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RULE OF LAW STABILIZATION PROGRAM - INFORMAL COMPONENT

MONTHLY REPORT FEBRUARY 2011

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Figure 1: RLS-I trains in ADR elders and furnishes their jirga-hall in Mia Ali Village Behsud District

March 2011

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LIST OF ACRONYMS

RLS-I	Rule of Law Stabilization Program - Informal Component
ILF-A	International Legal Foundation - Afghanistan
IDLG	Independent Directorate Local Governance
CCC	Community Cultural Center
ARoLP	Afghanistan Rule of Law Project
NRC	Norwegian Refugee Committee
PRT	Provincial Reconstruction Team
NGO	Non-Governmental Organization
IPIT	Interagency Planning and Implementation Team
FGC	Family Guidance Center
AIBA	Afghanistan Independent Bar Association
WAW	Women for Afghan Women
ADR	Alternative Disputes Resolution

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 enhances the development of Rule of Law in Afghanistan through 1) researching formal and informal justice trends in 8 pilot districts; 2) strengthening informal justice in those pilot districts based on research findings; 3) enhancing linkages between alternative dispute resolution (ADR) and the state justice system; 4) improving access to legal defense; 5) educating communities about ROL through public outreach; and 5) national policy development.

1. FEBRUARY PROGRAM HIGHLIGHTS

“Arghandab elders and Jirgamaran are helping me and the district officials to tackle and resolve serious disputes, we are working together in a collaborative way, this is a big help and a big relief for me” said the Arghandab District Governor.

12 March, 2011

Activities & Participant Summary				
February & Cumulative				
Events Summary	No of Events	Male	Female	Total
February Network Meetings	5	40	200	240
February Learning Workshops	12	288	170	458
February Discussion Groups	11	208	126	334
February Total	28	536	496	1032
<i>Cumulative Total To Date</i>	<i>114</i>	<i>2922</i>	<i>2101</i>	<i>5023</i>

- *Women made up 42% of Workshop and Event Participants*
- *The Daman District Assessment of Alternative Dispute Resolution (ADR) in Kandahar, was completed. This is the seventh of eight assessment pilot project district assessments.*
- *Four RLS-I Program Perception Studies* were completed in Arghandab, Dand (Kandahar) and Kuz Kunar (Nangarhar) and Qarghaee (Laghman) researching the effectiveness of RLS-I ADR activities (baseline in Qarghaee and 6 months after activities began in the other provinces).

Arghandab and Dand Perception Study, February 2011 (46 respondents)

Key Findings:

- Most respondents said there are closer ties between the formal and informal systems today than there were six months ago as a result of RSL-I activities. This was credited to the elders increased understanding of the law and that they were now more willing to send civil cases back to the courts as the courts were now sending more dispute cases to the elders.
- All respondents stated that elders that resolved disputes were better trained today than they were six months ago. They further stated that they believe the legal workshops gave the elders a better understanding of the law and increased the contact they have with the formal system as they were more willing to send cases back to the courts if they thought that forum would be more appropriate.
- Respondents saw RLS-I workshops having a direct bearing on the quality of the elders’ work impacting the trust the people have in it and how that has led to a closer cooperation with the formal justice system.

- The majority saw the present state of informal justice better off than it was six months ago by citing a better informed set of elders through RLS-I training and workshops.
- Some villages (where formal law access is limited) comment on their relief at having skilled elders as ADR practitioners, as they are no longer forced to follow Taliban justice systems to resolve disputes.
- **Linking ADR with State Justice:** A cumulative total of 50 workshops and ADR activities have been held to date bringing elders and state justice actors together (judges, Huqoq, prosecutors, police, DG's) to enhance linkages between informal and formal justice systems. 2338 attendees (most of whom are multiple attendees) at these meetings have discussed ways to improve coordination between the informal and formal justice sectors. Tangible outcomes include the drafting of pilot forms and procedures for recording ADR outcomes and sharing them with District Governor and Huqoq Offices.

RC East (Nangarhar & Laghman)

- **Jirgas Resolve More Disputes in Refurbished Quarters:** In February a Behsud village leader reported that 40 disputes, including 14 land disputes, had been resolved as a result of their newly furnished *jirga* hall. He stated that because RLS-I provided office and *jirga* furnishings to a vacant *jirga* hall local elders were now able to host many more meetings, resolving many more disputes. Previously meetings were held in an adhoc manner in available public spaces, such as under trees. They have also committed to making this space available to women, who are often unable to meet and engage in public places. The improved professionalism enabled by the hall and office equipment has improved the *jirgas* efficiency in booking, recording and processing disputes. This in turn has increased the legitimacy of the elders in dispute resolution.



