



**Islamic Republic of Afghanistan
Afghanistan National Development Strategy**

Justice Sector Priorities

*Rome Conference
on
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Justice Sector Priorities

1. INTRODUCTION

From 2001 to the present, the Islamic Republic of Afghanistan and the Afghan people have been engaged in a complex process of reconstruction following years of heroic resistance to foreign domination and decades of devastating conflict. Through a new constitution and revitalized institutions, our nation has expressed its commitment to rebuilding the country, including key efforts to improve rule of law. This process involves establishing a system of governance that links Islamic principles, Afghan traditions and modern state administration based on a commitment to international standards and fundamental human rights. The Islamic Republic of Afghanistan understands justice sector and rule of law reform to be a crucial element of the nation's stability, security and prosperity.

The purpose of this document is to present the Government's justice sector vision and priorities for the Rome Conference and following actions. It also designed to encourage and enable a series of immediate actions at the Rome Conference. In addition, the document suggests a series of activities to be implemented immediately following the Rome Conference.

Overall, this paper presents a call for action defining a new spirit of cooperation between our government, the Afghan people and the international community. It is based on prior efforts of the Supreme Court, the Ministry of Justice, the Attorney General's Office and the Afghanistan National Development Strategy Secretariat (ANDS). The work presented here is linked to the Afghanistan Compact and the efforts of the Joint Coordination and Monitoring Board (JCMB) and is designed to help realize plans and ideas that have been repeatedly discussed in a number of different meetings and documents.

In October 2005 the Government finalized the "Justice for All" vision for the justice sector after a process of wide consultation. The process of implementation of "Justice for All" commenced through the establishment of Afghan-led working groups and an advisory group on women and children. In April 2007, as part of the ANDS process, the Supreme Court, Ministry of Justice and Attorney General's Office finalized their comprehensive reform strategies. "Justice for All," the Afghanistan Compact, the ANDS, and the strategies of the justice institutions together form the basis of a reinvigorated constructive and collaborative process for reform of the justice sector.

This document builds on these prior advances in the hope that the Rome Conference will integrate meaningful international pledging for specific actions and long-term support. Specific financial and technical commitments will be required from the donor community. In addition, planning on the part of the Islamic Republic of Afghanistan and its relevant justice sector institutions is essential.

2. OVERVIEW OF PAST FIVE YEARS OF JUSTICE AND RULE OF LAW REFORM

Over the past five years, the Islamic Republic of Afghanistan has designed and implemented many important efforts to improve justice delivery. To assist in this process, the government has received valuable support from donor nations, the international community including the United Nations Assistance Mission in Afghanistan (UNAMA), and other UN bodies.

While the Islamic Republic of Afghanistan is grateful for the assistance of the international community, it is important to recognize that justice and rule of law reform has been marked by poor but improving coordination and inadequate funding.

One particularly striking element of five years of justice and rule of law reform in Afghanistan is the gap between proclaimed objectives and reality on the ground. For example, the Afghanistan Compact adopted at the 2006 London Conference states:

By end-2010, functioning institutions of justice will be fully operational in each province of Afghanistan...by end-2010, reforms will strengthen the professionalism, credibility and integrity of key institutions of the justice system...By end-2010, justice infrastructure will be rehabilitated.

These goals indicate a serious commitment to the central role of rule of law in providing the foundation for legitimate governance, protecting citizens' rights, enabling a competitive market economy, combating corruption, curbing the illegal economy, and ensuring that all Afghans have access to justice.

Yet, after five years of reform efforts, a snapshot of the justice sector reveals a gap between the actual situation and these and other stated objectives.

- Judges, prosecutors and other justice professionals earn an average of approximately \$80/month, or less than \$3/day.
- In many parts of the country, there are no or inadequate courts and prosecutors' offices
- Prisons are so inadequate in some places that include the use of shipping containers and basements in rented homes.
- Two in five judges do not possess a university education, and, in the provinces, four out of five prosecutors have never been to university.
- Justice professionals often have no access to office support and basic resources including copies of Afghan legal codes.

All parties agree that the justice sector is an integral element of a functioning modern state. Yet, adequate access to timely and impartial justice still does not exist for many, especially for the poor, women, children, and other vulnerable groups. Constitutional fair trial standards are not sufficiently adhered to. In many cases laws are not being properly applied by the courts. The enactment and implementation of laws, and the administration of justice must operate in a way that promotes and safeguards the rule of law for all persons in Afghanistan without prejudice or discrimination.

The Islamic Republic of Afghanistan recognizes the extraordinary challenges involved in genuinely improving justice sector services. Enabling rule of law and providing justice while protecting basic rights is an on-going process that presents obstacles for even the most developed nations in the world.

