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Contextual Analysis of Police and Justice System in Kunduz

2011 Baseline Assessment



Working for a Sustainable Culture of Peace

About CPAU

Cooperation for Peace and Unity (CPAU) works for the promotion of knowledge and awareness of peace, social justice, and human rights as the foundation upon which the nation-building efforts in Afghanistan should be based. Through direct encouragement and participation in active peacebuilding by means of training and educational programs, CPAU hopes to contribute to the creation of a viable alternative to war and violence, as the first step towards building lasting peace.

Since 1996 CPAU has played a crucial and unique role in the process of sustainable community peace building and conflict resolution in Afghanistan. Through its ongoing training and coaching programs, CPAU works at district and local level, to build up the skills and capacities of local community leaders and representatives from diverse ethnic backgrounds by using a participatory approach which builds inter-ethnic

CPAU's Mission

"To facilitate peacebuilding and sustainable social development through building local capacity, while sharing research, experiences and knowledge of best practices in order to promote positive change at all levels."

cooperation and transforms conflict. CPAU strives to strengthen the role of community institutions in order to influence change at grassroots level in promoting a lasting culture of peace and social justice in Afghanistan.

In addition, CPAU has been providing capacity building to many aid community actors on issues of peace building and community development in order to enable them to mainstream peace building components into the process of reconstruction and development. CPAU has also been providing peace education for about 30,000 school children across the 25 provinces in which the organization is present.

Based on its 15 years of field experience, CPAU also uses its community links and networks to undertake various research projects, reflecting the issues of concern to Afghan people directly from the grass-roots level. Through its research department, CPAU seeks to enable effective community feedback on existing interventions between communities and external change agents, and to facilitate the systematic analysis of the relationship between processes and outcomes across a wide range of communities.

CPAU's Vision

"A sustainable culture of peace - a world free of discrimination and violence of any nature, in which everyone has the right to basic needs, social justice, and dignity."

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Acronyms

AIHRC: Afghanistan Independence Human Rights Commission

ALP: Afghan Local Police

ANA: Afghan National Army

ANP: Afghan National Police

AUP: Afghan Uniform Police

CPAU: Cooperation for Peace and Unity

CSTC-A: Combined Security Transition Command-Afghanistan

EUPOL: European Union Police Mission to Afghanistan

FDD: Focused District Development

GDP: Gross Domestic Product

IEC: Independent Election Commission

IPM: Integrated Police training Mission

IQAT: Independent Quality Assistance Team

MoI: Ministry of Interior

MoJ: Ministry of Justice

MPIL: Max Planck Institute for Comparative Public Law and International Law

NATO: North Atlantic Treaty Organization

NDS: National Directorate of Security

IPM: Dutch Integrated Police Training Mission

NTM-A: NATO Training Mission in Afghanistan

PDPA: People's Democratic Party of Afghanistan

PRT: Provincial Reconstruction Team

UNAMA: United Nations Assistance Mission in Afghanistan

Dari & Pashto Terms

arbakai – semi-official, community-based police forces that often function as *de facto* tribal militias

huqooq: literally the rights of an individual under the law; commonly used to refer to the district-level Civil Law Offices under the Department of Justice.

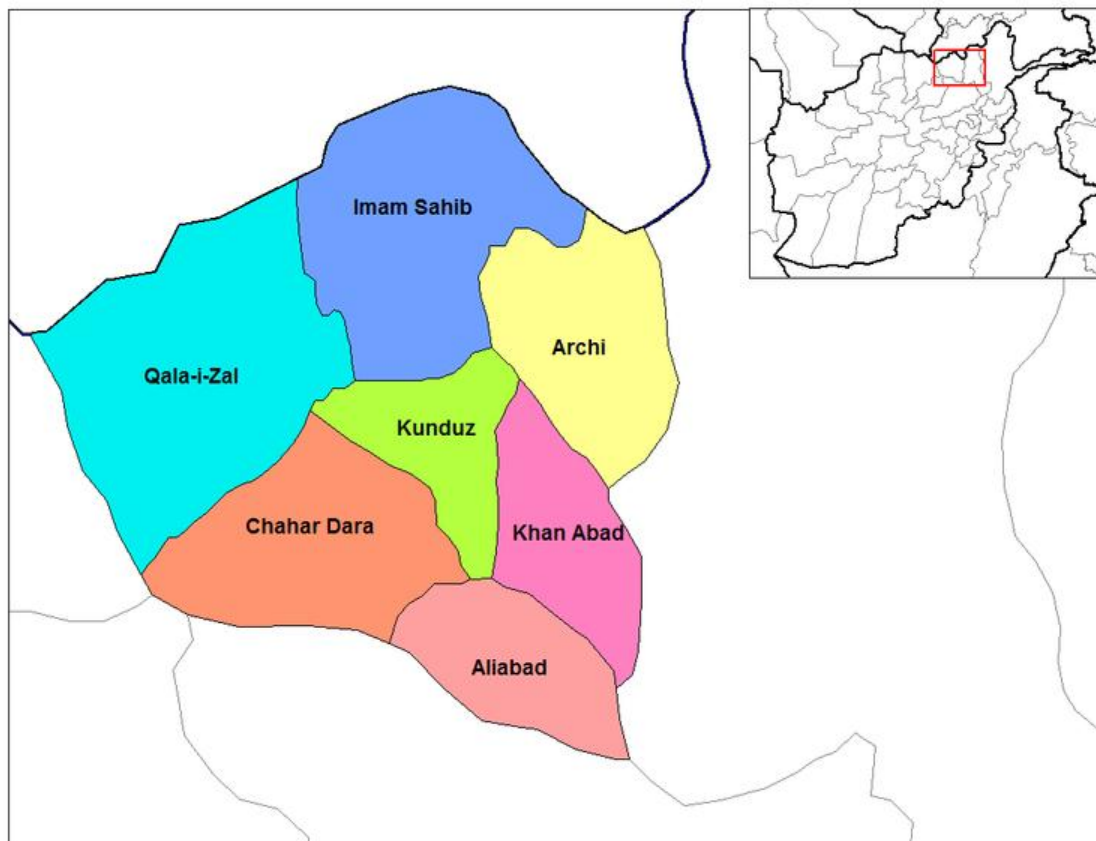
jirga: a community-based process for collective decision-making that originates from traditional Pashtun culture. Usually a temporary or ad-hoc group of respected elders that convenes when necessary to resolve disputes.