Figure 2: The Mia Ali Village jirga hall in Behsud District receives office and jirga furniture from RLS-I

- **Surkh Rod Shura Resolves 71 Disputes:** According to the Shura elders, this Shura was established in July 2010, but they had no formal way to track, manage or record disputes, until September when RLS-I provided office equipment, filing materials and technical advice especially training activities designed to get *jirgas*/shuras to write decisions and record them. As a result of RLS-I support the IDLG Shura organized a simple records

management system for disputes and have resolved 71 disputes to date. They claim this is many more disputes than they used to be able to manage when they had no filing systems, and prior to attending the RLS-I workshops when they had less knowledge of formal law or dispute resolution techniques.

- ***Village Elders Putting their Learning into Practice:*** A Behsud village leader reported that after a number of elders from his village attended an RLS-I Inheritance Law workshop they returned to their communities and successfully resolved six outstanding inheritance related disputes between women and their families, as a direct result of their new knowledge.
- ***Women's Dispute Resolution Groups (WDRG):*** RLS-I worked with local villagers (men and women) to create another WDRG in February bringing the number of WDRG's to five. These groups, locally as *Spinsary* Groups, have a core group of six women elders per group (30 total) who have been trained by RLS-I and local male elders in ADR techniques. The WDRG's to date have **resolved 50 minor disputes and 20 major disputes** which were having a destabilizing effect on their communities. Village men have been very supportive of the groups and have reported benefitting from their service to the community.

RC South (Kandahar)

- ***Arghandab State and ADR Actors Unite in Delivering Justice:*** During a workshop for Arghandab elders in February the District Governor for Arghandab, who was in attendance, publically requested that RLS-I's field staff monitor the resolution process of a two-year old land dispute. The District Governor had recently referred the case to dispute resolution elders in the community, after which the elders and the District Governor secured written authority from both disputants to resolve the matter.
- ***Village Women Speak about Justice for the First Time:*** In Spin Boldak and Daman, RLS-I hosted three project introduction meetings for 160 women in the two districts, marking the first time in these districts women elders had a forum to discuss their roles in strengthening and improving the ADR process.

Local Implementing Partners

- ***Women for Afghan Women (WAW)*** organized a series of women's and human rights workshops in six boy's schools in Khewa, Surkh Rod, and Behsud districts, involving 74 adult participants including teachers, headmasters, principals, and 340 male students, 840 female students and 100 mullahs.
- ***Afghanistan Independent Bar Association*** delivered two training courses in Mazar and Nangarhar for Afghan attorneys from Jowazjan, Faryab and Samangan and Laghman, Kunduz. More than 116 attorneys, including 29 women, participated in these 5 day training courses which focused on writing defense statement, client interviewing, calling the witness and cross examination, attending the investigation process of the accused and suspected clients, evidence on criminal and civil cases, the role of the defense lawyer, codes of conduct, and related technical subjects were all discussed in details.

With support from RLS-I AIBA also drafted their first monthly newsletter for printing and distribution in March.

- ***International Legal Foundation-Afghanistan (ILF-A)*** lawyers contracted 211 new cases during the month of February including 28 cases in Nangarhar and 20 cases in Kandahar. With the assistance of ILF-A counsel, overall 129 cases that were contracted in previous

months have closed during this period. Cases include assault, theft, kidnapping, smuggling, terrorism and vehicular manslaughter.

2. KEY ACTIVITIES - FEBRUARY 2011

RLS- I facilitated 28 elder events in February for 1032 participants (536 men; 496 women).

