



Strategy of the Supreme Court With Focus on Prioritizations

Name of the Ministry or Organization	Supreme Court
Official Responsibilities and Duties of the Ministry	Professor Abdul Salaam Azimi Chief Justice of the Supreme Court
Main Pillar, Sub-Pillar, Main Section and Sub-section	<ul style="list-style-type: none"> • Pillar – Governance, Rule of Law and Human Rights • Sector - Rule of Law
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SECTION ONE: OVERALL SECTOR GOALS AND RESULTS

1.1 Goals:

The goals of the Supreme Court for the Afghan judiciary are: (1) professional judges, trained in ethics and held accountable for their actions; (2) efficient and effective systems, including modern case management procedures, for administering the courts and managing cases in an open and transparent manner; (3) an established institute for training judicial officers and court staff; and (4) adequate salaries, facilities, security, and other systems vital to the efficient administration of the courts.

1.2 Expected Results:

A. Priority Expected Results:

The Supreme Court expects to achieve the following priority results in the coming five years. In achieving each result, the Afghan judiciary will develop an integrated approach to increase women's representation at all levels of the justice system and will develop and adopt policies addressing special needs of women, particularly victims of domestic violence and violence against women.

Priority Expected Result No. 1: Improve the Competency of the Afghan Judiciary

The Afghanistan Compact (Justice & the Rule of Law), Strategic Benchmark 3, provides, in relevant part, that by end-2010, reforms will strengthen the professionalism, credibility, and integrity of key institutions, including the judiciary.

Priority Expected Result No. 2: Provide a Properly Functioning Judiciary in Each Province in Afghanistan

The Afghanistan Compact (Justice & the Rule of Law), Strategic Benchmarks 2 and 4, provide, in relevant part, that by end-2010, functioning institutions of justice will be fully operational in each of the provinces of Afghanistan, and justice infrastructure will be rehabilitated.

Priority Expected Result No. 3: Strengthen the Professionalism, Credibility and Integrity of the Judiciary

The Afghanistan Compact (Justice & the Rule of Law), Strategic Benchmark 3, provides, in relevant part, that a review and reform of oversight procedures relating to corruption, lack of due process, and miscarriage of justice will be initiated by end-2006 and fully implemented by end-2010, and that such reforms will strengthen the professionalism, credibility, and integrity of key institutions, including the judiciary.

Priority Expected Result No. 4: Increase the Efficiency and Uniformity of Court Administration

The Afghanistan Compact (Justice & the Rule of Law), Strategic Benchmark 2, provides, in relevant part, that by end-2010, functioning institutions of justice will be fully operational in each province of Afghanistan, and the average time to resolve contract disputes will be reduced as much as possible.

B. Other Expected Results:

Other Expected Result No. 1: Increase the Public's Awareness of and Confidence in the Judicial Process

Other Expected Result No. 2: Improve the Transparency of, and Access to the Judicial System, Particularly for Those Who Historically Have Had Their Rights Least Protected

SECTION 2: CONTEXTUAL ANALYSIS

2.1 Analysis of the Current State of the Sector

There are a number of constraints facing the Afghan judiciary; however, active participation by the international community can help overcome the effects of nearly three decades of conflict. The Afghan judiciary has limited capability to develop and improve the professionalism, credibility, and integrity of the judiciary. Factors such as low salaries for judges, inadequate facilities, poor security, and an undemanding legal education system, contribute to the problems. Court facilities have few places for adequate storage of court records, areas for attorney/client conferences, and open and public hearings. Buildings often have inadequate and inconsistent power. In many provinces, there are no district court buildings at all, and the space must be either rented, or be provided in provincial court buildings, requiring litigants and attorneys, as well as judges, to travel long distances to attend court. The Afghan judiciary lacks a formal system to train, educate, monitor, and discipline judges and court staff. In addition, court and case management procedures are too complicated, raising corruption opportunities when merely filing a case or requesting information about a specific case. While the Afghan judiciary generally decides cases in an acceptable timeframe, the system of filing cases coming from, and returning cases to the Hoquuq adds additional time for cases to work their way through the court system. When cases are delayed, they are often lost in a maze of court files or not properly monitored. Poor record keeping, and inadequate facilities and procedures to track the progress of each case contribute to delay. Access to the justice system suffers as a result of widespread lack of awareness by the public of rights and responsibilities under the law. Qualified, affordable legal representation is usually unavailable. The strengthening of the operation of the court system is crucial for private sector development and the stabilization of the government of Afghanistan.