tashkil: organizational plan of the ANP that details organizational structure, personnel numbers, command relationships, and descriptions of unit functions

sharia: Islamic Law as interpreted from the *Quran* and the *hadith* (sayings of Prophet Muhammad)

shura: a group of local elders or recognized leaders who convene regularly to make decisions on behalf of their community.

Map: Kunduz Province



Source: Wikimedia Commons

Executive Summary

This report provides the results of a 2011 baseline evaluation on the current state of the Afghan police and the formal and informal justice system in Kunduz Province. This evaluation was conducted by Cooperation for Peace and Unity (CPAU) with funding support from the Dutch government. The research, which was conducted between October and December 2011, primarily relied upon perception surveys, focus groups and interviews with police, government officials, local elders, prisoners and other key individuals. More than 1,800 community members and 240 police were interviewed during the course of this assessment.

The report also draws upon a wide range of other sources, including primary research and needs assessments conducted by the United Nations Assistance Mission in Afghanistan (UNAMA), Max Planck Institute for Comparative Public Law and International Law (MPIL), the International Crisis Group (ICG), Oxfam, and other international organizations, to provide greater contextual background on the state of Kunduz's justice system.

The purpose of this research is to generate knowledge about the rule of law and access to justice in Kunduz, with an emphasis on the capacity of the Afghan Uniform Police (AUP) and other state and non-state actors to provide security, justice, and rule of law to Afghan citizens in all seven districts of Kunduz. The AUP is the largest branch of the Afghan National Police (ANP) and is tasked with providing community policing to the citizens of Afghanistan. Over the past decade, the Afghanistan's police force have been widely criticized for a wide range of reasons, including ineffectiveness, corruption, drug use, lack of training, illiteracy, a lack of awareness and respect for the law and individual rights, and an inability or unwillingness to address the needs of local communities (Perito, 2009) (Murray, 2007) (FPRI & RUSI, 2009). These concerns have led to a greater concern in recent years to increase the capacity of the police and improve their ability to build productive relationships with local communities.

The current focus of the Dutch Mission in Afghanistan is on providing training on community policing to AUP recruits in Kunduz, along with additional training activities to improve the knowledge and capacity of state and non-state judicial actors to provide justice to local citizens. CPAU's research plan was developed independently based on program information provided by the Dutch Embassy in Kabul. During the research process, CPAU received guidance and academic support from Wageningen University. Independent oversight was conducted by an academic review board comprised of two professors at Utrecht University, who evaluated and provided feedback on the research process.

In designing and implementing the baseline evaluation, CPAU was asked to focus on the following four themes: (1) the Afghan civilian police, (2) police-prosecutor cooperation, (3) state (and non-state) justice institutions, and (4) accessibility and civic awareness. The data presented in this report is structured according to these four central themes.

Importantly, the results presented in this baseline are a starting point. This means that it is not possible to draw any firm conclusions based on the results of this survey and interview data solely.

Annual follow-up assessments will be conducted in 2012, 2013 and 2014. These follow-up assessments will allow CPAU to document and identify changes in community perceptions and the status of the justice system in Kunduz over time. Until these additional assessments are conducted, however, it is not possible to identify any trends or state any firm conclusions. With these limitations in mind, here is a selection of some, but not all, of the baseline findings from each of the four main themes:

Theme 1: Civilian Police

- **Size of AUP:** The current ANP *tashkil* (organizational chart dictated by the Ministry of Interior) for Kunduz Province was 1,691. These numbers, however, merely reflect the targets by the Afghan government and not the numbers of police officers currently active and accounted for.
- **AUP Ability to Provide Security:** Half of Kunduz residents believed that there were enough police in their districts to provide security. The districts of Kunduz and Ali Abad were seen as the most secure by residents. Char Dara was viewed as the least secure.
- **Gender Composition:** Women remain highly unrepresented in the AUP. As of January 2012, there were only 23 female AUP in Kunduz, of whom the vast majority were employed in Kunduz City. Four of seven districts did not have a single female police officer. Meanwhile, half of the women and two-thirds of the men who were surveyed did not believe that it was possible for a woman to get a job with the police.
- **Education and Literacy:** Only about a third of the police interviewed by CPAU claimed to have completed high school. Meanwhile, one in five stated that they had received no formal education. Of the 22 recruits that were undergoing training by Dutch police trainers in Kunduz at the time of this evaluation, two-thirds were functionally illiterate.
- **Drug Use and Crime:** A majority of respondents were willing to indicate to surveyors that they believed at least some AUP were engaged in drug use. These reported perceptions were highest in Char Dara and the border districts Imam Sahib and Qala-e-Zal. Meanwhile, about half of respondents indicated that at least some police were involved in criminal activities.
- **Unfair Treatment/Corruption:** More than one in seven of the community members surveyed said that they had paid a bribe to the police in the last year.
- **Accountability:** Two thirds of the community members interviewed said that there should be more options to register a complaint and seek redress for unfair treatment by the police.
- **Ethnic Issues:** A majority of citizens indicated that their ethnic group was sufficiently represented in the police, including a clear majority of each of the six largest minority groups (Pashtuns, Tajiks, Uzbeks, Hazara, Turkmen, and Arabs).