Event/Activity	Location	Male	Female	Total
Inheritance law workshop (women)	Spin Boldak	0	40	40
Inheritance law workshop (men)	Spin Boldak	56	0	56
ADR & RLS-I Introduction meeting (women)	Spin Boldak	0	40	40
Women's role in ADR	Kandahar City	0	40	40
Seminar on alternative to <i>baad</i> and disputes resolution	Kandahar City	0	25	25
Seminar on alternative to <i>baad</i> and disputes resolution	Dand	40	0	40
Workshop to increase women's role in dispute resolution (men)	Dand	40	0	40
ADR & RLS-I Introduction meeting	Daman	0	80	80
Inheritance law workshop	Daman	36	0	36
Criminal law and procedures workshop	Kandahar City	0	40	40
Criminal law and civil rights of Afghanistan workshop	Arghandab	40	0	40
ADR & RLS-I introduction meeting	Spin Boldak	0	40	40
Alternative to <i>baad</i> and disputes resolution discussion session	Kandahar City	0	40	40
Alternative to <i>baad</i> and disputes resolution discussion session	Dand	40	0	40
Inheritance law workshop	Daman	0	30	30
Total 15 Events RC South (Kandahar)		252	375	627
Inheritance law workshop	Jalalabad City	40	0	40
Property law workshop	Jalalabad City	38	0	38
Anti-corruption discussion group (Qarghaee and Kuz Kunar)	Jalalabad City	28	2	30
Property law workshop	Jalalabad City	40	0	40
ADR discussion session for women in Kuz Kunar	Kuz Kunar	0	20	20
ADR & state actors discussion group	Jalalabad City	22	3	25

Influence of warlords and powerful elders in <i>jirga</i> discussion group	Jalalabad City	23	4	27
ADR actors discussion group (Anti-corruption)	Jalalabad City	36	9	45
Property law seminar	Jalalabad City	38	0	38
Dispute prevention workshop for women	Jalalabad City	0	30	30
Jirga principles and processes workshop for women	Jalalabad City	0	30	30
ADR & state justice actors discussion group	Jalalabad City	19	3	22
Women in ADR discussion session in Qarghaee	Qarghaee	0	20	20
Total 13 Events RC East (Nangarhar/Laghman)		284	121	405
February Total: 28 Workshops		536	496	1032

3. DETAILED ACTIVITY REPORT (RCS & RCE)

RC East (Nangarhar & Laghman)

In February RLS-I delivered three property law workshops for 116 community elders from Kuz Kunar, Qarghaee, Surkh Rod and Behsud districts community in order to increase their skills in property dispute resolution and referral through an increased knowledge and understanding of Afghan property laws and regulations. Elders from Kuz Kunar and Qarghaee districts discussed specific land disputes they have had to deal with in their communities and walked through both legal and practical solutions for future dispute resolution.

These workshops provide information on property classifications, property rights, contracts and agreements, complete property, incomplete property, land seizure, and court procedures for property dispute resolution. Elders promised, will consider the property law regulation while resolving any property related disputes in their community.

Four ADR and state justice actors discussion sessions were held in Jalalabad City for elders from Kuz Kunar and Qarghaee districts with a focus on strengthening and legitimizing the links between ADR and state actors in the district. Elders and state actors including judges, prosecutors and Huquq officers discussed the existing linkages between *jirga* and formal justice system in the districts and identified practical ways to strengthen their linkages through recording and registering *jirga* and elder decisions with state actors. Elders also discussed the types of disputes they are asked to resolve, and the importance of dispute registration with state actor's officials in the district.

Two village-level women's meetings were facilitated in Qarghaee and Kuz Kunar districts to increase women participation in ADR. These meetings drew 40 women elders to discuss and plan ways to increase women's access to justice through increasing women's participation in alternative disputes resolution and through greater knowledge of state justice systems in the districts. The women also discussed the challenges and blockers women and children face accessing justice in their communities. As an outcome of these meetings women elders

decided to form a group of *Spinsary* at the village level; a group of respected women organized to follow-up on women's rights and resolve disputes in their communities.

Nafas Gul from Nangarhar tells other women from Qalatak, Kuz Kunar a story of the power she gained to resolve disputes through being a Spinsary member:

“Women can play a great role in dispute resolution, now I am already resolving serious disputes in my community because I am known as one of the Spinsary group. For example the family that lives next to me has a boy called Walayat Khan who is only 23 and always argued with his brothers and their wives, he even beat their wives. The brothers tolerated this because their parents died when he Walayat Kahn was young, and he was still small as a grown man, so they felt sorry for him.

But one day Walayat Khan argued so violently with his brother's wife that he even took a gun to shoot her. When I heard him fire the gun I left my house and went straight to his house and took the gun off him and took it to my house, I told him I would mind it for him. Many times he requested his gun back, but I refused. Finally he told me that he didn't need the gun anymore, and asked me to sell it for him, I did this and gave him the money, from which he made a small business and is happy.

