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“Oversight of U.S. Efforts to Train and Equip Police and
Enhance the Justice System in Afghanistan”

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Mr. Chairman, Congressman Shays, and other distinguished Members of the subcommittee, thank you for the opportunity to come before you to discuss two of the State Department's critical missions in Afghanistan today – to train and equip the Afghan National Police and develop the justice system. Mr. Chairman, my colleague Ambassador Tom Schweich had the pleasure to brief you, Congressman Moran, and your staff this past April and I look forward to continuing that discussion here today. Ambassador Schweich has served as the U.S. Coordinator for Counternarcotics and Justice Reform in Afghanistan since March 2007 and leaves us this week. I wanted to take a moment to thank him for his service and note the valuable contribution he has made while in service to the State Department and our country.

JUSTICE SECTOR REFORM

The international community's efforts on justice reform got off to a slow start. As the police force became operational, it became crystal clear that no matter how well trained and equipped the police, there would be no sustainable gains in security without a fair and transparent justice system. An effective justice system not only improves public confidence in the police, it also deters crime and extends the reach and authority of the central government.

Following the liberation of Afghanistan in 2001, a lead-nation coordination mechanism was established where donor countries took the lead in different

sectors. The lead-nation approach had advantages, but it resulted in competing visions and varying levels of commitment (including resources) and did not produce an overarching strategy that would create the full spectrum of security and justice.

The Afghan government recognized this shortcoming and in 2006 sought a more holistic approach, which culminated in the Afghanistan National Development Strategy (ANDS) adopted at the Paris Conference on June 12. Prepared in consultation with the international community, the World Bank, and the International Monetary Fund, the ANDS articulates the Afghan government's vision, principles, and goals across the various governance sectors, including police and justice. To implement the justice components of the ANDS, the international community developed the National Justice Program (NJP), which sets forth a specific, line-by-line plan to fulfill the priorities for this critical sector over the next five years. The NJP will also further serve to enhance coordination and de-conflict donor activities, while ensuring that the international community's resources support the Afghan government's top priorities.

Ravaged by nearly 30 years of war, much of the infrastructure in Afghanistan has been destroyed and its human resource capacity is extremely low. The justice sector was particularly devastated, with prosecutors lacking basic equipment such as paper and pens, and judges earning roughly one-fourth the

country's standard living wage. The international community's involvement in the justice sector included relatively few resources and was characterized by uncoordinated donor programs that focused exclusively on the justice institutions in Kabul. During this time, the United States and other donor countries also deployed scores of justice advisors to Kabul, quickly reaching a point of saturation.

To encourage donors to branch out into the provinces and help reinvigorate international efforts in the justice sector, the United States hosted an Afghan rule of law coordination meeting in Dubai in 2006. This meeting helped lay the groundwork for the July 2007 Rome Conference on Afghanistan Rule of Law. Led by President Hamid Karzai, UN Secretary General Ban Ki-moon, and NATO Secretary General Jaap de Hoop Scheffer, the Rome Conference marked a major turning point for the justice sector and resulted in a number of key changes. First, donors from around the world made new pledges totaling \$98 million, of which the U.S contribution was \$15 million. Second, for the first time the three key Afghan justice institutions - the Ministry of Justice, the Attorney General's Office, and the Supreme Court - agreed to develop a unified program to rebuild the justice sector, which became known as the National Justice Sector Strategy. Third, for the first time donor countries agreed to develop a single action plan to implement the Afghan's own strategy, which became known as the National Justice Program. As mentioned earlier, the National Justice Program is a specific, itemized, line-by-line

list of requirements for the three justice ministries and their local branches: donors can execute part of the plan by funding computer automation systems for a specific set of courthouses, or a protective security detail for judges or prosecutors in a specific region, or a particular kind of training for defense lawyers. As noted earlier, the Afghan government and the international community formally adopted the strategy together with the ANDS at last week's Paris Conference, a significant step forward. Fourth, the final key outcome of the Rome Conference was the adoption of the U.S.-sponsored Provincial Justice Coordination Mechanism (PJCM). The PJCM establishes regional offices in eight major population centers throughout Afghanistan. Its goal is to encourage donors and provide the means to extend their resources and programs into the provinces, where the need for justice reform is greatest. The UN has already selected Provincial Rule of Law Coordinators to fill some of these posts, and we expect the first Provincial Justice Coordination offices will open this summer.