Within the context of Afghanistan, creating the foundation for a comprehensive strategy requires an open acknowledgment of a number of key factors.

- *General context* – Our country, which is one of the poorest in the world, is emerging from three decades of conflict that produced enormous suffering and significantly impacted the capacity of the State to provide even minimal services.
- *Growing needs* – In the last several years, the workload of the justice sector has increased substantially. The Supreme Court reports that in the past four years pending cases have grown from under 200 to over 5,000 (an increase of 25 times). The Ministry of Justice reports that the prison population has increased from around 600 in 2002 to over 10,000 (an increase of 15 times) and continues to grow. The Attorney General's

Office reports substantial increases of work of a similar magnitude, especially as it has prioritized anti-corruption activities.

- *Flaws in existing donor assistance* – Over the past five years, investments in justice and rule of law programs have been characterized by inadequate coordination and a general lack of integration. In addition, there has been minimal overall support for most justice sector institutions and significantly different levels of funding for some rule of law institutions at the expense of others (for example, far more funding for Ministry of Interior in comparison to Supreme Court, Ministry of Justice, and Attorney General’s Office).
- *Lack of capacity for Afghan-led management of the justice sector* – Despite substantial efforts by the justice institutions and donors to build capacity, there is still a need for our institutions to improve planning with a special focus on clarifying: objectives, activities to achieve these objectives, timeframes, realistic benchmarks and sequencing, and mechanisms for monitoring, evaluation, and reporting. In addition, there is pressing need for capacity building on project design and budgetary management.

Our nation has had five years of experience managing a foundational partnership with the international community. Some progress has been made. With the support of the donor nations and the UN, judges and prosecutors are being trained, courthouses are being built or refurbished, and the capacity of the permanent justice institutions is being enhanced, while key legislation is also being put in place. More defendants than ever before are being represented by lawyers in court. Yet, much still needs to be done. The justice sector, in particular, requires substantial international assistance in the form of significantly increased donor funding and additional investment in capacity building to ensure that these investments yield a measurable and sustainable improvement in justice and rule of law for the Afghan people. To ensure the effectiveness of this assistance, the justice institutions will intensify efforts towards further reform.

3. BRIEF REVIEW OF ISSUES RAISED IN THE ANDS STRATEGIES

Despite the challenges facing the justice sector, the Supreme Court, Ministry of Justice, and Attorney General’s Office work daily to provide the highest quality service possible, often under extremely difficult conditions. Our justice sector professionals face extraordinary obstacles which require immediate attention and long-term support to ensure that limited gains are not lost.

The ANDS strategies allowed for a useful process of institutional self-evaluation. Through the ANDS process, the Supreme Court, Ministry of Justice and Attorney General’s Office outlined a number of basic needs and priorities. The Government’s priorities for the justice sector are:

- *Increasing salaries* – The first priority of justice institutions is to increase professional wages. Justice sector professional staff need to earn a living wage that provides them with respect for their status and acknowledgment of the importance of their work. Living wages would remove one of the causes of petty corruption. The Supreme Court, Ministry of Justice, and Attorney General’s Office agree that raising current salaries is urgent. They also agree that improved salaries must be linked with greater accountability and accompanied with a careful review of staff qualification and performance monitoring to ensure professionalism, integrity, and credibility.
- *Improving infrastructure* – The justice sector has substantial and widespread infrastructure needs including a demand for the construction or renovation of courts, prisons, and office space. The demands are so widespread that improving

infrastructure will require a careful system of prioritizing specific projects, ensuring quality work, and sequencing activities.

- *Enabling institutional reform* – The Supreme Court, Ministry of Justice, and Attorney General’s Office require substantial institutional strengthening including assistance in policy planning and project management to aid in the development and implementation of a comprehensive plan for the justice sector and rule of law reform.
- *Increasing the quality and coordination of training and capacity building* – The Supreme Court, Ministry of Justice, and Attorney General’s Office have all made substantial advances as a result of training. However, training programs are often poorly coordinated and are not always designed to best address needs. Training should be directed to improve local capacity and, wherever possible, should use Afghan staff. In addition, the justice institutions need to build their capacity for sustainable training of their professional staff. The recently built and furnished National Legal Training Center will provide further professional training. Moreover, greater emphasis must be placed on the new generation of judges, prosecutors, justice officials, and lawyers, by improving the standards and quality of higher legal education provided by the Law and Sharia faculties through improved curricula, teaching methods, libraries, research and other facilities.
- *Improving services in the provinces* – The Supreme Court, Ministry of Justice, and Attorney General’s Office face exceptional challenges in the provinces where justice services are minimal and conditions are extremely poor. It is essential that the justice sector substantially improve its outreach, capacity and quality in rural areas, which will include public awareness campaigns and improved engagement with local understandings of justice.