- **Community Needs:** Focus groups in all districts complained about a general lack of security. One of the most commonly mentioned threats to security was the *arbakai*, a type of semi-official local security force that often operate as *de facto* tribal militias and/or criminal gangs in the areas where they are deployed. The Taliban and other insurgent groups were also mentioned as threats by some communities, as were the official Afghan police.

Theme 2: Police-Prosecutor Cooperation

- **Police-Prosecutor Relations:** Police and prosecutors both voiced primarily positive opinions to CPAU about the capacity of and their relationship with their counterparts. In practice, however, limited and inconsistent cooperation between the two institutions leads to inefficiencies in the processing of criminal cases.
- **Perceived Independence of State Justice Actors:** Half of Kunduz residents indicated a belief that the actions of civil police and prosecutors were influenced by powerful groups or individuals, compared to 20 percent who disagreed. An equal proportion of the AUP who were surveyed also believed that their institution was influenced by powerful groups.
- **Interference by Powerful Groups:** Many state justice actors interviewed by CPAU said that they had experienced pressure from individuals outside of the justice system. Of five prosecutors interviewed in Kunduz City, four claimed that a powerful actor or actors had attempted to influence a case that they were involved in.
- **Timely Handling of Criminal Cases:** Police and prosecutors in Kunduz regularly fail to process criminal cases within the time limits required by the Afghan constitution. Justice officials blamed time delays on a lack of resources and difficulties in obtaining evidence and witnesses. Some AUP members, however, admitted that some police hold suspects without charges in order to elicit bribes.

Theme 3: Justice Sector

- **Unfair Treatment:** Of community members who claimed to have interacted with a court within the last year, three quarters claimed to have been treated unfairly. By contrast, only 13 percent of those had interacted with an informal justice institution, such as a *shura* or *jirga*, claimed to have been mistreated.
- **Gender Bias:** State and non-state institutions were both seen as biased against women, with significant numbers of both genders believing that men were more likely to win a case.
- **Ethnic Favoritism:** Only a minority of respondents agreed that either the courts or *shuras/jirgas* treated all ethnic groups equally. In particular, the nomadic Kuchis were seen as particularly likely to be ill-treated by both formal and informal justice institutions.

- **Inter-institutional referral of cases:** the *huqooq* (Civil Law) officers were the most likely of the state justice institutions to refer cases to the informal sector. Courts occasionally referred cases to *shuras* or *jirgas*, but with less frequency and usually only for small disputes. Police expressed a willingness to refer cases to both state and non-state institutions, but were most likely to forward cases on to the state judicial system.
- **Access to legal representation:** Lawyers were almost non-existent outside of Kunduz City. It was much more common for a complainant to rely on either a family member or local elder as a representative in the both the formal or informal justice system.
- **Corruption and Favoritism:** A majority of the respondents who claimed to have taken a case to the courts in the last year said that they had been required to pay a bribe. Meanwhile, most community members believed that the courts could be unfairly influenced by powerful actors. Only a third of residents believed that they could win a case in court against a powerful individual who had illegally taken their property.
- **Timely Processing of Cases:** Interviews with prisoners and formal justice officials indicated that courts only sometimes process cases within the one-month limit (with a possible extra one month extension) proscribed by state law. However, it was not uncommon for court cases to last several months or even a year, particularly in cases that were more complex or that were missing evidence or witnesses.

Theme 4: Awareness and Accessibility

- **Access to Police:** Fifty-eight percent of the community members in the province said that they could easily access a police station. Residents of Kunduz District had the greatest access to the police. Residents of Qala-e-Zal had the worst access to the police, with only 12 percent saying that they could easily get to a police station.
- **Access to State Justice Institutions:** Fifty-two percent of the residents said that they could easily travel to a court, while 42 percent said that they had easy access to a *huqooq* (Civil Rights) office. Access was greatest in Kunduz District and Ali Abad, and lowest in Qala-e-Zal.
- **Access to Non-State Justice Institutions:** Community members generally had greater access to traditional, non-state justice mechanisms known as *shuras* and *jirgas* (*i.e.* councils of local elders who mediate and resolve disputes in their communities) than to state justice institutions. A majority in all districts said that they could easily access a *shura* or *jirga*.
- **Barriers to Justice:** Security threats and perceived financial costs often prevent or discourage Kunduz residents from approaching state justice actors. Only a quarter of respondents said that it was not too expensive for them to go to a court. Half of respondents said that corruption made the courts too expensive. Other prohibitory costs included travel expenses, administrative and legal fees, and an inability to take time off from work.