Since then Walayat Khan has not fought again with his brothers or their wives, and the family are in harmony. If I hadn't intervened, and if I hadn't been known as Spinsary, the arguments could have ended in death and an ongoing family feud.



Figure 3: Women of Qalatak, Kuz Kunar, Nangarhar, meet to discuss access to justice and decide to form a spinsary group.

RLS-I also hosted a range of separate workshops for elders (men and women) on inheritance law, family law, and dispute prevention. A number of workshops were also delivered by male elders to women on *jirga* principles and processes, traditionally a male domain.

Elders at the inheritance law workshop discussed the definition and principles of inheritance law, division of legacy, number of heirs, obstacles of inheritance rights, relatives' shares and fixed shares. Participants talked through practical and real inheritance problems finding practical solutions based on Afghan laws that could be applied in dispute resolution on returning to their villages. The participants, in providing feedback on the workshop, remarked

how much more confident they felt dealing with inheritance related disputes in their communities.

Elders from Kuz Kunr, Qarghaee, Surkh Rod and Behsud districts participated in family law workshops in Jalalabad city and discussed guardianship, marriages, divorce, alimony, dowry and practical family disputes in their communities. Women elders in particular found this workshop provided invaluable information, not just for themselves and their rights, but also for their families and communities, with whom they planned to share this information on returning home.

Women elders from different tribes gathered together to share information with an experienced male *jirgamar* and discussed the selection of *jirgamar*, type of disputes, *jirga* decisions, *jirga* reconciliation procedure and different methods and roles used by different tribes while resolving disputes in their communities. Women elders also discussed written and verbal authorization from disputants (*waak*), types of disputes, the *jirga* model and its decision making processes, along with various local tribes.

Women elders also attended a workshop in Jalalabad focused on preventing disputes in their communities. They discussed practical strategies for preventive actions in their communities and identified resolution and follow-up of minor disputes as a simple but powerful tool for preventing minor disputes escalating into major violent inter-family, tribal or destabilizing community disputes.

Additionally elders from Surkh Rod and Behsud districts focused on anti-corruption practices that could be applied in both formal and informal justice in their communities. Elders identified the existence of corruption both within formal justice and ADR, and discussed the different degrees of severity of corruption and how these impact on both formal and informal justice systems. They also discussed how elders and other community leaders can combat corruption in their communities. As a result of these long hours of discussion participants decided to form an anti-corruption groups or committees at the village level who will work together to try and combat corruption cases in their districts and communities.



Figure 4: RLS-I anti-corruption workshop in Jalabad, 23 February 2011

Men and women elders joined together at a unique meeting to discuss the influence of warlords and powerful people over the *jirga*. In a facilitated discussion they identified ways

to prevent warlord and AGE influence on the *jirga* and ADR processes. Elders concluded the meeting with a shared commitment to keep *jirga* outside the influence of warlords and other powerful individuals or "illegitimate" agencies in their communities.

RLS-I furnished *jirga* halls in Ahmadzai village, Surkh Rod and Mia Ali village in Behsud. These centers can now be used for *jirgas* and dispute resolution meetings, as well as for community gatherings. The *jirga* halls are now also open for use by residents and *jirga* of neighboring villages facilitating their meetings and discussion sessions as required.

As a result of the enhanced functionality and role of these *jirga* halls the elders have also committed to an access policy for women, enabling them to use the center as a women's gathering place for ADR and other workshops, seminars, Spinsary meetings, or even as respite space they can safely rest when travelling outside their homes. Women are often restricted from accessing many public spaces, making it difficult to find places to meet outside their homes, restricting their access to public life.

Malik Mir Hamza Mia Kheel, who is responsible for one of the *jirga* halls supported by RLS-I said *"the refurbished center now plays a key role in dispute resolution, not just in this village, but in this whole area. The site was also selected due to its great location. We are very happy with the ongoing help given to us by RLS-I because many projects have promised us many things but so far have not fulfilled their promises, unlike RLS-I."*

He went on to say that "we are also very happy about the seminars that are being organized by the RSL-I as our elders have taken lots of advantages from those seminars in resolving the disputes in their villages. In fact, before we knew nothing regarding the inheritance law, family law and property law, but now when there is a dispute in our village we can resolve it easily with this new knowledge, and the community trust us more in decision making with this new knowledge. If we cannot resolve a dispute because we don't know the Afghan law well enough finally we have the facilitator's cell phone number so we call him if a dispute is difficult and needs lots of analysis".

