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Checchi and Company Consulting, Inc.

USAID/DCHA/DG

SIXTEENTH QUARTERLY PERFORMANCE MONITORING REPORT

For the Period July 1 to September 30, 2008

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By

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

A. MAJOR ACTIVITIES

As the USAID-funded Afghanistan Rule of Law Project (ARoLP) comes to the end of FY2008, the project made major strides increasing Afghans’ confidence in—and access to—the formal justice sector. One of the biggest accomplishments was the opening of the new law library at the Independent National Legal Training Center (INLTC) on August 27, 2008. For the first time, Afghanistan’s legal community has access to the country’s most comprehensive collection of Afghan, foreign, and international laws in the country. The library houses 3,100 hardcopy volumes, including all of Afghanistan’s laws in both Dari and Pashto languages in both hardcopy and electronic format. The law library’s collection also includes magazines, journals, and newspapers from the Supreme Court, Ministry of Justice and Parliament. Eventually, the library will house more than 5,000 legal volumes and will become Afghanistan’s first depository library where future laws and legal materials will be available and preserved in one place.

The project continued rolling out Afghanistan’s first-ever, standardized case information management system, which will make Afghanistan’s courts more efficient and transparent. By the end of September 2008, 455 judges and 668 court administrators from 207 courts in 23 provinces were trained in the new Afghanistan Court Administration System (ACAS). ARoLP expects all courts in the country to receive training in the new case-management system by December 2008.

Working with the World Bank and the Supreme Court, ARoLP made real progress implementing the goals set forth in the World Bank’s Afghanistan Justice Sector Reform Project (AJSRP), which aims to build the court system’s capacity for delivering legal services. In July, ARoLP brokered the creation of an AJSRP program oversight committee, made up of representatives from the World Bank, Supreme Court, Ministries of Justice and Finance, and the Attorney General. ARoLP also worked with the Supreme Court to develop and submit requests to the AJSRP program oversight committee more than $4 million to improve Afghanistan’s courts, equipment, and judicial management capacity.

ARoLP continued to offer trainings and develop training materials to provide a more professional and knowledgeable judiciary. During the quarter, ARoLP received Supreme Court approval for three new judicial training courses on Commercial Procedure Law, Penal Law—General Principles, and Private Penal Law. Each course has been translated into Dari and Pashto, formatted for publication, and uploaded to the ARoLP (http://www.afghanistantranslation.com) and Supreme Court websites (www.supreme-court.gov.af). By January 2009, ARoLP will have developed 11 new judicial training courses for the Supreme Court’s still-developing continuing judicial education program.

For future judges and legal professionals, ARoLP has devoted great effort to develop objective-based syllabi for the 11 core courses agreed upon at the January 2008 National Conference on a Core Curriculum. Syllabi have been developed and are being taught in Afghanistan’s faculties of law and Sharia for three of these 11 courses, which will eventually become standard required learning for all prospective Afghan legal professionals. By the second annual curriculum conference in January 2009, ARoLP expects to have completed syllabi and begun working on textbooks for all 11 core courses.
Reaching out to Afghan citizens, ARoLP conducted a two-month public outreach campaign via 32 ARoLP-supported community cultural centers in Kapisa, Panjshir, Parwan and Wardak provinces. In total, ARoLP distributed 100,000 comic book sets (600,000 booklets); 64,000 sets of pamphlets (448,000 pamphlets); 32,000 sets of bumper stickers (384,000 stickers); 16,000 CDs with television and radio materials; and 14,000 pocket constitutions to the centers, who will pass along ARoLP’s legal awareness messages at the district level.

Making a concerted effort to promote the protection of women’s rights, ARoLP gathered 80 participants from nine provinces for its inaugural National Conference on Women’s Rights under Islam in Kabul from July 16 to 17, 2008. The conference was designed to highlight those practices and traditions that are contrary to Islam and to introduce conference participants to more progressive interpretations of the Quran. Participants included 47 male and 33 female religious scholars, academics, civil and human rights activists and legal professionals. For many, the conference provided the first opportunity to discuss such issues publicly.

B. PROGRAMMATIC TRENDS AND CONSTRAINTS

While ARoLP successfully focused on extending its activities beyond Kabul to Afghanistan’s provinces, security remained a major obstacle. In 2008, record numbers of foreign aid workers have been kidnapped or killed, while attacks against U.S. and NATO military targets continue to reach record highs. In Logar province, 37 miles southeast of the capital, four aid workers with the International Rescue Committee were killed in an ambush while en route to Kabul. Provinces ringing Kabul that once were deemed safe for travel are now largely under Taliban control and impassable.