- **Gender Obstacles:** Women face major social and logistical obstacles in approaching the police, courts and other justice institutions. There are virtually no female state justice officials in the province, and cultural norms typically prevent female justice-seekers from approaching exclusively male government offices. In both the formal and informal justice systems, women were generally forced to depend upon a male relative to represent them.
- **Ethnic Discrimination:** A plurality of Kunduz residents believed that state court officials are more likely to make decisions in favor of their own tribe or sub-tribe. CPAU, however, found little consistent evidence of systematic bias in favor of any of particular ethnic groups on a provincial level. That said, Kuchi nomads were seen as disadvantaged. Anti-Kuchi bias was perceived to be lowest in central Kunduz and highest in the outlying districts of Qala-e-Zal and Dasht Arche.

Independent Quality Assurance Team's (IQAT) Evaluation Report

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20 February 2012

What will be presented here is an evaluation of the document entitled "Contextual Analysis of Police and Justice System in Kunduz (2011 Baseline Assessment)," produced by Cooperation for Peace and Unity (CPAU). The rationale for this evaluation is to provide an independent quality assurance control on the products that CPAU have been commissioned to generate for the Government of the Netherlands.

The quality assurance report that follows is structured according to two questions:

- (1) Was the **research design** sufficient to provide **credible evidence** on the major themes that the Government of the Netherlands has chosen to focus upon?
- (2) Have the researchers taken reasonably sufficient steps to ensure that they were (being) **well informed** throughout the course of the research, data analysis, and writing?

We, the Independent Quality Assurance Team, recognise that the degree to which we could take our constructive criticism must be tempered by appreciation for the challengingly difficult and dangerous conditions in which this Baseline Assessment was researched. From the inception of the project at the beginning of September 2011 until the deadline for submitting the first draft of the Assessment to the Dutch Embassy on 1 December 2011, CPAU had not much more than three months in which to design, execute, analyse, and write up the research. That CPAU managed to do so is rather remarkable, particularly when we consider that Afghan and Dutch officials, from whom CPAU reasonably expected cooperation and facilitation of this officially commissioned research, were not always willing or immediately forthcoming with providing access to the necessary information. For example, CPAU researchers were denied access to interview Dutch police trainers, and to review any of the police training documents, which were necessary in order to construct more precise survey and interview questions. Police headquarters in Kunduz District initially prevented CPAU researchers from conducting any interviews with police in the district, "despite [CPAU researchers] possessing the appropriate documents from the Ministry of Interior...." (NL-IPM Baseline 2012: 15). Similarly, "...all of the state justice officials in Char Dara who were approached by CPAU's researchers refused to participate in the study" (ibid.: 16). We believe, therefore, that it is only fair for us to understand and assess the

limitations of this first phase of the evaluation process in the light of the practical obstacles and challenges that the researchers had to face.

As we will explain shortly, there is, of course, always room for improvement in any project's research design, and in the involved organisation's research and methodology capacity. The problems encountered in this first round of research, and the effort to make them explicit, can therefore serve as a valuable wellspring of "lessons learnt" for future follow-up reports.

Besides the Baseline Assessment, CPAU also made available to the IQAT an explanation of the research project's overall sampling method. We also received the questionnaire form designs administered to each separate sample population during the first and second rounds of survey research, and comments from some of the Afghan research team members regarding the construct validity and reliability of the survey questions. In addition to these, we have also reviewed the systematic procedure by which the field researchers were debriefed at CPAU's Research Department in Kabul, and a T-Test of results in subject areas where surveys 1 and 2 overlapped. Finally, CPAU's Khibar Rassul and Wageningen University's Peter Tamas provided us with a very detailed summary of the entire research episode and experience.

I. Was the research design sufficient to provide credible evidence on the major themes that the Government of the Netherlands has chosen to focus upon?

We address this question in relation to the stated goal of this research, and in light of what the authors claim their evidence is able to say about the real world that they investigated.

"The purpose of this research is to *generate knowledge* about the rule of law and access to justice in Kunduz, with an emphasis on the capacity of the Afghan Uniform Police (AUP) and other state and non-state actors to provide security, justice, and rule of law to Afghan citizens in all seven districts of Kunduz" (Peavey and Witte 2012: 6; our emphasis).

"Importantly, the results presented in this baseline are a starting point. This means that it is not possible to draw any conclusions based on the results of the survey and interview data.... Until these additional assessments are conducted...it is not possible to identify any trends or state any firm conclusions" (ibid.: 7).

Clearly, the Baseline Assessment has successfully "generated knowledge" about the subject areas that are of interest to the Dutch sponsors of this police-training mission. In fact, reading the report, one often gets detailed insights into the perceptions, opinions, and views of the respondents on a variety of relevant subjects. The research instruments and answers are fully presented in schedules and tables in the annexes. They are clearly summarised in the main text, and discussed with regard to salient outcomes, distribution over the districts, or in regard to their gender disaggregation. Furthermore, the methodological approach and limitations encountered are reported extensively. We are therefore of the

view that the report yields much relevant information and, as such, can function as a baseline for evaluating future social and perceptual changes.

What we will have to consider in larger detail, shortly, is whether it also has been able to generate "*credible* evidence" as a foundation for that knowledge. This requires an assessment of the project's research design and methodological execution, the nature and presentation of the results, and their explanation.