2.2 Analysis of Key Strategic Elements and Processes in Past Programming that Contributed to Success

The Stage and Foundation training programs have been successful, and demonstrate the willingness of judicial candidates and sitting judges to obtain more education. They also demonstrate the willingness of experienced judges and professors to devote their time and expertise to this important task of judicial education. These training programs, as well as other continuing judicial education programs directed at particular areas of the law, such as commercial law, are sustainable over time by the Supreme Court.

Introduction of computer training and associated English language training has allowed the Supreme Court to implement automated solutions for several of its administrative functions. The personnel department has automated the list of staff (Tashkeel) and maintains it along with all updates. In addition, the statistics department enters data from the lower courts' statistical reports. The Supreme Court, along with two other pilot courts, now enter case information into a case registration database. The database tracks basic information about the courts' caseloads. Targeted training for the Supreme Court's administrative staff has increased the Court's capacity to better manage internal budgeting, personnel, and other administrative programs. The Supreme Court now has the capability to create, justify, and administer the judiciary's budget process. The Court also has the capacity, with the continued support of the United States and other donors, to expand the pilot programs into a modern national court administration system.

SECTION 3: STRATEGY

Overall Strategy for Achieving Expected Results

Priority Expected Result No. 1: Improve the Competency of the Afghan Judiciary

The overall strategy to improve the competency of the Afghan judiciary is to provide intensive education and training to applicants selected by the Supreme Court to become judges, and to provide continuing judicial education for sitting judges. This strategy integrates the elements and processes that have led to the successful completion of the Stage training in 2006, and 12 Foundation trainings in 2006-2007. In the 2006 Stage, 173 judicial candidates completed a 36-week educational program offering a multitude of substantive and procedural courses. The courses were taught by judges, law professors, and experts in various subjects. The Foundation trainings have provided continuing judicial education to a total of 459 sitting judges, using Afghan judges and professors as trainers. Over the course of these trainings, a roster of skilled trainers has been developed, and, based in part upon evaluations completed by the judges, changes and improvements have been made in the Foundation curriculum. There are no changes or amendments required in policies, legislations, or regulations by the government and the international community to address this strategy and achieve the priority expected result.

A well-trained, competent, and professional judiciary, which has earned the trust and confidence of the public, including the business and investment community, is essential to the protection of individual and human rights, including the rights of women and victims of domestic violence; the prosecution of organized crime, narcotics, and official corruption cases; and the development of a strong and stable economy. Therefore, over time, the following options will have a positive impact on the vindication of human rights, poverty reduction, economic growth, productivity increase, and employment and income generation.

The following options, in combination, will achieve the priority expected result of improving the competency of the Afghan judiciary:

Option 1: Increase the Length of the Stage from One Year to Two Years and Restructure Its Curriculum (Total Requested: \$3,000,000).

Option 2: Expand the Training Provided to In-service Judges to Increase Their Competency and Professionalism (Total Requested: \$1,100,000).

Option 3: Create a Judicial Training Institute (Total Requested: \$3,800,000).

Option 4: Provide Scholarships for Judicial Study-Abroad Experiences (Total Requested: \$750,000).

Option 5: Create a Continuing Judicial Education Program (Total Requested: \$1,250,000).

Priority Expected Result No. 2: Provide a Properly Functioning Judiciary in Each Province in Afghanistan

The overall strategy to provide a properly functioning judiciary in each province in Afghanistan includes the building or renovation of court buildings throughout Afghanistan; the construction of residences for judges in each of the provinces; the provision of vehicles for use by the judges in each court in Afghanistan; and the construction of a building for the Supreme Court, with a courtroom and offices and conference rooms for the nine justices. There are no changes or amendments required in policies, legislations, or regulations by the government and the international community to address this strategy and achieve the priority expected result.

A judiciary cannot properly function without an adequate infrastructure. For the public to have trust and confidence in the courts, there must be transparency. Interested citizens must be able to observe court proceedings. There must be court facilities with sufficient space for the judges to conduct judicial business and hold hearings, space that is accessible to the public. Judges who are assigned to courts remote from their homes must have vehicles in which to travel on judicial business and residences in which to live while performing their assignments. The Supreme Court, the location and focus of the separate

and independent judicial branch of government, needs a building with a courtroom for ceremonial and judicial functions, and adequate office and conference room space for the justices.