The current U.S. Justice Sector Strategy for Afghanistan consists of three core components: (1) strengthen the central justice institutions, namely the Ministry of Justice, the Supreme Court, and the Attorney General's Office; (2) expand justice assistance to the provinces; and (3) improve coordination of donor programs. Now that the Government of Afghanistan has adopted the National Justice Sector Strategy and the National Justice Program, the United States is

reviewing how best to combine U.S. priorities with the goals identified by the Afghan government.

The interagency Afghan Justice Coordination Group, which I will now chair with Ambassador Tom Schweich's departure, in conjunction with the U.S. Embassy in Kabul, coordinates the interagency's justice sector efforts in Afghanistan. With \$92 million in FY 2008 Foreign Assistance programs (including \$20 million in FY 2008 emergency supplemental funds requested from Congress) and more than 130 justice advisors serving in-country, the U.S. government is by far the largest contributor to the justice sector. Areas of responsibility within the interagency are divided as follows: USAID focuses on civil and commercial law development and judicial training in the courts; the Criminal Division of the Department of Justice specializes in counternarcotics prosecutions and extraditions of high-value traffickers; the Drug Enforcement Administration supports counternarcotics investigative training; the Department of Defense assists with police-prosecutor coordination; the U.S. Marshals Service works on judicial security; the Federal Bureau of Investigation specializes in forensics training and fingerprint collection; and the State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) focuses on criminal justice and corrections reform in the Attorney General's Office and the Ministry of Justice.

The INL programs include the following initiatives:

(1) *Counternarcotics*: To develop the capacity to address the specific illicit narcotics crimes, the Justice Department, with funding from INL, has six senior federal prosecutors and three criminal investigative advisors assigned to the Criminal Justice Task Force. These nine individuals train and mentor 30 Afghan prosecutors and 35 Afghan investigators. Since the Afghan-led Task Force became operational in May 2005, it has prosecuted over 1,400 cases, convicted nearly 1,600 defendants, and seized more than 55 metric tons of opium. In addition to the prosecutions in Afghanistan, U.S. federal prosecutors have helped secure the removal of several high-level narcotics traffickers for prosecution in the United States. Two of the traffickers are awaiting trial (Haji Bashir Noorzai and Mohammed Essa), a third was sentenced to over 15 years in prison (Haji Baz Mohammed), and a fourth was convicted just last month on charges of narcotics distribution and narco-terrorism (Khan Mohammed).

(2) *Criminal Justice*: To develop the ability of the nascent Afghan criminal justice system, INL funds 30 U.S. contract advisors and 35 Afghan legal consultants who are part of the Justice Sector Support Program (JSSP). JSSP advisors are based in Kabul and four other provinces, including Herat, Balkh, Nangarhar, and Konduz. JSSP advisors based in Kabul work with the Attorney General's Office and the Ministry of Justice on a wide range of initiatives,

including institutional capacity building, training and mentoring, anti-corruption support, and legislative and procedural reform. JSSP advisors located in the provinces focus on police-prosecutor training and promote access to justice by holding provincial justice conferences and training defense attorneys. Just last month, JSSP advisors in the provinces began offering four-week courses to prosecutors as part of the police Focused District Development (FDD) initiative. To date, JSSP advisors have trained over 850 investigators, prosecutors and defense attorneys throughout Afghanistan.

(3) *Corrections*: INL established the Corrections System Support Program (CSSP) in early 2006 to focus much-needed attention and resources on the corrections sector. CSSP works closely with the Ministry of Justice's Afghan Central Prison Directorate to provide guard training, records and information management, and infrastructure and equipment support. CSSP consists of over 30 U.S. advisors who are deployed in Kabul and four other provinces. To date, CSSP advisors have trained over 1,400 corrections officers. CSSP advisors also created an Engineering Department within the Central Prison Directorate and worked hand-in-hand with Afghan engineers to develop the first hybrid prison model, which represents a combination of western and Afghan designs that meet international standards and are economical enough for the Afghans to build and operate themselves.

