Providing Mentorship to Reform the Afghan Justice System

PAE implements the Department of State (DoS) Bureau of International Narcotics and Law Enforcement Affairs (INL) Justice Sector Support Program (JSSP). JSSP provides mentoring and training assistance to the Afghan government to reform its justice system and help Afghans increasingly assume leadership roles. Assistance programs, such as JSSP, address U.S. national security objectives by working alongside the Afghan government.

Building Human and Institutional Capacity

JSSP is the largest justice assistance program and the longest continually operating one in Afghanistan. According to DoS, it is the largest rule of law program of its kind in the world. JSSP employs international and Afghan advisors to:

- Train Afghan officials
- Build capacity
- Improve and expand access to the state justice sector
- Provide technical assistance to Afghan ministries and institutions
- Develop a safe, secure and humane Afghan corrections system that meets international standards and Afghan cultural requirements
- Reduce corruption

PAE’s JSSP Program Manager David Sip explained, “The program helps justice ministries and institutions improve performance and increase capabilities so that one day these ministries will no longer rely on international assistance.”

JSSP works with Afghan ministries and institutions on a variety of projects involving women’s rights, penal code reform, judicial case management, and budget management to provide Afghan citizens access to a fair and effective justice system.

Advancing Women’s Rights in Afghanistan

As the lead agency for promoting women’s rights and advancement in Afghanistan, the Ministry of Women’s Affairs (MOWA) receives mentoring support from JSSP. With JSSP’s assistance, MOWA recently hosted four Gender Representative Working Group (GRWG) meetings for Afghanistan Ministries and government organizations.

The meetings identify challenges women face in the workplace and solutions to decrease discrimination or harassment of women. “The GRWG gives a voice to women by insisting on mainstreaming gender throughout the Afghan government,” explained PAE Gender, Children and Human Rights Team Leader Fariha Easar. “This means giving women equal employment opportunities and ensuring women are represented at the highest levels of government.”

Penal Code Reform Protects Vulnerable Groups

Under JSSP’s guidance, the Criminal Procedure Code Working Group drafted guidelines for implementing a new penal code. The guidelines will help police, prosecutors and judges accurately follow the law and make informative legal decisions during investigations and trials.

In August, the Presidential Committee received the first two volumes of a new five-volume penal code. “I don’t know how long it will take to turn into law, but this is a major feat,” said JSSP Subject Matter Expert Barbara Dillon Hillas. “These guidelines provide fundamental protections and freedoms for suspects, accused, convicts, victims, women, children and vulnerable groups.”

Unified Case Tracking Defends Civil Liberties

The Case Management System (CMS) is a countrywide database in Dari, Pashto and English that tracks the status of criminal, civil and commercial cases in Afghanistan from case initiation until final resolution. INL and JSSP conceptualized the idea for the criminal portion of the database in 2008, and JSSP piloted it in Kabul in 2011.

Advancing Women’s Rights in Afghanistan

What Is Rule of Law?

A system that upholds four universal principles:

1. The government and its officials and agents and individuals and private entities are accountable under the law.
2. Laws are clear, publicized, stable and just; are applied evenly; and protect fundamental rights, including the security of persons and property and certain core human rights.
3. The process by which the laws are enacted, administered and enforced is accessible, fair and efficient.
4. Justice is delivered timely by competent, ethical and independent representatives and neutrals who are of sufficient number, have adequate resources and reflect the makeup of the communities they serve.

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You are bringing the light.

The successful pilot program led to the release of more than 100 illegally detained prisoners and the adoption of a more widely deployed CMS, which includes civil and commercial cases across all provinces. The CMS links eight justice entities – Supreme Court, Attorney General, Ministry of Interior, Ministry of Justice, Ministry of Defense, National Directorate of Security, Afghan Independent Bar Association and the High Office of Oversight and Anti-Corruption – allowing everyone access to data in one centralized database.

“The CMS is something entirely new to the criminal justice system in Afghanistan,” said PAE JSSP Specialist Mohammad Haroon Khadim. “Before the CMS, it was all paper. Cases would pile up, and there was a lack of communication between the eight justice entities … even corruption. The CMS has transformed the Afghan justice system by removing all obstacles, increasing transparency and linking the agencies.”

In an April 2016 meeting with the House of the People, one of two chambers in the Afghan Parliament, Afghanistan’s new Attorney General Mohammad Farid Hamidi discussed the importance of managing cases. “By creating a good case management system, we provide a proper way to defend the liberty rights for the people.”

Improving Ministry of Justice Budget Processes

PAE helps Afghan MoJ personnel navigate the budget request and expenditure process. Through JSSP mentorship, MoJ is improving its systematic use of budgeted funds. “This money needs to be spent to support services for the Afghan people and to promote financial support from the international community,” said JSSP Subject Matter Expert Barbara Dillon Hillas. “We are teaching them how to appropriately use the funds and then how to ask for future funds.”

JSSP recently met with MoJ Administration, Finance and Procurement Directors to increase coordination, identify bottlenecks in the process and conduct budget committee meetings to expedite financial transactions.

More Law Enforcement: Less Fighting

Since its origination in 2005, PAE JSSP remains the largest rule of law initiative supported by the U.S. government. Throughout the years, the program has had an immense impact on Afghanistan, building trust and Rule of Law in communities. Abdullah Khan, Chief Elder of the tribal group Shura, said of 2012 training conducted in Kajaki, a remote district in Helmand Province:

“You are bringing the light. We have been away from the law for 35 years. We have spent three decades in tribal fighting, pulling the trigger. We are thirsty for the enforcement of these laws.”

First page photo caption: JSSP supports training and capacity building of the Taqnin (Legal) Department of the Ministry of Justice.

http://jsspafghanistan.com/

Per contract requirements, PAE built the JSSP website, which went live in March, 2016. It serves as a comprehensive overview of JSSP’s work in Afghanistan and receives approximately 2,365 visitors a month.