But before we turn to that task, let us first reflect upon the nature of the claims being made by the authors. As we comprehend their prior statement, and as we have read the manner in which findings are presented, the authors are cautious about the claims that their evidence is able to make on the subject matter. In other words, the "findings" of this research must not, the authors tell us, be automatically assumed to be "firm conclusions," "absolute certainties," or "empirical truths" about the real-world phenomena or the "underlying realities" (Peavey and Witte 2012: 20) to which they refer. For example, answers to the question of what motivated individual policemen to enlist are more likely to reflect a "...public narrative that the members of the AUP feel that they should convey, rather than an honest depiction of their motivations" (ibid.: 26).

Such a willingness to treat one's own findings in a cautious and nuanced manner is commendable. For it is rarely seen in a field where many non-governmental organisations simply seek to verify the "confirmation biases" of their donor sponsors by way of generating "statistical truths," rather than admit that "we can't be entirely sure." CPAU's prudent, reflective, humble and honest appreciation of both the scope and limits of its own data and findings merely lends credibility to them.

Whether the Dutch government realises it or not, a major research project such as this, whose terms of reference are partly the outcome of politically driven interests in The Hague, always faces constraints in what realistically can be known about Afghan reality in such a cramped space of time. For reasons that CPAU itself explains in this work, some of the questions that the Dutch government wants answered—particularly those pertaining to popular perceptions—can never be fully answered in such a short time period, and through survey research only. For the interpretation of such data requires triangulation with other kinds of data typically collected through in-depth work of a qualitative nature. Ethnographers and anthropologists would want to spend extended periods of time living with the people, gaining their trust, and directly observing daily interactions, before they could hope to begin gaining credible insights into some of the more sensitive subject matter areas. This was a methodological luxury that CPAU did not have, at least in this first stage of the study (although they did attempt to triangulate the survey dataset with the qualitative data from interviews). In short, it is well to keep in mind that there will always be a degree of donor-driven naïve positivism in commissioned research exercises, such as this one.

A. Quality of Sampling

Probability sampling was conducted in the first round of survey research for all relevant populations according to the main themes stated in the Dutch terms of reference. The exact sampling method employed, as described by the authors on Page 14, appears sound and in accordance with standard simple-random sampling practices (see Nichols 2002: 56-58).

By contrast, the sampling that was done for the second round of survey was non-probability convenience sampling. However, this is not necessarily a major problem. For as CPAU researchers explained to us, the second-round survey should be seen as a follow-up to the first survey that was meant primarily to address some of the themes and issues that emerged from the first round. As we understand it, the purpose of the second-round survey was less to arrive at statistically defensible findings than it was to "generate knowledge" on themes that had not been anticipated by either CPAU or the Dutch Ministry of Foreign Affairs at the start of the research project, in September. Moreover, given the practical constraints that CPAU researchers confronted in attempting to gain access to information or to informed individuals (within a constantly shifting context of insecurity), a non-probability sampling method is actually the most feasible and logical option under such circumstances. We have noted that the questions of the first and second round surveys will be combined in the subsequent rounds of data collection so as to receive a similar methodological treatment.

B. Quality of Research Design

We have reviewed the survey instruments that were developed for this research project. By and large, the questions appear to be sound. Unreliable or leading questions, along with dubious answers, were eliminated during the analysis process, thereby strengthening the credibility of the findings. That CPAU's research team had both the willingness and ability to perform this self-regulating procedure on its own dataset merely strengthens our confidence in the competence of the research personnel.

Be that as it may, the most apparent flaw we found in the research design is in the chosen indicator-definition of certain concepts or themes. For example, THEME: "Corruption." INDICATOR: "Payment of bribes to ANP/AUP." Is this the entire definitional scope of "corruption" in this research setting? What is the local understanding and practice of "corruption"? Does it go beyond merely "payment of bribes" to include certain forms of preferential treatment of friends and family members, or certain forms of repressive treatment (exercised through one's public office) meted out to one's rivals and opponents? Similarly, the THEME: "Following of right procedures" is merely operationalised in the INDICATOR as: "Time of initial police internment," "Access to food, water & medicine," and "rights abuses during interrogation." Where are the indicators pertaining to pre-arrest and arrest, such as whether a citizen's rights are read out by police at the time of arrest? What about the indicator of whether warrants had been correctly produced during searches of persons and property? Hence, we would have welcomed some more elaborate and critical discussion on the selection of indicators while simultaneously realising that this, too, would have taken more time, and arguably required prior qualitative fieldwork to identify

such indicators. These requirements were certainly not feasible within the schedule that CPAU had to follow.

The second-round survey was partly aimed at rectifying some of the design problems of the first survey, which again shows the thoroughness of the research designers. The researchers also attempted to mitigate those shortcomings by triangulating the data that was collected through a variety of other techniques, such as focus group and structured interviews, and a literacy test.

For all the reasons that we have outlined above, we the IQAT can conclude that despite certain problems, the research design and sampling procedure of this research were generally sound enough to provide credible evidence on the major themes that the Government of the Netherlands has chosen as the focus of research.

C. Quality of Presentation and Explanation

We believe that the Baseline Assessment report has presented the data and its findings in a very transparent and elaborate manner, both in the main text and in the annexes. The analysis has been done in a careful fashion. Generally, the authors present findings that remain very close to the collected data; and they are hesitant to jump to conclusions, or to give wider ranging interpretations that their data cannot support. We agree that this judiciousness of claims, and the associated tendency to limit oneself to the descriptive observables, is prudent at this stage. Future in-depth work will undoubtedly enable the researchers to arrive at broader conclusions in later rounds of the research, when longitudinal trends will hopefully also become observable.