(4) *Legal Education*: Through a grant to the University of Washington School of Law, INL supports a study abroad program for Afghan law professors to pursue a master of laws degree in the United States. Graduates of the program are required to return to Afghanistan to fulfill a three-year teaching requirement. To date, approximately 20 Afghan professors have participated in the program.

(5) *Informal Justice*: The vast majority of Afghan citizens settle their disputes through the informal justice system. While the informal system has some positive attributes, there is concern in the international community with allowing certain types of cases, particularly criminal matters, to be adjudicated in the informal system because of the potential for human rights violations. INL is supporting a U.S. Institute of Peace project to help the Afghan government develop a policy on the appropriate jurisdiction of the informal courts and its linkages to the formal system.

Aside from the INL-funded programs, the private sector also plays a role in justice sector development through the Public-Private Partnership for Justice Reform in Afghanistan. Launched by Secretary of State Condoleezza Rice and the Attorney General of Afghanistan in December 2007, the Partnership allows U.S. law firms and law schools to support low-cost, high-impact projects for Afghan judges, prosecutors, and defense attorneys, and it encourages citizen involvement in one of our most important foreign assistance challenges. Just five months after

the kickoff event, we have received pledges totaling nearly \$1 million in monetary and in-kind contributions. As we speak, more than a dozen Afghan prosecutors, including three women and three trainers, are being taught at the University of Utah Law School by federal judges, private lawyers, and defense attorneys from around the U.S. The three-week training program is entirely funded by the private sector.

We have made a great deal of progress in the justice sector since 2001, but continue to look for ways to maximize our efforts. The use of technology, for instance, could potentially yield great benefits for Afghanistan's justice sector, but is unfortunately still limited due to inconsistent power supply, unreliable Internet connection, low human capacity and the costs associated with upkeep and maintenance. We are, however, working to utilize technology where possible – providing training on WORD and EXCEL, supplying computers, projectors and other equipment to justice ministries, and supporting the creation of an automated case management and tracking system for the Afghan Attorney General's Office. We are still at the beginning of what will take a great deal of time, resources, and commitment from the United States, the Afghans, and the international community.

Even with an increasing budget for justice assistance, the United States does not have the resources to cover all aspects of justice reform at the institutional and

provincial levels. We estimate the needs of Afghanistan's justice sector will need over \$600 million over the next five years to help develop a secure, stable and prosperous democracy based on the rule of law. Some of the major challenges we face in the justice sector include raising salaries (prosecutors and judges earn an average salary of about \$70 per month), combating corruption (a widespread problem requiring strong political will to address), and supporting corrections reform (an important but under-funded and unappealing sector for most donor countries).

AFGHAN NATIONAL POLICE

With respect to the Afghan National Police (ANP), U.S. efforts to train and mentor the ANP are accomplished through a coordinated effort of the Departments of Defense and State. The goal for U.S. support for the ANP is to develop an 82,000-strong professional and democratic police force capable of providing public security and enforcing the rule of law. The development of the ANP – from the national level to the most remote districts – is challenging due to the lack of capacity, knowledge, skills and infrastructure needed to effectively extend law enforcement in Afghanistan.

Following from the State Department's Bureau of International Narcotics and Law Enforcement Affairs' (INL) established training program, and in light of the more comprehensive need to build the ANP, in 2005 the Defense Department

was given directive authority over DOD-funded efforts to organize, train and equip the Afghan National Security Forces (ANSF) to include both the Afghan National Army and the Afghan National Police. The Defense Department, through the Combined Security Transition Command – Afghanistan (CSTC-A), determines overall program requirements in accordance with policy direction from the U.S. Chief of Mission. INL continues to provide critical support to the Defense Department in the form of qualified U.S. civilian police mentors and trainers, whose development of core curriculum and daily mentoring of the ANP is essential to building institutional capacities and individual skills.