The following options, in combination, will achieve the priority expected result of providing a properly functioning judiciary in each province in Afghanistan:

Option 1: Construction or Renovation of Court Buildings Throughout Afghanistan (Total Requested: \$20,000,000).

Option 2: Construction of Judges' Residences in Each of the Provinces (Total Requested: \$4,375,000).

Option 3: Provision to Each Afghan Court of One Vehicle for Use by Its Judges (Total Requested: \$28,840,000).

Option 4: Construction of Supreme Court Building, with Courtroom and Offices and Conference Rooms for Nine Justices (Total Requested: \$8,000,000).

Priority Expected Result No. 3: Strengthen the Professionalism, Credibility, and Integrity of the Judiciary

The overall strategy to strengthen the professionalism, credibility, and integrity of the judiciary is to establish standards to govern the conduct of judges, including a mechanism to enforce those standards, and to increase the pay for judges. Nothing undermines public trust and confidence in the judiciary more than corruption of judges and court officials, or the perception of such corruption. This is so because, ultimately, it is the judiciary that must be relied upon by the public to hold the other branches of government accountable, as well as to vindicate human rights and resolve individual disputes. Judicial corruption flourishes where judges are not paid enough to support themselves and their families. Judges must be adequately paid. Concomitantly, they must be held to the highest standards of professional and personal behavior. A code of judicial conduct is necessary to establish those standards. It will put the judges, as well as the public, on notice of the applicable standards, and at the same time provide the legal basis for disciplinary action against a judge accused of violating the standards. Until corruption in the judiciary is eliminated, and is seen to be eliminated by the public, including the business and investment communities, there can be little trust and confidence in the judiciary, and little overall economic progress.

An honest and professional judiciary, which has earned the trust and confidence of the public, including the business and investment community, is essential to the protection of individual and human rights, including the rights of women and victims of domestic violence; the prosecution of organized crime, narcotics, and official corruption cases; and the development of a strong and stable economy. Therefore, over time, the following options will have a positive impact on the vindication of human rights, poverty reduction,

economic growth, productivity increase, and employment and income generation. Changes or amendments in government personnel and salary policies, legislations, or regulations may be needed to address this strategy and achieve the priority expected result.

The following options, in combination, will achieve the priority expected result of strengthening the professionalism, credibility, and integrity of the judiciary:

Option 1: Create a Judicial Service Commission (Total Requested: \$750,000).

Option 2: Increase Pay for Judges and Judicial Personnel (Total Requested: \$125,000,000).

Option 3: Develop a Code of Judicial Conduct and Enforcement Mechanism (Total Requested: \$2,280,000).

Priority Expected Result No. 4: Increase the Efficiency and Uniformity of Court Administration

The overall strategy to increase the efficiency and uniformity of court administration involves a review and analysis of the Supreme Court's existing regulations dealing with the administration of the courts; creation of a management support unit in the Supreme Court; the development of a national court administrative system; a modernization of Afghanistan's commercial court system; and creation of a translation and publication unit in the Court . Transparent and efficient court administration is essential to public trust and confidence in the judiciary. Often, for members of the public, their contact with the courts is with a court administrator and not a judge. Judges have difficulty timely discharging their judicial duties if court administration is not efficient in processing and tracking the cases, and maintaining the case files. Proper storage of case files is necessary to the preservation of an accurate record of the court proceedings. There are no changes or amendments required in policies, legislations, or regulations by the government and the international community to address this strategy and achieve the priority expected result.

The following options, in combination, will achieve the priority expected result of increasing the efficiency and uniformity of court administration:

Option 1: Review and Revise All Supreme Court Regulations Dealing with the Administrative Operation of the Courts (Total Requested: \$50,000).

Option 2: Create a Management Support Unit in the Supreme Court (Total Requested: \$750,000).

Option 3: Develop a National Court Administration System (Total Requested: \$5,000,000).

Option 4: Modernize Afghanistan’s Commercial Court System (Total Requested: \$22,500,000).

Option 5: Create a Translation and Publication Unit (Total Requested: \$800,000).