In addition to the above-listed priorities, each of the three justice sector institutions have separate programs based upon their differing mandates. Specifically:

- The Supreme Court will also:
 1. Protect the fundamental rights of all Afghan citizens, to resolve legal disputes in a fair and transparent manner, and to work to ensure justice through an independent, honest, and effective judicial system;
 2. Improve access to the judicial system, especially for those who historically have had their rights least protected, and to increase the public’s awareness of, and confidence in the judicial process;
 3. Train professional judges in ethics and held accountable for their actions;
 4. Improve the systems, including modern case management procedures, for administering the courts and managing cases in an open and transparent manner; and
 5. Train judicial officers and court staff and to provide adequate salaries, facilities, security, and other systems vital to the efficient administration of the courts;
- The Ministry of Justice will also:
 1. Strengthen the rule of law through drafting, revision, publication and distribution of legislative documents and ensure effective care, custody, treatment and rehabilitation of prisoners, detainees and juveniles;
 2. Support the establishment of an independent national bar association, following the approval of the Advocates Law;
 3. Develop a national policy and plan for legal aid in the country, following the approval of the Advocates Law;

4. Develop a policy to ensure the compatibility of the informal justice system with the laws of the country and with the principles and values of human rights; and
 5. Enhance cooperation and coordination with other programs of the state, particularly in the areas of police and security, counter-narcotics, anti-corruption, land-related issues, and transitional justice.
- The Attorney General’s Office will also:
 1. Increase the effectiveness and efficiency of its investigation mandate through collaboration with the police by developing joint operational guidelines;
 2. Continue its dynamic approach to monitoring, investigating and prosecuting government corruption through a new Anti-Corruption Department using targeted training;
 3. Continue its transformation from a “reactive” to “proactive” organization through changing its structure and practices, including specialization and integration;
 4. Continue its reforms to strengthen its professionalism, integrity and credibility through enforcement of transparent and objective hiring and promotion standards, completing its ethics code and complementary accountability mechanisms including public complaint-taking and internal disciplinary procedures; and
 5. Implement a modern joint management and case information system, including standardized internal case management review protocols and practices to ensure oversight and human rights compliance to review corruption, repeat offenders, cases involving women and children, and pre-trial detention decisions and verdicts of acquittal.

4. THE ROME CONFERENCE —KEY ACTIONS

It is not possible to quickly address all of our nation’s justice sector needs. Instead, what is required is a comprehensive justice sector strategy developed through the ANDS process. This will include a National Justice Program, to be supported by increased donor funding. The Rome Conference as a high profile political event offers a timely and much-needed opportunity to make substantial progress in this area.

The Rome Conference, within the framework of the Afghanistan Compact and ANDS, is expected to achieve the following:

- A commitment from the Government of Afghanistan to finalize a comprehensive justice sector strategy and to implement rule of law reform with the assistance of the international community through a National Justice Program.
- A significant increase of financial support by the international community to increase coordinated assistance for rule of law reform in Afghanistan, based on the National Justice Program put forward by the Government of the Islamic Republic of Afghanistan.

The Government will strive to ensure that this Conference will build upon past experiences and set the stage for a reinvigorated partnership with the international community. To this end the Rome Conference presents an opportunity for the donor community to more effectively and substantially increase its support of the justice sector.

To ensure that the Rome Conference is a success, the Islamic Republic of Afghanistan presents the following:

A. *The strategies of each of the three justice institutions* – the Supreme Court, Ministry of Justice, and Attorney General’s Office – with estimated costing of programs.

B. *A list of specific short-term projects in need of immediate funding at the Rome Conference.* The Supreme Court, Ministry of Justice, and Attorney General’s Office each present a list of five specific projects with the following characteristics that are described in the attached Appendix A.

- *Ready for immediate implementation* – The justice institutions will provide a specific budget and monitoring plan for each project within four weeks of pledged funding. In turn, the Government requests that donor financial support for these projects is provided within eight weeks of the pledged funding. These projects will be ready to begin implementation eight weeks after the receipt of funding.
- *Short-term intervention* – The projects can be completed from 6 to 12-months after they begin.
- *Low-cost* – Each project listed here costs under \$1 million.

Long-term financing for justice and rule of law reform is likely to require a substantial amount of time for planning and funding allocation. These short-term projects, on the other hand, will allow the Rome Conference to yield immediate benefits.