Malik Mir Hamza Mia Kheel, Nangarhar, February 2011



Figure 5: Surkh Rod IDLG Shura with new office equipment provided by RLS-I

Surkh Rod IDLG/ASOP Shura are now able to record and register disputes more effectively as a result of filing equipment, cupboards, shelves, and binders provided by RLS-I, in step with advice on managing and processing disputes. The Shura now also uses a log book they record disputes in and cross reference with *jirga* decision files and documents.

According to the Shura elders, the Shura was established in July 2010, but they had no formal way to track disputes or record them, until September when RLS-I provided equipment and support, but more importantly provided activities designed to get *jirgas*/shuras to write decisions and record them. As a result of RLS-I support the IDLG Shura organized a dispute management and records system and have resolved 71 disputes to date. They believe they have increased their dispute resolution outcomes as a result of their new skills, knowledge and office facilities.

RC South (Kandahar)

In Kandahar City, two workshops focusing on criminal law processes, procedures and punishments were delivered for men and women. Elders learned the function of the state justice system, the rights of the accused in Afghanistan and the need for criminal activity to be addressed by the formal justice system. These workshops provided elders with the knowledge and context from which to refer criminal cases to the formal justice system while also empowering them to address the underlying disputes between the families. Elders found the workshop useful and requested follow-on workshops on detailed civil and criminal law.



Figure 6: Elders at Arghandab District Center attending Criminal Law/ Procedure workshop, 5 February, 2011

During the workshop for the men, the District Governor for Arghandab who was in attendance, publically requested that RLS-I's field staff monitor the resolution process of a two-year old land dispute. The District Governor had recently referred the case to dispute resolution elders in the community, after which the elders and the District Governor secured written authority from both disputants to resolve the matter.

“A few months back the situation in Arghandab was bad and people had to refer their cases to the Taliban for resolving. But today many areas are controlled by the government and people resolve their disputes through tribal elders.” Perception study focus group member, Arghandab, February 2011

Four inheritance law workshops, designed to increase elders' understanding and knowledge on Afghanistan's inheritance laws, were delivered in Spin Boldak and Daman (two for

women and two for men). More than 160 elders, *jirgamaran* and religious leaders participated in these workshops which were conducted by professors from Kandahar University's *Sharia* faculty. The workshop covered inheritance principles, conditions of inheritance, and division of inheritance based on gender, relation and number of heirs.

The participants were also given practical examples and guided through a discussion on how they would find solutions in order to increase their effectiveness in resolving common inheritance disputes. Women benefit most from understanding inheritance rights, as often women are disadvantaged in the division of assets by families.

Inheritance was identified by elders as one of the most complex and difficult processes for them to resolve in Afghanistan. Consequently, RLS-I field staff hosted an additional two-day workshop covering inheritance topics, assisting community members who resolve disputes in the community. The workshop participants promised to share information on inheritance with relatives, neighbors and communities in their villages.

Women in particular were moved by the workshops, which often for the first time described what they are culturally, socially and legally entitled to under Islam.

“Prior to this workshop, me and other women in our village believed that getting inheritance from our fathers and brothers is a shame due to the old tradition of our society and we were feeling shame to get our shares from our fathers and brother, but now we have become sure and confident that it is our right in Islam to have a share in inheritance and we have been assertive to get it, and it is a very big achievement for us”. Fatima, wife of Malik Peer Mohammad from Mohmand village.

Four discussion sessions focused on finding alternatives to *baad* as an outcome of dispute resolution were delivered by RLS-I in February. Discussion sessions were held for both men and women, drawing 145 elders, religious and community leaders to participate in these meetings. The discussions began with a review of the women's rights under Islam and the Afghan Constitution, with examples from the local context being used to illustrate the negative impact of the practice of *baad* on local communities. Elders then discussed practical and feasible methods for using alternative solutions and eliminating the practice of *baad* as a dispute resolution mechanism.

Male elders joined together to commit to employing alternative methods, as it is opposed to both Islamic and Afghan law. Elder women, in separate workshops, committed to discuss the elimination of *baad* in dispute resolution with the male elders in their communities. Follow-on activities with these participants are scheduled for March, in order to build upon previous learning and commitments; review how alternatives are being employed and to secure further ongoing commitments to end the practice of *baad*.