SECTION FOUR: PROGRAMMING

A. Priority Expected Results

Priority Expected Result No. 1: Improve the Competency of the Afghan Judiciary

Option 1: Increase the Length of the Stage from One Year to Two Years and Restructure Its Curriculum (Total Requested: \$3,000,000).

Presently, the Stage training covers many subjects of substantive and procedural law. However, given the deficiencies in the current curriculum of the law and Sharia faculties, judicial candidates need additional education and training before undertaking the judicial role. Modules to develop judicial skills such as legal research, conduct of hearings, decision making and writing, judicial administration, and judicial attitudes will be introduced. A two-year Stage training will allow for this enhanced curriculum. The cost of the Stage training is approximately \$350,000 per year, depending upon the number of judicial candidates selected by the Supreme Court for that year. A two-year Stage would double the cost for the second through fifth years. The estimated cost over five years is \$3,000,000. Historically, the Stage training has been the method used to train judicial candidates selected by the Supreme Court. This activity is supported through 2007 by Italy, Germany, France, and the United States.

Option 2: Expand the Training Provided to In-service Judges to Increase Their Competency and Professionalism (Total Requested: \$1,100,000).

Because the Stage training was not held in Afghanistan for several years during the decades of conflict, many judges were appointed who had not had the benefit of the Stage training as judicial candidates. The Foundation training was initially created to provide necessary judicial education for these judges. It is estimated that approximately 600 sitting judges have not had either the Stage or the Foundation training. The Foundation training for the remaining untrained judges should be completed over the next five years, at a cost, based upon prior experience, of \$120,000 per year (total \$600,000). The Foundation training serves the precise purpose of providing needed basic-skills education to judges who did not have the benefit of the Stage training. However, there will be a need for some additional basic skills training for judges identified as lacking in those skills. Based upon the experience with the Foundation training, it is estimated that eight basic skills supplemental trainings per year would cost approximately \$100,000 per year (total \$500,000). The Foundation training is supported through 2008 by the United States. Other training is provided by Italy and Canada.

Option 3: Create a Judicial Training Institute (Total Requested: \$3,800,000).

The Supreme Court requires a building and accompanying residences where judicial candidates and judges can be trained, and housed during their training. During the past two years, Stage and Foundation trainings have been held at various locations, some rented by international donors. To insure the sustainability of judicial education and training, a permanent location owned by the government and operated by the Supreme Court is necessary. A building for the National Legal Training Center (NLTC) has been constructed, and will be used for the Stage training commencing on 24 March 2007. That training, which will require seven classrooms for 36 weeks, will use nearly 80% of the available training space in the building, leaving very little space for trainings conducted by the Ministry of Justice, Office of the Attorney General, or other national organizations. Moreover, there are no residences available at the NLTC for judges and judicial candidates coming from across Afghanistan. The cost of the building design and construction of a Judicial Training Institute is estimated at \$2.6 million, and the annual cost of operation and maintenance of the building is estimated at \$240,000 (total for program - \$3.8 million). No donor has pledged funding for this activity.

Option 4: Provide Scholarships for Judicial Study-Abroad Experiences (Total Requested: \$750,000).

Exposing Afghan judges and court administrators to the methods used by successful judicial systems will provide invaluable knowledge to those individuals who will lead the judiciary in the next decades. The participants will be expected to return to Afghanistan and share their knowledge and their experiences with their colleagues. The scholarships will also act as an incentive to other judges and administrators to perform at a high level in order to share the study-abroad experience. It is believed that at least 10 judges and administrators should be sent each year. While a plan is not in place, the estimated annual cost is \$150,000 (total for program - \$750,000). No donor has pledged funding for this activity.

Option 5: Create a Continuing Judicial Education Program (Total Requested: \$1,250,000)

All successful judicial systems require a program of continuing judicial education (CJE) for judges so that they can keep abreast of changes in the law and other legal and social developments in the country. For example, the program will include information about the role of judicial officers in cases involving violence against women, and the need to send a clear message that such violence will not be tolerated. Logically, this CJE program will be administered by the Judicial Education Directorate of the Supreme Court, subject to guidance from the Judicial Education and Training Committee of the Supreme Court. Considering the large geographical area to cover and the difficulties inherent in travel, a functioning CJE program that can reach all the sitting judges will require the expenditure of significant funds. The estimated annual cost for 10 CJE

programs is \$250,000 (total for program - \$1,250,000). There is limited financial support for this activity from the United States, Italy, Germany, and Canada.