C. *A commitment to comprehensive reform* – The Supreme Court, Ministry of Justice, and Attorney General’s Office will commit to presenting a justice sector strategy and rule of law reform through the ANDS process characterized by the following key elements:

- *Justice sector strategy* – based upon the three strategies already developed and presented by the Supreme Court, Ministry of Justice, and Attorney General’s Office, and the strategic vision outlined in “Justice for All,” a consolidated and comprehensive justice sector strategy will be developed under ANDS. It will include realistic objectives and an integrated and sequenced plan addressing capacity-building needs, mechanisms of improved management, and the importance of engaging with current gaps and obstacles.

- i. *National Justice Program* -- on the basis of the strategies developed by the Supreme Court, Ministry of Justice, and Attorney General’s Office and presented at the Conference, a National Justice Program (NJP) will be developed. It will be based on a consensus reached within the Government on the way forward, including key program elements and priorities. The NJP will provide a credible basis for sustained programmatic financial assistance from donors, including specific plans for short-, mid- and long-term implementation and a mechanism for review. The NJP will specify program timeframes and sequencing, and require system reporting.

D. *A commitment to negotiate for substantial long-term assistance for justice sector and rule of law reform* – The Rome Conference offers the ideal opportunity for working with the donor community to obtain genuine pledges of long-term assistance that will be tied to post-Rome Conference efforts regarding clear prioritizing, timetables, costing, and sequencing.

E. *Afghan Accountability Mechanisms* – The Islamic Republic of Afghanistan recognizes that the donor community desires that direct financial assistance must be paired with accountability mechanisms acceptable to both Afghanistan and the donors that will

ensure the most effective and efficient implementation of the funding. In particular, an evaluation of institutional capacity to manage funds coupled with clear mechanisms of systems management and consistent standards of accountability are essential.

The Islamic Republic of Afghanistan requests from the International Community:

- A. *Commitment to a comprehensive vision of justice sector and rule of law reform in Afghanistan* – The donor community should declare its clear and forceful commitment to comprehensive justice and rule of law reform in Afghanistan through a donor implementation plan that supports the plans and programs designed by the Government. This should involve a special focus on the issues outlined in the ANDS strategies, particularly salary increases, infrastructure development, institutional reform, and training and capacity building.. This commitment should be explicitly guided by needs outlined by the strategies of the Supreme Court, Ministry of Justice, and Attorney General’s Office.
- B. *Pledges of financial support for specific short-term projects in need of immediate funding* – Donors should present direct bilateral pledging for specific projects described above and outlined in detail in Appendix 1. The pledges for these projects should be structured so that money is available within 8 weeks of the pledged funding. Where required, a specific budget and monitoring plan may be developed for committed donors within 4 weeks of the pledge.
- C. *Pledges of significantly increased long-term financial support for justice sector and rule of law reform in Afghanistan* – The donor community should commit to a substantial increase in funding to support comprehensive justice and rule of law reform. This process should involve pledges of medium to long-term funding to be presented at the Rome Conference. The actual provision of funding may be made contingent on the Islamic Republic of Afghanistan’s development of appropriate mechanisms of prioritization, management, costing, and accountability. These pledges should be structured to support the ANDS process.

5. ACTIONS FOLLOWING THE ROME CONFERENCE

The Rome Conference will result in the announcement of a broad and unified commitment to comprehensive justice sector and rule of law reform. This commitment should be reflected in concluding Conference documents formalized by the Islamic Republic of Afghanistan, including the Supreme Court, Ministry of Justice, and Attorney General’s Office, the international community including UNAMA and other UN entities. These commitments should be supported with specific pledges of new funding for short-term projects to be provided immediately and medium and long-term funding to be provided in response to the development of the National Justice Program. The Rome Conference will set the stage for genuine advances in the Afghan justice sector and meaningful benefits for the people of Afghanistan

In particular, this process will involve both high-level meetings in Kabul and various technical meetings in the capital and throughout the country. These events will adhere to the already existing ANDS benchmarks, actions and system of consultations. The process resulting from the Rome Conference should begin as soon as possible and should be structured to encourage maximum communication between all relevant parties.

The first major meeting after the Rome Conference would be an event in Kabul to present the Justice Sector Strategy followed by the National Justice Program. This meeting would begin the implementation process for the medium and long-term pledges outlined in the proposed Donor

Implementation Plan to be endorsed at the Rome Conference. In this way, the Rome Conference will serve as a tool for creating momentum that links pledges of assistance with a steady process of improved strategic planning. As projects are implemented in a coordinated fashion, increased momentum will result, especially where appropriate monitoring and evaluation is integrated into justice sector and rule of law activities.

6. CONCLUSION

Significant and tangible progress in the justice sector can be accomplished through the Islamic Republic of Afghanistan's effective partnership with the international community. Genuine advances require reasonable expectations and coordinated comprehensive programming to meet the priorities and match the context of Afghan society. To enable this, it is necessary to establish an improved process of clear and open communication, and accountability for funding, between the Government, particularly the Supreme Court, Ministry of Justice, and Attorney General's Office, and the international community.