Figure 5: Discussion session on alternative to Baad as method of dispute resolution, Balakarz Village, Dand, Kandahar, February 16, 2011

In Spin Boldak and Daman, RLS-I hosted three project introduction meetings for 160 women in the two districts, marking the first time in these districts women elders had a forum to discuss their roles in strengthening and improving the ADR process. With RLS-I field staff facilitation, women elders talked about the history and achievements of ADR in their communities and ways to strengthen women’s role in alternative disputes resolution processes. Project objectives, including women’s access to formal justice and participating in ADR, were discussed in detail. The women promised to share what was discussed with their neighbors and community.

RLS-I facilitated two elders meetings with a focus on increasing women's role in ADR. 40 women and 40 men attended the respective meetings. Women discussed disputes affecting their villages and ways towards resolving them – focusing on what roles women can play. Both men and women discussed in their respective meeting practical ways of increasing women’s participation in ADR process, how women’s perspective could be increased in the dispute resolution process, and what types of disputes women can resolve in their communities.

4. PUBLIC OUTREACH

In February RLS-I delivered a public outreach campaign that comprised of the distribution of 20,000 original comic books and the production of a 45-minute quiz show broadcast twice on Sharq TV and Sharq radio with an estimated audience reach of 1 million people in Nangarhar. Both the comic books and the quiz show focused on the relationship between informal and formal justice systems and alternatives to *baad*.

“The TV show brought lots of awareness among the society regarding baad. The elders gave tremendous explanation on alternatives to baad and the relation and coordination between formal and informal justice systems” said Jirgamaran Mawlawi Abdul Rahim, a quiz show participant, Nangarhar 24 February 2011.

The innovative quiz show was unique to Sharq TV as a fun and educational program format designed to enhance the RLS-I elders program by escalating awareness among the community about the role of formal and informal justice, and antiquated traditional justice practices such as *baad*.

Distinguished elders formed a panel to quiz and inform contestants on the relation and coordination between formal justice systems, courts, elders and *jirgas*. They also discussed *baad* as a custom that when practiced often brought more problems than benefits, thus not being an effective solution to disputes, and they offered practical alternatives to *baad*.



Figure 6: Sharq TV studios during the filming of the RLS-I TV Quiz Show

120 Community Culture Center volunteers 20,000 comic books to 60 sites in 37 villages, including 23 schools, in Surkh Rod, Behsud and Jalalabad city.



Figures 7 & 8: Children in Nangarhar Schools learn about ADR and ROL through creative RLS-I comic books.

5. IMPLEMENTING PARTNERS

Afghanistan Independent Bar Association (AIBA)

The AIBA delivered two training courses in Mazar and Nangarhar for Afghan attorneys from Jowazjan, Faryab and Samangan and Laghman, Kunduz. More than 116 attorneys, including 29 women, participated in these 5 day training courses which focused on writing defense statement, client interviewing, calling the witness and cross examination, attending the investigation process of the accused and suspected clients, evidence on criminal and civil cases, the role of the defense lawyer, codes of conduct, and related technical subjects.

See table of activities below:

Training	Location	Participants		
		Male	Female	Total
Five Days Advocates Training and Capacity Building	Mazar	40	23	63
Five Days Advocates Training and Capacity Building	Nangarhar	47	6	53
Grant Total		87	29	116

AIBA also drafted its first family law committee newsletter during February outlining the committees objectives and AIBA activities in Afghanistan.

Additionally AIBA distributed a range of codes and reference materials on civil law, labor law, banking law, commercial law, declaration of human rights, dedication & discovery law, traffic law, selected immovable property law, acquisition law, and codes of practice for attorneys who have limited access to reference materials.

International Legal Foundation - Afghanistan (ILF-A)

ILF-A lawyers contracted 211 new cases during the month of February including 28 cases in Nangarhar and 20 cases in Kandahar. With the assistance of ILF-A counsel, 129 cases that were contracted in previous months have closed during this period. Cases included assault, theft, kidnapping, smuggling, terrorism and vehicular manslaughter.