Priority Expected Result No. 2: Provide a Properly Functioning Judiciary in Each Province in Afghanistan

Option 1: Construction or Renovation of Court Buildings Throughout Afghanistan (Total Requested: \$20,000,000).

The judiciary cannot function properly without the necessary buildings and equipment that will allow the judicial proceedings to take place effectively and efficiently. Small rooms, some in rented or borrowed locations, which serve as courtrooms, do not permit transparency because the public cannot attend the proceedings being conducted in such locations. The need for public courtrooms is fundamental to the rule of law. Adequate public space in courthouses is necessary to the provision of document registration and other court services; to facilitate communication among the different branches of the court; to provide access to the disabled; and to create a safe environment for victims of violence against women and other witnesses. Priority in construction and renovation should be given to the busiest courts, as determined by reported caseloads. In order to make a significant impact upon the need, at least 20 courthouses should be constructed, and 40 buildings should be renovated each year. The estimated construction cost per building is \$150,000, for a total of \$3,000,000 per year, and the estimated renovation cost per building is \$25,000, for a total of \$1,000,000 per year (total for program - \$20,000,000). No donor has pledged funding for this activity.

Option 2: Construction of Judges' Residences in Each of the Provinces (Total Requested: \$4,375,000).

Judges, especially those serving in the provincial appeals courts, often do not live in the area where the court is located. In order to attract qualified judges to serve in these positions, and to better provide for their security, they need to have residences near the court while they are in service away from their homes. Each of the 34 provincial appeals courts requires five residences for its judges. The estimated construction cost of each residence is \$25,000. The construction of five residences in seven provinces each year will complete the construction program in five years, at an estimated annual cost of \$875,000 (total for program - \$4,375,000). No donor has pledged funding for this activity.

Option 3: Provision to Each Afghan Court of One Vehicle for Use by Its Judges (Total Requested: \$28,840,000).

Despite long distances between the courts and the judges' homes, the Afghan judiciary owns only a few vehicles. Judges often walk many miles each day to and from work. Also, without vehicles in the outlying district primary courts, there is limited contact with the provincial appeals courts and difficulty in reporting as necessary for effective judicial

administration. Based upon a per vehicle cost of \$20,000, it is estimated that the purchase of a vehicle for each of the 437 courts in Afghanistan will cost approximately \$8,840,000, and it is estimated that the cost of fuel, maintenance, and drivers will be \$20,000,000 over five years (total for program - \$28,840,000). No donor has pledged funding for this activity.

Option 4: Construction of Supreme Court Building, with Courtroom and Offices and Conference Rooms for Nine Justices (Total Requested: \$8,000,000).

The Supreme Court does not have a courtroom in which to hold hearings and conduct ceremonial events. The importance of the judiciary as a co-equal branch of government and the Supreme Court as the highest court of the judiciary requires such a venue. Presently, there is only one conference room for use by the Court. Office space in the existing Supreme Court building is very limited and the relocation of justices' offices to a new facility will free up space for other Court needs. The estimated cost of construction of a building with a courtroom and offices and conference rooms for the nine judges is \$8,000,000. No donor has pledged funding for this activity.

Priority Expected Result No. 3: Strengthen the Professionalism, Credibility, and Integrity of the Judiciary

Option 1: Create a Judicial Service Commission (Total Requested: \$750,000).

An independent advisory commission, composed of up to five eminently qualified persons, will evaluate the judiciary and make recommendations for necessary improvements. Areas of inquiry by this commission will be judicial pay, conditions of employment, qualifications for appointment to judicial office, standards for appointment and transfer, judicial conduct and enforcement procedures, and reform of court practices. Having an independent commission making recommendations, after providing an opportunity for public and stakeholder input, will enhance objectivity, credibility, and the prospect of the adoption of its recommendations by Afghan institutions and the receipt of necessary support from international donors. The Judicial Service Commission will have an operating life of one year, with an option for an extension of an additional six months. Based on anticipated salaries for commission members and staff, office space and equipment, and consultants to aid the commission, the estimated cost over the life of the commission is \$750,000. No donor has pledged funding for this activity.

Option 2: Increase Pay for Judges and Judicial Personnel (Total Requested: \$125,000,000).