To make justice a reality for the people of Afghanistan, the Government calls for all interested parties to intensify their efforts to establish a functioning, accessible, and sustainable justice system that provides security, peace, and justice for all.

APPENDIX 1 – OUTLINING SPECIFIC SHORT-TERM PROJECTS IN NEED OF IMMEDIATE FUNDING

The Islamic Republic of Afghanistan hopes that the Rome Conference will stand as a watershed event in the development of a comprehensive plan for justice sector and rule of law reform. This document has been prepared by the Supreme Court (SC), the Ministry of Justice (MoJ), the Attorney General's Office (AGO) and the Afghanistan National Development Strategy Secretariat (ANDS) as a means of assisting the donor community in pledging funds at the Rome Conference.

This document presents a series of 15 projects identified by the SC, MoJ and AGO (5 projects each) that have the following characteristics:

1. *Ready for immediate implementation* – The projects can be implemented within 6 weeks after the receipt of funding.
2. *Short-term intervention* – The projects can be completed from 6 to 12-months after they begin.
3. *Low-cost* – Each project listed here costs under \$1 million.

The Islamic Republic of Afghanistan urges the donor community to pledge specific bilateral funds at the Rome Conference to cover the projects listed here. The pledges for these projects should be structured so that money is available within 8 weeks of the end of the Rome Conference, or no later than August 30, 2007. Where required, a specific budget and monitoring plan will be developed for committed donors within 1 month of the pledge.

The Supreme Court's Five Short-Term Projects

1. Maintenance of existing Court Buildings

Description: There are a total of 34 provincial courts and 408 primary courts throughout Afghanistan. Approximately 30% of the courts have their own buildings, and some 10% buildings have been constructed or rehabilitated by the international community in the past five years. A total of 40 court buildings have been constructed or renovated in the following provinces: Kabul, Paktika, Kandahar, Parwan, Kunduz, Nangarhar, Ghazni, Badghis, Logar, Badakhshan, Samangan, Panjsher, Balkh, Hirat, Kapisa, Wardak, Baghlan, Uruzgan, and Zabul.

For maintenance of old and new court buildings (total of 160 buildings) in all provinces of Afghanistan, the administration of judiciary will train provincial staff on maintenance of the court buildings and provide needed equipment and materials for maintenance.

Proposed start date:	September 1, 2007
Proposed end date:	August 30, 2008
Estimated cost:	US\$ 970,000
	Each provincial appeals court will cost US\$ 10,000 (34 provincial courts will cost US\$ 340,000) and each district court will cost US\$ 5,000 (126 district courts will cost US\$ 630,000)

2. Create a Translation and Publication Unit

Description: 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.

Proposed start date:	September 1, 2007
Proposed end date:	August 30, 2008
Estimated cost:	US\$ 800,000
	The estimated cost is \$800,000 which will include salaries of translators furnishing, equipment, publication and distribution cost of printed materials - some of the products of this unit could be shared with the other justice institutions.

3. Training and inspection tours to regions and provinces

Description: Following the adoption of Supreme Court's regulation on judicial conduct for judges of the Islamic Republic of Afghanistan by the Supreme Court, training programs for judges will be delivered. Given the importance to the judiciary of the Regulation of Judicial Conduct, representatives of the Supreme Court will likely conduct training and 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 Regulation.

Proposed start date: September 1, 2007

Proposed end date: August 30, 2008

Estimated cost: US\$ 780,000

It is estimated that this process, including the inspection tours, will cost \$780,000. In the future, the inspection and enforcement of the Regulation of Judicial Conduct will be considered a necessary government expense, and will be sustainable by the Supreme Court.

4. One Vehicle for each Provincial Appeals Court

Description: 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.

Proposed start date: September 1, 2007

Proposed end date: August 30, 2008

Estimated cost: US\$ 680,000

Based upon a per vehicle cost of \$20,000, it is estimated that the purchase of a vehicle for each of the 34 Provincial Appeals courts in Afghanistan will cost \$680,000.

5. Scholarships for Judicial Study-Abroad

Description: 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. One-year study abroad international legal studies certificate scholarships will be awarded to 25 judges and court administrators. The recipients will study in countries with mature justice systems, such as France, Egypt, the United States, Jordan, Italy, and Morocco.

Proposed start date: September 1, 2007

Proposed end date: August 30, 2008

Estimated cost: US\$ 1 Million

The scholarships, estimated at \$40,000 per scholarship, will cover the costs of transportation, tuition, room and board, and incidentals, for a total cost of \$1,000,000.

