's review and comment, the proposed legislation will be sent to the MoJ's council of ministers, then on to the Afghan Parliament for approval.