At the present time, the salaries of most judges do not provide a living wage for them or their families. Corruption is often excused by that fact. While an increase in pay to provide all judges with a living wage will not eliminate corruption by itself, it is a necessary component of an overall program to do so. Salaries of the judges need to be increased eight times the amount now being paid in order to provide them with a

reasonable standard of living commensurate with their education and responsibilities. \$22 million will be needed to increase these salaries the first year, and an increase of 5% per year thereafter creates the total cost of \$125 million over five years. No donor has pledged funding for this activity.

Option 3: Develop a Code of Judicial Conduct and Enforcement Mechanism (Total Requested: \$2,280,000).

Virtually all developed nations and most developing nations have a written set of ethical guidelines for judges to follow in carrying out their professional duties. These guidelines may be based upon international standards, law of the country, and other ethical principles. The adoption of written ethical standards will give the public an increased degree of trust in the integrity of the judiciary and will guide judges in performing their professional role. A necessary component of judicial ethics reform is the creation of a body to investigate, prosecute, and adjudicate claims of violations of proper judicial conduct. The Supreme Court has appointed a committee to prepare a proposed Code of Judicial Conduct, and, with the assistance of an international consultant, a draft has been prepared for review by the committee and possibly other judges, as the committee and the Chief Justice may decide. Following final adoption of a Code of Judicial Conduct by the Supreme Court, training programs for judges and the enforcement body will be delivered. Given the importance to the judiciary of the Code of Judicial Conduct, representatives of the Supreme Court will likely conduct inspection tours to each of the courts in Afghanistan to provide direct education to the judges regarding their duty to comply with the ethical standards set forth in the Code. It is estimated that this process, including the inspection tours, will cost \$780,000. The creation of an enforcement body, and rules to govern its proceedings will likely immediately follow the adoption of the Code. Salaries of the staff of the enforcement body, office furnishings and equipment, investigation costs, and associated costs are estimated to be \$300,000 per year (total for program - \$2,280,000). In the future, the enforcement of the Code of Judicial Conduct will be considered a necessary government expense, and will be sustainable by the Supreme Court. The drafting process will be completed with assistance from the United States, and the United States and Italy will assist in some training activities. No donor has pledged funding for the inspection tours and the creation of the enforcement body.

Priority Expected Result No. 4: Increase the Efficiency and Uniformity of Court Administration

Option 1: Review and Revise All Supreme Court Regulations Dealing with the Administrative Operation of the Courts (Total Requested: \$50,000).

The Supreme Court has identified twenty-nine regulations relating to court administration, both in the Supreme Court itself and in the lower courts. Most of these regulations were adopted over thirty years ago. Many of these regulations must be revised in order to provide uniform, understandable, transparent, and efficient court administration. The Supreme Court will appoint a committee to review these regulations

and, if determined necessary, an international consultant will be employed to work with the committee in the revision process. Training of administrative staff will also be part of this program. The estimated cost over five years is \$50,000. No donor has pledged funding for this activity.

Option 2: Create a Management Support Unit in the Supreme Court (Total Requested: \$750,000).

In order to increase the administrative capacity of the Supreme Court to provide effective and efficient administration of the judiciary, the Supreme Court will create a Management Support Unit. This Unit, comprised of nineteen individuals, will provide administrative and technical support to the General Administrative Director of the Judiciary, and will work to modernize operational procedures, support training programs, increase the use of technology in the courts, and establish proper procedures for the management of court records. Salary for the nineteen new employees, office equipment and supplies, and travel expenses are estimated to cost \$150,000 per year (total for program - \$750,000). No donor has pledged funding for this activity.

Option 3: Develop a National Court Administration System (Total Requested: \$5,000,000).

The Supreme Court is responsible for the administration of the judiciary, including all the courts in the country. Effective court systems require transparent and standardized operational procedures. Procedures for the uniform categorization of cases, filing of papers, case identifiers, reporting of case types and outcomes, etc., must be developed and implemented on a national basis. The annual cost of a national court administration system, including technical assistance and judicial and staff training, is estimated to be \$1,000,000 (total for program - \$5,000,000). This activity is supported by the United States through 2008.

Option 4: Modernize Afghanistan's Commercial Court System (Total Requested: \$22,500,000).