The Ministry of Justice's Five Short-Term Projects

1. Construction of offices for departments of Huquq and Government Cases

Description: The departments of Huquq and Government Cases of the Ministry of Justice are either renting or using facilities of other government institutions in 25 out of 34 provinces and have their own offices in only 9 provinces -- all built within the last 5 years. Furthermore, the offices and facilities, particularly in the provinces, operate with bare minimum space and furnishings. They are generally overcrowded and do not meet the needs of the staff and the people seeking services. The construction of offices for the departments of Huquq and the Government Cases in six provinces (Parwan, Juzjan, Ghor, Daikondi, Zabul and Khost) will address the acute needs of office space in those provinces and improve access to justice.

Proposed start date: September 1, 2007
Proposed end date: August 30, 2008
Estimated cost: \$1 million
\$400,000 for the construction of offices in the two 2nd tier provinces of Parwan and Jowazjan (2x \$200,000) and \$600,000 for the construction of offices in the four 3rd tier provinces of Ghor, Daikondi, Zabul and Khost (4x \$150,000)

2. Capacity Building Project

Description: All departments of the Ministry of Justice require training in order to enhance the capacity of their staff, in particular in the provinces. The focus of this short-term project shall be to provide professional and management training at provincial and district levels in 11 provinces of Badakhshan, Balkh, Kunduz, Herat, Kandahar, Nangarhar, Paktia, Faryab, Badghis, Ghor and Daikondi. The trainings would cover departments of Huquq Government Cases, Prisons, and Juvenile Rehabilitation Centers and include professional subjects as well as management, computers and professional code of conduct.

Proposed start date: September 1, 2007
Proposed end date: March 01, 2007
Estimated cost: 500,000
\$100,000 for salary of trainers, \$150,000 for provision of computer, \$10,000 for stationary and training materials, \$105,000 for transportation and travel expenses of trainers and \$135,000 for transportation and daily allowances for participants.

3. Public Legal Awareness Project

Description: The Ministry of Justice will conduct and coordinate an extensive legal awareness campaign with special emphasis on human rights issues, in particular women's and children's rights, as well as the role of the Ministry in promoting access to justice for all. The campaign will include publication of posters and legal information documents, followed by distribution to the people. The Ministry will broadcast legal information through media and other means in an effort to reach, among others, the illiterate or semi-literate segments of the population.

Proposed start date: September 1, 2007
Proposed end date: August 30, 2008
Estimated cost: 500,000
\$100,000 for printing posters and informational documents and developing video clips \$250,000 for transportation and travel

expense of project staff and \$150,000 for holding seminars and equipment necessary for the project.

4. Daikondi Prison Project

Description: The infrastructure of the prisons departments is grossly inadequate to meet the needs of the more than 10,000 prisoners, which is expected to grow further in the next 5 years. Of the 34 prisons, 14 are located in rented, private homes which clearly do not meet minimum international standards. The prison in the province of Daikondi is a case in point and hence a high priority of the Ministry of Justice. A new and furnished prison in Daikondi would significantly improve the facilities and ensure that the prison meets the minimum international standards. The new prison would also provide separate sections for women and juveniles.

Proposed start date: September 1, 2007
Proposed end date: August 30, 2008
Estimated cost: \$1.3 million
Each prison in 3rd tier province (such as Daikondi) cost \$1.0 million. \$250,000 would be needed for provision of the necessary equipment for the prison (vehicles, generators, beds, blankets, dishes etc.), and \$50,000 needed for provision of vocational courses for prisoners and recruitment of trainers.

5. Sari-Pul Prison Project

Description: The prison in the province of Sari-Pul is one of the prisons located in a rented house and does not meet minimum international standards. A new and furnished prison in Sari-Pul would significantly improve the facilities and ensure that the prison meets the minimum international standards. The new prison would also provide separate sections for women and juveniles.

Proposed start date: September 1, 2007
Proposed end date: August 30, 2008
Estimated cost: \$1.3 million
Each prison in 3rd tier province (such as Sari-Pul) cost \$1.0 million. \$250,000 would be needed for provision of the necessary equipment for the prison (vehicles, generators, beds, blankets, dishes etc.), and \$50,000 needed for provision of vocational courses for prisoners and recruitment of trainers.

The Attorney General's Office's Five Short-Term Projects

1. Infrastructure – for a fully functioning prosecution service

Description – Seven buildings in those provinces needed them the most, where there is land owned by the AGO, and in coordination with present or planned court buildings. *Justification:* Providing the necessary space needs at sub-national level enables the AGO to establish physical and prosecutorial presence to more efficiently and effectively investigate and prosecute leading to restoration of the rule of law throughout the country.

