



UNITED STATES DEPARTMENT OF STATE  
PUBLIC-PRIVATE PARTNERSHIP  
FOR JUSTICE REFORM IN  
AFGHANISTAN

CHAired BY:

THOMAS A. SCHWEICH

U.S. Coordinator for Counternarcotics and Justice Reform in Afghanistan

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Partner, Arent Fox LLP

and former U.S. Alternate Representative to the United Nations



THE UNITED STATES DEPARTMENT OF STATE  
IS PROUD TO ANNOUNCE  
AN EXCITING NEW INITIATIVE TO SUPPORT THE  
RULE OF LAW IN AFGHANISTAN THROUGH A  
PUBLIC-PRIVATE PARTNERSHIP.

The Public-Private Partnership for Justice Reform in Afghanistan will allow U.S. law firms to make tax deductible contributions to fund low-cost, high-impact projects to strengthen the justice system in Afghanistan. Funding from the private sector will support projects to promote women's issues, legal aid, public awareness of legal rights, and professional development of lawyers, judges and defense attorneys. All contributions will be channeled through the State Department to support the activities of local, non-governmental organizations such as the Afghan Women Judges Association, the Legal Aid Organization of Afghanistan, the Afghan Bar Association, and the Afghan Prosecutors Association.

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On January 4, 2004, Afghanistan's Constitutional Loya Jirga (Grand Assembly) approved a 162-article constitution establishing a presidential system of government with a bicameral legislature and paving the way for national elections later in 2004.



The constitution was approved after three weeks of meetings in Kabul during which 502 male and female delegates, representing Afghanistan's various ethnic groups and geographic regions, debated and made compromises on a draft document before approving it by acclamation.

The new constitution marks a historic step forward, and President Bush has pledged continued U.S. assistance to the Afghan people as they build a free and prosperous future.



The U.S.-Afghan partnership has already produced results. President Bush remarked in August 2007 at Camp David that President Karzai has taken a "strong stance for freedom and justice" and that "we're working closely together to help the people of Afghanistan prosper. We work together to give the people of Afghanistan a chance to raise their children in

a hopeful world. And we're working together to defeat those who would try to stop the advance of a free Afghan society."

Afghans have made a great deal of progress in the justice sector since 2001, but much work remains to be done. The Afghan justice system needs to improve its human resource capacity through legal education and professional development. Judges and lawyers have minimal training and often base their work on their personal understanding of Islamic law and tribal codes without taking into account relevant Afghan laws.



The Afghan Government is working hard to establish the rule of law for its citizens. Today, the American private sector can extend a hand of friendship by joining the United States to support Afghanistan's vision for a free, democratic, and prosperous state based on the rule of law.

## SUPPORTING THE AFGHAN BAR

President Karzai is expected to sign an Advocates' Law soon. Among other things, the law calls for the formation of an independent, non-governmental Afghan Bar Association.



An independent bar association is a significant step for the legal profession in Afghanistan. The bar association will be self-governing, and it will represent the interests of lawyers, regulate entry into the profession, uphold professional standards and ethics, and protect the interests of the public. Most importantly, it will be an advocate for the rule of law and lawyers' professional independence. Afghan lawyers need substantial support as they work to establish their bar association, and American lawyers can make a difference by contributing needed assistance.

## SUPPORTING AFGHAN PROSECUTORS

The Afghanistan Prosecutors Association (APA) is a new professional association for Afghan prosecutors, and is in the process of planning its first conference.



APA works to protect peace and rule of law in Afghanistan, protect democracy and social justice, and advance the professional knowledge and awareness of Afghanistan's 2,500 prosecutors.

A successful APA will bring credibility and honor to a criminal justice system currently in disrepair. APA has an ambitious agenda to adopt a charter, organize committees, elect officers, and plan continuing legal education for members. Support from American lawyers will greatly increase the likelihood of APA's success.

## HELPING LEGAL AID LAWYERS EXPAND THEIR SERVICES

Indigent criminal defense services are critical to advancing the rule of law in Afghanistan. Afghans need a thriving criminal defense bar to ensure justice for all.



The Legal Aid Organization of Afghanistan (LAOA) is a non-governmental organization formed to provide indigent criminal defense services. LAOA lawyers currently offer services only in Kabul and nearby Wardak province. But the organization is perfectly positioned to expand its services outside of the capital.

LAOA is professionally managed, with a board of directors, an Executive and Deputy Director, and supervisory staff. The management structure is transparent and operates with a well developed set of policies and procedures. LAOA lawyers are all formally registered with the Ministry of Justice and receive intensive training. With support from U.S. law firms, LAOA lawyers can successfully extend their services beyond Kabul, helping to bring justice where it is needed most.

## SUPPORTING AFGHAN WOMEN JUDGES

In order to develop an effective legal system, it is imperative that Afghanistan develop a trained and well-educated cadre of judges to serve in criminal and civil courts across the country. Afghanistan currently has over 1,500 judges nationwide.



Funding from the Public-Private Partnership would allow the State Department to expand training programs. A more professional judiciary will encourage public confidence in the rule of law, discourage corruption, and improve the speed and reliability of the legal system.

The Bureau for International Narcotics and Law Enforcement Affairs (INL) has supported training programs for Afghan women judges through an ongoing relationship with the International Association of Women Judges. Through this partnership, INL will strengthen its efforts to ensure the active participation of women judges and lawyers in the justice sector, to promote gender equality, and to provide legal services to women in Afghanistan.



Opportunities to offer meaningful assistance abound. These are just a few examples of ways that members of the American legal community can support the work of their Afghan colleagues.

Donations at all levels are welcomed. Partner firms and lawyers —those contributing \$50,000 or more over two years—will join senior Department of State officials and other interagency partners for a Press Conference, regular briefings from the U.S. Coordinator for Counternarcotics and Justice Reform in Afghanistan, and various other special events. Of course, any contribution of any lesser amount that you would like to make would also be welcomed.

## HOW TO DONATE

Send checks to:

**Department's Gift Fund Coordinator**

Donna Bordley

RM/CFO, Room 7427

U.S. Department of State

2201 C Street NW, Washington, DC 20520

Make checks payable to: *U.S. Department of State*, designation for Afghanistan Justice Reform. An acknowledgement for IRS purposes will be issued to the address on your donor letter.