The Afghan system of commercial courts suffers from a multitude of problems. Published and accessible judicial decisions, consistent and predictable judicial decision making, enforcement of judgments, and the availability of ancillary service providers, such as bailiffs and receivers, either require creation or strengthening. In addition, Afghan commercial court judges do not receive the necessary training or acquire the necessary commercial expertise to adequately deal with the myriad of commercial transactions and potential legal disputes that may come before the commercial courts. With assistance from the United States, an assessment of the commercial court system has been completed, and training programs for commercial court judges will commence in the coming weeks. However, Article 45 of the Law of the Organization and Authority of the Courts of Islamic Republic of Afghanistan provides for the establishment of a commercial court in every province. Currently, only four commercial courts are functioning in Afghanistan, including two courts located in the Kabul national capitol

area. Accordingly, as the first phase, six additional commercial courts will be constructed and professionally staffed in order for the Afghan commercial courts to begin functioning with the efficiency, transparency, and predictability required by the international private sector. The estimated cost over five years is \$22,500,000. No donor has pledged funding for this activity.

Option 5: Create a Translation and Publication Unit (Total Requested: \$800,000).

With support from the United States, many of the laws of Afghanistan have been translated and made available in hardcopy and electronic form, and are also available on a website. However, written educational and training materials for more effective legal and judicial education, both at the university level, and in continuing legal and judicial education programs, are urgently needed. One of the most serious education problems of the past 30 years has been the absence of books and other written materials for judges to read to increase their learning and knowledge. Since these materials do not exist in adequate numbers in original form in Dari, translation is required, at least for the foreseeable future. An abundance of written judicial and legal education materials exists in international languages, and if the capacity exists to translate those materials, the information gap will disappear. Furthermore, old and less effective teaching methodologies will be replaced with new and modern techniques and methodologies. Lack of books and training materials in the justice sector requires the establishment of a translation unit of highly qualified translators, including individuals with native Dari and Pashto skills, all of whom must be proficient in English (and some proficient in Arabic, Urdu, and other languages as well). These translators will translate documents from English and other international languages to Dari and Pashto. The translated documents will then be published for distribution to judges and court personnel to raise their judicial knowledge and skills. The estimated cost over five years is \$800,000, broken down as follows: salaries for five translators - \$60,000 per year (\$300,000 total); publication costs - \$80,000 per year (\$400,000 total); and the cost of office furnishings and equipment for the unit - \$100,000.

With the exception of specific materials that might be prepared for the Stage and Foundation trainings, no donor has pledged funding for this activity.

B. Other Expected Results

Other Expected Result No. 1: Increase the Public's Awareness of and Confidence in the Judicial Process

Other Expected Result No. 2: Improve the Transparency of, and Access to the Judicial System, Particularly for Those Who Historically Have Had Their Rights Least Protected

These other expected results will naturally flow from the achievement of the priority expected results. Beyond that, it will be necessary to develop a communication strategy

to ensure that members of the public are aware of their rights, and to promote the courts as the preferred forum for the resolution of legal disputes.

Prioritization of Projects

Priority 1 Group (list of projects in order of priority)	Budget	Priority 2 Group (list of projects in order of priority)	Budget	Priority 3 Group (list of projects in order of priority)	Budget	Priority 4 Group (list of projects in order of priority)	Budget
1. Increase in Judicial Salaries	\$125,000,000	Construction of Supreme Court Building with Courtroom and Offices for Justices	\$8,000,000	Improvement to Afghanistan's Commercial Court System	\$22,500,000	Creation of Continuing Judicial Education Program	\$1,250,000
2. Construction and Renovation of Courthouses	\$20,000,000	Creation of Translation and Publication Unit	\$800,000	Review of Supreme Court Administrative Regulations	\$50,000	Study-Abroad Scholarships	\$750,000
3. Purchase of Vehicles for Use by Judges	\$28,840,000	Inspection Tours and Training on Code of Judicial Conduct	\$780,000	Creation of Management Support Unit	\$750,000	Foundation and Other Basic Skills Programs	\$1,100,000
4. Construction of Residences for Judges	\$4,375,000	Implementation of Code of Judicial Conduct Enforcement Mechanism	\$1,500,000	Develop a National Court Administration System	\$5,000,000	Extend Stage to Two Years	\$3,000,000
5. Creation of Judicial Training Institute	\$3,800,000	Creation of Judicial Service Commission	\$750,000				