Strategy: Is to closely integrate infrastructure and transportation strategy to allow for both access and space to work, and to enable rapid response and speedy investigations of criminal activity. This will facilitate the work of prosecutors in their preparation, and in their dealings with police, victims and witnesses. To do so requires buildings in major regions primary urban areas and Grade 1 level districts based upon population size, level of criminal activity, case load, and neighboring districts populations.

Costing and Methodology: The AG's strategy costing indicates that 5 buildings can be completed every year for the next 5 years, depending on size, location and ease of transport of materials to locations. The areas of greatest and most immediate need are being selected on the basis outlined above. Each building will have between 15-25 rooms, including offices, bathrooms, kitchen, and conference/interview rooms. This is based upon UNDP's construction cost of the AGO HQ 2-story building (of 18 rooms), at approximately \$125,000 adjusted, including fixtures and fittings: furniture, plumbing, electric, fixtures and fittings, it is estimated up to seven buildings of \$875,000 (depending on configurations, size, and number of rooms), with a 10% adjustment of \$87,500 for differing costs due to transportation of building materials, currency fluctuations and inflation.

Proposed start date: Sept. 1, 2007

Proposed end date: Aug. 31, 2008

Cost: \$962,500

2. Transportation – provincial and district access by prosecutors, and by victims/witnesses

Description – Urgently needed transportation will consist of 40 inexpensive jeeps (not Toyotas) for the eight regional centers to complement and replace existing stock, 25 Toyota Corollas compact sedans for urban areas within those regional centers, and 125 motorcycles. *Justification:* The Constitution and criminal procedure mandate strict time limits for completion of investigation and trials. The lack of transportation prevents witness and victim participation in investigation and trial hearings, delays or prevents the accused from participating in those hearings, and hinders prosecutors from guiding crime scene investigations and the Kabul-based expert anti-corruption investigation teams from coming to the provinces.

Strategy: Transportation enhances sub-provincial prosecutorial presence without the need for prosecutor's offices in every district. Transportation will also increase prosecutorial efficiency through reducing response time to crime scenes, which will increase police-prosecution collaboration in the field. Finally, increased transportation will provide greater legally-mandated participation in the criminal justice process, thus increasing access to justice for victims and witnesses.

Methodology and Costing: Afghanistan's geographic terrain varies from mountain, steppes, plains and desert. Primary roads are limited to and in between major urban areas, leaving dirt roads or even paths in many rural areas. Therefore this requires a combination of jeeps (4 wheel drive vehicles), compact vehicles (2 wheel drive sedans, e.g., Toyota Corollas), and motorcycles, with occasional needs in extreme circumstances to rent horses or mules/donkeys (e.g., inaccessible parts of

Badakshan). The jeeps or SUVs for this project are those that are lowest cost, being Russian made, because they are familiar to most Afghans as recognizable government vehicles, easy to repair and parts are plentiful. The motorcycles will be first response to crime scenes and file delivery and summons-service (with saddle-bags). (The AGO Strategy also foresees Toyota 4Runners for AGO HQ Directors and Deputies, and similarly ranked AGO supervising prosecutors at the sub-national levels, not costed here). Each Russian-built jeep is approximately \$15,000. Each Toyota Corolla is approximately \$13,000, and the Chinese-built motorcycles with file-carrying saddle-bags are \$600 each. This immediate impact project foresees 40 jeeps for the eight regional centers to complement and replace existing stock, estimated at \$600,000; 25 Toyota Corollas for urban areas within those regional centers at \$325,000; and 125 motorcycles at \$75,000.

Proposed start date: Sept. 1, 2007
Proposed end date: Aug. 31, 2008
Cost: \$962,500

3. The Extradition and International Legal Assistance Division of the AGO – establishment including initial training

Description – establishing the Extradition and International Legal Assistance Division of the AGO, including initial training both legal and essential language skills. *Justification:* An International Division will enable the AGO to build institutional capacity to fulfill its constitutional mandate and Afghanistan’s international treaty obligations. Currently no capacity exists in the AGO to request or receive Mutual Legal Assistance (MLA) including extradition.

Strategy: Establishing an international unit at the AGO can be completed as part of a short term strategy to serve as the central point, at the AGO for the dual function of providing assistance to requesting states (and where appropriate requesting assistance); and secondly, advising critical AGO departments (*e.g.*, Counter-Narcotics, Anti-Corruption) and other Government of Afghanistan agencies.