As a final, minor point, we noticed in certain instances the usage of vague terms, like "most," "some," or "several," and would encourage a more precise wording in later versions.

II. Have the researchers taken reasonably sufficient steps to ensure that they were (being) well informed throughout the course of the research, data analysis, and writing?

When time, resources, and the numbers of qualified personnel are all limited, then there is just so much that one can do. Ideally, the bibliography should reflect a thorough and comprehensive listing of the key works in each of the research project's core thematic areas. To give one example, in view of the report's substantial discussion of *arbakai*, and of local policing, militias, and community self defence, the bibliography glaringly omits the following key works on the subject:

Lefèvre, Mathieu. (2010) Local Defence in Afghanistan: A review of government-backed initiatives.
Afghanistan Analysts Network

Thematic Report 3: 1-3.

Reid, Rachel, and Sahr Muhammedally. (2011) "Just Don't Call It a Militia": Impunity, Militias, and the "Afghan Local Police." New York: Human Rights Watch.

In practice, though, we realise that there was simply not enough time to do a thorough background reading on all that needs to be known about the context of this police-training mission, especially if one also takes into account the burgeoning literature on these themes in other geographical contexts. We are confident that in later stages of the project there will be ample room to embed the results of the research within the context of a wider body of relevant literature.

By its own account, CPAU's research team made proactive and reasonable efforts to secure a variety of crucial information from various authorities, policy makers, and bureaucrats who are shaping this training mission, both Dutch and Afghan. Such information and official assistance was, however, not always forthcoming, as is noted and explained in the report.

Be that as it may, CPAU's research designers are advised to consult earlier and to tap more deeply the knowledge that is contained within the consortium of academic partners, and within the very staff of CPAU itself. Several problems associated with the process of designing the research and the operationalisation of a number of guiding concepts during the formulation of the research questions could have been avoided had CPAU consulted in a timelier manner with in-house subject matter experts, both within CPAU itself and within the associated Dutch universities. In short, CPAU's researchers and management must improve its ability to recognise the appropriate moments when external consultation ought to be sought, particularly in regard to subjects with which it is unfamiliar (e.g. "policing," and "justice sector"). These problems, therefore, are not un-rectifiable, but rather are part and parcel of the growing pains in the early stages of this commissioned evaluation project. The IQAT is under no doubt that CPAU and its Dutch university associates have both the knowledge and the capacity to continue improving its way of working, and therefore also its products, in the years to come.

We can conclude by returning to our second question: "have CPAU's researchers taken reasonable efforts to become, or to remain, well informed throughout the entire process?" On the basis of the evidence presented to us, and in the light of the circumstances in which the research was done, our answer to this question is "Yes—but further improvements in the future are achievable."

References

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Introduction

When the Taliban government was removed from power in late 2001, Afghanistan's secular state justice institutions and civilian police force were virtually non-existent. In order to provide justice and rule of law to the citizens of Afghanistan, these institutions needed be rebuilt from essentially the ground up. One of the major priorities, therefore, of the international community from 2002 onward was the establishment of an Afghan police force capable of providing law, order and security to the people of Afghanistan. A decade later, a national police force and other key justice institutions have been established, but remain plagued by inefficiencies, limited knowledge and training, low human capacity and financial resources, and widespread claims of corruption, favoritism and illegitimacy (Perito, 2009) (ICG, 2010) (MPIL, 2011).

The Dutch Integrated Police training Mission (IPM) in Kunduz Province is focused on training the Afghan civilian police and strengthening the country's various rule of law institutions. Specifically, the Dutch efforts are directed at: (1) strengthening the capacity of the Afghan civilian police; (2) improving cooperation between the Afghan civilian police and the judicial system, particularly prosecutors; (3) improving the capacity of the Afghan judicial system; and (4) boosting the public awareness and accessibility of the country's rule of law institutions.

These four primary themes are linked and partially overlap with 15 outputs or categories that were identified as focal points of the IPM. Within Theme One, the categories are (1) Recruitment and Selection, (2) AUP Training and Operating Level, (3) Management and Specialist Training and Operating Level, (4) Community Policing, (5) Literacy, (6) Tracking and Training/Retention, (7) Training Curriculum, and (8) Equipment. Within Theme Two, the categories are (9) Awareness and Coordination in the Justice Chain, and (10) Cooperation within Justice Chain. Within Theme Three, the categories are (11) Formal Justice System and (12) Connections Formal-Informal Justice System. Finally, Theme Four includes (13) Civic Education and Awareness, (14) Accessibility, and (15) Protection of Vulnerable Groups.

As an Afghan civil society organization that is independent from both the Afghan government and the member states that comprise the International Security Assistance Force (ISAF), CPAU lacked the governmental access and necessary expertise to reflect on certain categories. In particular, CPAU was not able to address the Ministry of Interior's tracking and tracing procedures or the equipment of the civilian police. Nor did CPAU have the bureaucratic access and expertise to properly assess the operating and training levels of the AUP, including management and specialists. Instead, CPAU was able to draw upon its local knowledge and long history of working closely with local communities and formal and informal justice providers in Kunduz to evaluate the province's civilian police and justice system from a community-focused perspective.

The baseline assessment conducted by CPAU between October and December 2011 was designed to reflect upon the four main themes identified above. This evaluation was conducted for two primary purposes. The first purpose is to inform the Parliament of the Netherlands and the general public about the current state of the police and justice system in Kunduz Province. The second purpose is

to provide the Dutch government with the information necessary to make informed adjustments to the activities of the IPM.