Province	Lawyers	New Clients Contracted	Appeals	Closed	Female	Juveniles
Kabul	28	65	10	25	0	2
Jalalabad	9	28	9	46	0	6

Kandahar	5	20	8	8	0	8
Helmand	3	1	14	2	0	0
Paktia	1	3	3	0	0	0
Bamyan	1	5	0	0	0	2
Mazar-e-Sharif	5	13	7	12	0	0
Kunduz	3	15	7	10	1	1
Jowzjan	2	4	2	5	0	1
Baghlan	3	17	0	0	0	1
Herat	8	31	18	16	0	6
Badghis	1	3	0	2	0	0
Ghor	1	6	2	3	0	2
Grand Total	70	211	80	129	1	29

During this reporting period, ILF-A lawyers working in Nangarhar and Laghman contracted with a total of 28 new clients, filed 9 appeals, and closed 46 cases. Of the new clients 6 were juveniles.

ILF-A's Jalalabad Legal Clinic program held its fifth mock trial and certificate distribution ceremony on February 12, 2011. It had planned to hold a public mock trial and certificate distribution ceremony for over 300 participants in Nangarhar province, but due to a lack of funds, held the program at the ILF-A compound with only 40 participants.

The defense lawyers and the legal clinic students played the role of judges, prosecutors, defense lawyers, victim, suspects/accused, and witnesses, in a murder case. ILF-A invited nearly 40 high ranking government and non-governmental officials as guests, such as judges, prosecutors, representative of legal aid NGOs.

During the report period, ILF-A lawyers in Kandahar contracted with a total of 20 new clients, filed 8 appeals, and closed 8 cases. Of the new clients 8 were juveniles.

On February 14, 2011, the ILF-A Kandahar office hosted a meeting to form a council for solving disputes relating to women, and the blockers women face accessing justice, in response to a request from the Directorate of Women's Affairs, Kandahar Province. Since, ILF-A plays a significant role in the region, it will be the lead member of this council.

ILF-A South and Central Regional Director, Mr. Abdul Wadood Haqmal, shared his views and comments with the participants and assured them that ILF-A is always ready to provide

legal representation in criminal cases for women and can give consultations in family disputes and civil cases for the women in the region. Monthly meetings will be held for all relevant parties to share challenges, problems and solutions to women's access to justice.

Women for Afghan Women:

WAW organized a series of women's and human rights workshops in six boy's schools in Khewa, Surkh Rod, and Behsud districts, involving 74 adult participants including teachers, headmasters, principals, and 340 male students, 840 female students and 100 mullahs.

WAW's *Women's Rights are Human Rights* handbook is now available in both Dari and Pashto. Over, 3,000 copies have been printed in Dari and Pashto and distributed to workshop participants in Nangarhar.

Additionally, other project materials such as pocket-sized and wall-sized WAW informational calendars were printed and distributed in communities.

6. SUPPORT NATIONAL POLICY DEVELOPMENT

The Ministry of Justice committee to review legislation regarding recognition of traditional dispute resolution did not meet in December. Once the committee, headed by Sayed Yosuf Halim, Administrative Deputy Minister, meets, RLS-I work to assist with the review process for the drafted Law on Dispute Resolution, *Jirgas* and *Shuras*. There is now a USG working group that is looking at the potential ways to work with GIRoA on issues related to a national policy or legislation dealing with the informal justice sector and its relationship(s) with the formal sector.

7. TRENDS AND CONSTRAINTS

Security continues to be an ongoing issue impacting on project delivery and also determining which districts can be worked in. On a number of days in February both Nangarhar and Kandahar city were closed to movement due to significant security issues, with kinetic activity within cities, followed by high and increased security threats and "lock downs." The Taliban have threatened increased attacks through their spring offensive which is proposed to begin in March. This may impact significantly on project activities in all districts, but in Kandahar in particular.

Developing trust with elders is critical to the success of the project, and has been built up in just 7 months, but it requires constant tending and careful management to maintain.

The ever changing political dynamics between the various governance actors at a district, provincial and regional level also impact on ADR program design and effectiveness.

Measuring tangible outcomes of elder ADR activities remains a challenge. Unlike the formal justice system where court cases are track-able by nature, the informal and nascent nature of ADR in Afghanistan means accurately recording elders ADR outcomes is not yet a reality. For example a measurable outcome for the RLS-I program is getting ADR and state actors together to discuss formalizing links and creating systems for recording ADR decisions and lodging these records with state justice actors/systems. Achieving this commitment from elders and state actors, through a collaborative process, precedes the ability to accurately record and track dispute outcomes.