Methodology and costing: The methodology includes rigorous progressively harder selection processes including testing that involves a combination of international criminal law instruction, language acquisition (French and English), and placements for on-the-job training with MLA practices in foreign prosecuting agencies. In addition to practical training, a dedicated international legal assistance expert will provide capacity development support in the first year of post-training operations. An essential component to establishing this unit is exposure of Afghan prosecutors to MLA and extradition practices in mature legal systems to hone their skills and strengthen networks. Language training is estimated at \$250,000 for nine participants. Stipends for accommodation and living expenses during internships in foreign countries are estimated at \$150,000. Tickets, travel, insurance costs are estimated at \$60,000 for the education aspects. The salary and costs for the mentor, for 18 months of an international legal assistance expert, is estimated at \$300,000 (ALD-4). Equipment, communications, furniture and travel to foreign countries for investigations and ILA is \$200,000.

Proposed start date: Sept. 1, 2007
Proposed end date: Aug. 31, 2008
Cost: \$950,000

4. A Pilot Project – Information & Communications Technology System that compliments the current paper based system

Description – creation of software and database in Dari and Pashto based upon AGO standard practices and forms (in electronic format) to facilitate AGO investigative and trial processes including appeals. Herat and Balkh have been considered as pilot regional centers with 10 province coverage. An additional objective is to ultimately interface with an AGO dynamic website. *Justification:* lack of accurate and timely information and communications contributes not only to due process violations during investigation and trial, but also affects the ability of senior management to oversee and to track cases. An effective Information and Communications Technology System that compliments the paper based system will allow the AGO to allocate and manage resource efficiently, improve professional and management performance and facilitate inter-departmental and inter-agency cooperation, The AGO “front office” has made it a priority to be able to determine the status of any case in any part of the country from his office at HQ.

Strategy: Develop an information and case management system including special software and database that enables AGO investigations and prosecutions to run smoothly and efficiently, reduce delays, case backlogs and slows prosecutorial decision making at HQ but more particularly in the major provinces. Further, the purpose is to make such information available in real time to senior decision makers at Head Quarters.

Methodology and Costing: Creation of the software and database in Dari and Pashto will be based upon AGO standard practices and forms (in electronic format). Specially trained litigation support staff will be recruited and trained to perform the tasks using extend battery life notebooks (spotty electricity in some provinces). Software and database will be programmed to automatically generate case number, print forms once processes have been completed – including indictments, manage court appearance dates, generate copies. IS and Database development equipment costs – servers, ICT framework in HQ and 2 pilot provinces - \$285,000.00, Staffing and consultancy fees for year 1 development \$275,000. Training and development of ICT staff comprising – web administrators, database manager, 6 database administrators (2 each province and 2 HQ), \$75,000.00 (including accommodation/transportation to/from Kabul from Herat and Mazar). Special software development based on current AGO practices and forms \$95,000 and database development \$95,000.00, Other expenses include stand by generators 2 at \$40,000 each with one year warranty and service contract.

Note on partnering: UNDP if necessary will endeavor to add to the donor amount using AIMS (a UNDP project –funded by USAID) to provide additional services that would otherwise cost about \$300,000.

Proposed start date: Sept. 1, 2007

Proposed end date: Aug. 31, 2008

Cost: \$905,500

5. Advanced Education for future AGO leaders and management

Description – Advanced year of graduate education, out-of-Afghanistan, followed by a one month mentoring program sponsored by the appropriate ministry or institution, for ten qualified prosecutors and management personnel from the AGO to appropriate education institutions in Egypt, the European Union, and the United States/Canada. As a complementary annex if accepted, the AGO would nominate six investigating prosecutors to attend the US Federal Bureau of Investigation’s National Academy for three month courses *Justification:* The education level for new prosecutors is typically 4 years at Kabul University Faculty of Law or Sharia, and for existing prosecutors significantly less. Many prosecutors, especially in the provinces, do not have degrees. Less than 10 employees of the AGO have advanced degrees. It is critical that the AGO current and future leaders and management have exposure, experience or training in management, criminal law, international law, education, and the civil law system.

Strategy: Develop a future group of prosecutor leaders and managers with experience in graduate university education, with diverse experiences gained from participating in a year- long graduate program outside of the AGO and Kabul. The exchange of ideas and culture, and the academic mindset and methods instilled by living in a university graduate school environment, will invigorate the AGO with new approaches and vision.

Methodology and Costing: Cost would be approximately \$40,000 in tuition, books, living expenses, and \$10,000 in travel costs, which would also include English or French lessons pre-departure. Another \$10,000 would be budget for expenses associated with the mentoring process, with an additional \$5,000 for expenses to support their training and return to the AGO such as laptops. Finally \$5,000 would be allocated for follow-on training at specialized training seminars selected by the student and the AGO. Total expenditure would be \$70,000 per student. In the FBI companion project, the six investigating prosecutors for three months attendance plus the same prerequisites stated above provide an estimated cost of \$30,000 per student or \$180,000 for the FBI program.

Proposed start date: Sept. 1, 2007
Proposed end date: Aug. 31, 2008
Cost: \$880,000