For this evaluation, CPAU relied on a variety of research instruments, including community surveys, police surveys, structured interviews and focus groups as well as literacy tests and a review of other primary and secondary sources. The community surveys addressed all four of the themes. Meanwhile, the police survey addressed Theme One (civilian police) and Theme Two (police-prosecutor cooperation). The structured interviews with state and non-state justice actors and prisoners were used to address Theme Two (police-prosecutor cooperation) and Theme Three (justice sector). Meanwhile, the focus groups were primarily used to identify community needs with regards to security, law and order in Theme One. These instruments were implemented in all seven districts of Kunduz, with the largest number of interviews conducted in the populous Kunduz District, where the Dutch IPM is based. A full description of CPAU's methodology is provided in the following section.

During the research and writing of this report, CPAU received crucial guidance and academic support from Wageningen University. In addition, CPAU's work was reviewed by an academic review board at Utrecht University, which provided critical and independent oversight of the methods, research and report-writing process.

The content of this paper is structured according to the four themes. The methodology used by CPAU is described in the first section. This is followed by the four substantive sections. The number of AUP and formal justice actors, an overview of survey results, and background information on Afghanistan, Kunduz, and the police and judicial system can be found in the Appendix. The research instruments used by CPAU have also been provided in the Annexes.

Methodology

Overview

This report is based on primary research conducted by CPAU in all seven districts of Kunduz Province. A variety of methods were employed in order to obtain the target data. These methods included surveys (community members, civilian police), focus groups (community members), and structured interviews (police management, formal justice officials, informal justice officials, citizen accounts, and prisoners). Other methods included literacy tests that were distributed to current AUP recruits in Kunduz City, as well as a review of other primary and secondary data. By using data from multiple sources, it is possible to provide a more nuanced and complete picture of the police and justice institutions, and to compensate for the weaknesses or lack of data from other methods (UN, 2011).

Much of the data used in this report is drawn from two separate community surveys that were implemented in October and November 2011 respectively. The first round survey was conducted of 1,047 community members throughout Kunduz. It covered a variety of topics, including the perceived capability of the AUP, ethnic composition of the AUP, drug use and criminal activity, AUP fairness, judicial corruption and independence, gender and ethnic bias in the formal and informal justice system, and access to state and non-state judicial systems.

The second round survey was conducted of 684 community members in late November. It covered additional topics that were not included or were not sufficiently captured in the first survey. These topics include perceptions about the size of the AUP, police corruption, trust in justice actors, and unfair treatment by state and non-state institutions, among other issues. During future assessment periods, the two versions of the instruments will be used to build a single survey that will allow CPAU to consistently measure changes in community perceptions over time.

Whereas the surveys were meant to cover a wide range of topics, the focus groups were primarily limited to identifying community needs with regards to security, law and order. The other structured interviews were designed to cover a limited range of relevant topics based on the identity and expertise of the specific actor (police management, prosecutors, local elders, etc).

All of these research instruments were developed by CPAU's Research Department in Kabul. The instruments were developed in both Dari and English by CPAU's bilingual research staff and then implemented in Dari. The research instruments subsequently underwent further modifications in mid-November following the receipt of additional program information from the Dutch Embassy in Kabul.

The data collection in Kunduz Province was carried out by a team of 10 researchers (seven male and three female) from CPAU's Kabul headquarters and 28 local surveyors (14 male and 14 female). Two male and two female surveyors were hired from each of the province's seven districts. These surveyors were trained in methods and survey techniques by CPAU researchers at the organization's Kunduz City office. Security concerns and a lack of familiarity with the area would

have otherwise prevented CPAU's Kabul-based researchers from implementing the research instruments in many of these areas. By hiring and training local surveyors, CPAU was able to collect data in each of the seven districts.

CPAU's research, however, was constrained by a number of factors, including logistical and security difficulties and a lack of access to official documents and government personnel. In many areas where a review of primary documents (police reports, court documents, etc.) would have been necessary, CPAU had to instead rely on interviews and secondary research by other organizations. A more thorough discussion of the methods, including obstacles and limitations faced by CPAU, will be provided in this section.

Method 1: Surveys

Two surveys of community members and one survey of AUP personnel were conducted in October and November 2011. These surveys were intended to capture popular and police opinions on variety of topics relating to security, justice, and rule of law in Kunduz Province. CPAU originally planned to conduct a single community survey. However, as the complete focus of the entire research was not clear during the development of the first survey and CPAU was working under tight time constraints, only certain topics were covered in the first survey instrument. As further information was received and issues were clarified, a second survey was developed and implemented in November. However, it should be noted that due to time constraints, the second survey was developed quickly and implemented during a reduced time period.

These two survey instruments were both conducted in all seven districts of Kunduz, but varied in content, sample size, and sampling techniques. The survey instruments were designed by CPAU's bilingual research staff and implemented by locally hired surveyors. The first round community survey included 1047 respondents, of whom an approximately equal number were male (532) and female (515). It consisted of 56 primary questions, along with 16 follow-up questions to identify independent variables such as ethnicity, gender, age and education. The content of the questions was based on basic program documents from the Dutch embassy, and was also informed by the local area and content-specific knowledge of CPAU's Afghan research staff. These questions were primarily short-answer, but the survey also included a narrative section in which respondents were asked to tell a brief story about a recent dispute that they or a close friend or family member had that they had taken to the police, court or other justice institution. The interviewees were then asked follow-up questions about their experience, for which the CPAU's Afghan researchers had provided pre-coded answers.