Meanwhile, the Afghan population, in general, continues to struggle with soaring food prices as they prepare for one of the hardest winters in recent memory. These security threats have hampered ARoLP’s progress. For example, the ACAS rollout schedule has been revised—and therefore delayed—numerous times to accommodate for increasing security risks outside the capital.

Still, despite these challenges, the IRoA and ARoLP are making progress toward improving the rule of law in Afghanistan with the help of international actors like the World Bank, the United Nations, and other international governments working in Afghanistan.
II. NICARAGUA RULE OF LAW PROGRAM, TASK ORDER NO. DFD-1-00-04-00170-00

A. MAJOR ACTIVITIES

During the July to September 2008 quarter, the Rule of Law Program of the United States Agency for International Development (USAID) has primarily continued activities directed at strengthening the capacities of civil society, in accordance with the new statement of work.

In this period, planned activities were conducted in support of the institutions of the justice sector. The Program worked on the reform of the internal regulations for the Public Defender’s Office and these were adjusted according to the regulations of the Judicial Career Law that became effective in the previous quarter. Also, the results of the pilot initiative concerning the Sentence Enforcement Project were presented and implemented through workshops, and instructions were adopted for the Sentence Execution Unit of the Public Defender’s Office. These will serve as a guide for the operational work of the unit. Moreover, support was offered to the National Inter-institutional Commission on the Criminal Justice System, for the review and approval by the justice operators (judges, public defenders, prosecutors) of the Oral Trials Manual, which is in the process of being edited.

Included among the priorities for the support that the Program provides to increase access to justice were efforts for strengthening the capacities of the mediators through training courses on the new Criminal Code, as well as institutional strengthening of the mediation centers of Cáritas Granada, the Indigenous People of Sébaco, the Indigenous People of Mozonte, and the Justice and Peace Commissions of Estelí. With regard to the justice facilitators, grant agreements were signed to establish strategic alliances with the mediation centers created by the Program and with the municipalities to promote the work of the facilitators and to foster their sustainability. Support was also provided for the training of the facilitators through workshops on topics related to the new Criminal Code.

The National “Constitutional Reflections” Campaign occurred during this period. This event is held each year by the National Academic Commission of Law Schools (CONADER). This year it was co-sponsored by the Nicaraguan Academy for Juridical and Political Sciences and the Pro Justice Group. The campaign involved the 25 law schools in the country and was held in five provinces with the participation of 1,865 people, including students, academics, legal professionals and other people interested in the issue.

As part of the technical assistance for the process to approve the Enforcement of Penalties Law, the Program supported public consultations on the proposed law with justice operators, litigating attorneys and law clinics. Review and adjustment of the bill was undertaken with the Justice Commission of the National Assembly and its advisers, to arrive at the ruling on the law. This is now in the Commission awaiting signature and later will be presented to the plenary of the National Assembly.

Civil society organizations assisted by the Program and grouped under the Permanent Organization for Justice (OPJ) conducted advocacy activities to promote citizen participation in the selection and appointment of magistrates to the Supreme Court of Justice through publicity campaigns, forums, etc. Furthermore, more than 300 people, including civil society organiza-
tions, lawyers’ associations, and law students from different universities in the country, again benefited from the courses conducted on the new Criminal Code this quarter.

B. PROGRAMMATIC TRENDS AND CONSTRAINTS

Nicaragua’s political situation continues to deteriorate, with the result that the Program has had to restrict some of its activities. Assistance to the justice institutions, including the Supreme Court, the Attorney General and the Public Defense has been reduced, and contact with counterparts has similarly been limited. Emphasis has been placed on the civil society, and grants have been provided to CSOs and other organizations that are related to democratic development and reform. The Program has assisted such private voluntary organizations with internal, organizational strengthening as well as developing capacity with respect to public outreach, advocacy and media relations.

The near-term political horizon is unclear in terms of future activities for the Program. USAID and the Embassy in Managua have been reviewing some of the assistance programs in view of the changes in the government, and in particular the so-called constitutional reforms that would convert the current legislative system to a parliamentary system with a president and a prime minister (who could serve at the will of the congress).
III. EL SALVADOR RULE OF LAW PROGRAM TASK ORDER DFD-I-02-04-00170-00

Checchi signed a task order to implement the USAID/El Salvador Rule of Law Program that became effective September 15. The team has been working to mobilize and establish a program office in San Salvador. The Program will support the efforts of the Salvadoran government to better respond to the justice sector needs of its citizens by improving the efficiency and efficacy of the justice system as a whole, and particularly in the area of criminal justice reform. Much of the technical assistance will focus on the Attorney General’s Office and the National Civilian Police in an effort to improve investigation and prosecution of serious crime.