Using \$391 million in Afghan Security Forces Funds transferred from the Department of Defense to the Department of State, INL provides approximately 540 U.S. civilian police advisors to train and mentor the ANP as well as professional and executive mentors to assist with Afghan Ministry of Interior (MOI) reform efforts. INL operates a Central Training Center (CTC) in Kabul and seven Regional Training Centers (RTCs) in Kandahar, Konduz, Herat, Jalalabad, Gardez, Mazar-e Sharif, and Bamiyan. A new training center for the Afghan National Civil Order Police was recently opened in Adraskan, Herat province, and planning is in progress for the creation of a National Police Training Center in Wardak province.

Training at the facilities is Afghan-led with U.S. advisor oversight and train-the-trainer support. The training centers provide basic, intermediate, advanced, and specialized training to the Afghan Uniformed Police (AUP), the Afghan Border Police (ABP), the Afghan National Auxiliary Police (ANAP) and the Afghan National Civil Order Police (ANCOP). Approximately 94,000 ANP have been trained at INL facilities since 2003.

The deployment of civilian police advisors to mentor the ANP at the district, provincial, regional, and national levels is a critical component of ANP development. Based at the training centers, Provincial Reconstruction Teams and Forward Operating Bases, civilian police advisors support the development of ANP and Ministry of Interior capabilities through on-the-job mentoring at headquarters and field locations throughout Afghanistan and increasingly at remote locations with U.S. military-led Police Mentor Teams (PMT).

In recognition of the need for a more comprehensive and unified approach to developing the ANP, the Afghan Ministry of Interior – with support from the USG and the international community introduced the Focused District Development (FDD) program in late 2007. FDD is designed to more effectively develop the operational and professional capabilities of the Afghan Uniformed Police – the district-based element of the ANP - by improving individual and unit skills and providing the infrastructure needed for effective law enforcement. FDD also

endeavors to establish law enforcement and criminal justice linkages at the district level by building a prosecutor-driven justice system and providing rule of law training.

FDD provides a holistic approach to AUP development with the support of PMTs and through the implementation of comprehensive assessments, training, equipping, and on-the-job mentoring over a minimum of six months for each district. The goal is to bring the AUP to a state of verified operational independence, to extend legitimate law enforcement to the local level, and to improve the lives of Afghan citizens and increase their support for the Government of Afghanistan. Launched in late 2007, the first cycle of FDD implemented in seven districts is nearing completion and three additional cycles have been initiated in multiple districts, primarily in eastern, southern and western provinces. In total, 30 districts are going through the FDD at this time: seven in Cycle I, five in Cycle II, 10 in Cycle III and eight in Cycle IV. Interim USG assessments, site observations, and initial feedback from Afghan officials and local populations indicate that the FDD has been successful in transforming the AUP into a more capable and professional police force and the methodology is a sound template for increasing the effectiveness of the AUP at the district level. In Zabul province, for example, AUP who participated in FDD displayed greater professionalism in duties, appearance, and sense of service to Afghanistan than those AUP who did

not participate in the program. Moreover, citizens in these districts cited an improvement in policing by FDD units and indicated that they held greater confidence in the police following AUP reconstitution.

Despite its initial success, sustainment of the program over the next five years is highly dependent upon the will of the MOI to support multiple requirements of the program – including the provision of capable ANCOP units – at an aggressive pace. Equally important is the USG ability to field additional PMTs, as roughly one-fourth of the PMTs required for FDD are currently staffed. Another challenge is to ensure that all verified AUP in a district are included in the program. When this does not occur, those AUP that go through the program are professional, capable, and loyal to the government while those that do not undergo reform remain less professional and potentially more corrupt. The presence of unskilled and corrupt police in an FDD district undermines the unit development intent of FDD and citizens' confidence in the police. Finally, the development of the justice sector at the same pace as the law enforcement sector is also a critical challenge which must be addressed to ensure similar capacities to bridge the two sectors.

CONCLUSION

Mr. Chairman, thank you for holding this hearing on two very important and challenging topics. I appreciate the opportunity to appear before you today. I would be happy to answer any questions you may have.