Question development was done internally by CPAU and based primarily on the organization's prior knowledge and experience in evaluating community perceptions in Afghanistan. The construction of the primary survey was done originally in Dari by CPAU's Afghan research staff. The question structure and wording was also partially informed by interactions with community members in a rural area of Kalakan district in Kabul Province, along with subsequent staff discussions in Kunduz Province. For example, interactions with community members in Kalakan, an

area that is generally more stable than much of Kunduz, revealed a difficulty on the part of many community members to differentiate between the AUP and other branches of the Afghan National Police, despite greater exposure and interactions with the AUP in Kalakan than many areas of Kunduz. Therefore, the subsequent community surveys used the more general term 'police' in the place of AUP. It is important to note that the field testing in Kalakan was not a pilot, as the district is not representative of security and economic conditions in Kunduz. The rural communities in the area were merely utilized to test the wording of various potential survey and interview questions before those instruments were finalized after additional discussions and interactions in Kunduz.

For the sampling of the first community survey, villages and communities within each district were written on pieces of paper and randomly selected in order to generate a random sample. Within each village, surveyors were instructed to go to every second street and select households at random based on the digits of the serial numbers on Afghan banknotes. Within each household, the male and female surveyors interviewed two males or two females respectively. The surveyors made an effort to select both younger and older respondents in the target households. Each respondent was interviewed individually. Likewise, the surveyors were also instructed to use random sampling in the implementation of the second survey, but time constraints led the surveyors to rely increasingly on convenience sampling. Approximately 10 to 15 target villages were selected within each district for both surveys.

The first survey was completed in early November. Due to some challenges and limitations faced by CPAU's local surveyors in consistently implementing certain question segments in the first survey, a number of key questions of the first survey had to be voided. Furthermore, ongoing discussions with the Dutch Embassy revealed other areas where additional community data was needed. This necessitated the creation and distribution of a second community survey, which was implemented in a condensed time period during mid- and late-November. The second community survey consisted of 103 questions, along with 11 introductory questions to establish the independent variables. CPAU's surveyors conducted close to 800 surveys, of which a number were rejected for possible errors, reducing the sample size to 684. Of these, 365 were male and 319 were female.

The surveys were not weighted, but the target number of surveys to be completed per district were adjusted in advance to reflect the distribution of the population and balance of ethnicities in the province as well as to include a sufficient number of respondents in each district. To reflect its larger population, more interviews were conducted in Kunduz district than in any of the six other districts. A minimum of 95 and 85 surveys respectively were conducted in the other districts during the first round and second round surveys.

The surveyors were thoroughly debriefed in Kunduz City by CPAU's research staff in December 2011 following the completion of the research. These debrief interviews revealed deviations in the sampling procedures of the second survey compared to the first survey, including a reliance on convenience sampling in certain cases. In some cases, deviations from random sampling were caused by security concerns, including a break-out of fighting between rival militia groups in Char Dara during the data collection period that temporarily blocked two of CPAU's surveyors from returning to one of the primary roads in the district. The female surveyors, meanwhile, encountered security and cultural obstacles throughout the process that made it difficult to travel to certain

areas, leading some to deviate from the sampling targets. CPAU's researchers monitored the work from Kunduz City, and were forced to replace a couple of female surveyors and reject a number of completed surveys as result of these deviations.

Many of the sampling errors in the second survey, therefore, were caught and removed from the CPAU's research staff during the data collection period, and the answers provided by community members during both rounds of the surveys were highly similar in the areas where the questions overlapped. However, it was determined by CPAU that the representativeness of the data collected during the first round survey was more robust, due to the reduced adherence of the surveyors to random sampling procedures during the condensed second round. Therefore, CPAU chose to primarily rely on data from the first round survey, and only use second round data in areas of this report where no other data was available.

Meanwhile, the police survey was also designed by CPAU's research staff and implemented by a combination of local surveyors and CPAU's permanent staff in November 2011. The police survey consisted of 47 primary questions and 11 additional questions to identify the independent variables. In total, 245 members of the AUP were surveyed throughout Kunduz Province. CPAU was initially denied access to conduct any interviews with police in Kunduz District, despite possessing the appropriate documents from the Ministry of Interior, due to bureaucratic resistance from the provincial police headquarters. Further intervention from the MoI headquarters and the regional headquarters in Mazar-e-Sharif was necessary to finally obtain permission for CPAU's permanent research staff to conduct the remaining interviews in late November.

The data from each of these surveys was entered into a database by CPAU's Kabul staff and analyzed using SPSS statistical analysis software. In most cases, the answers were pre-coded and input directly into the database. In the case of open-ended questions, which were used in isolated cases where the full range of likely answers was not known in advance, coding frameworks were developed for some questions by CPAU's Afghan research staff after reviewing the range of the written answers. Analysis of the full datasets was then conducted by CPAU's expatriate and Afghan research staff. The instruments can be found in Annex 5.

During future assessment periods, the questions from the first and second round community surveys will be drawn upon to create a single instrument. That instrument will remain consistent throughout the duration of the evaluation period and will rely on the sampling techniques used in the first round of this community survey.

Method 2: Focus Groups

In order to identify community needs and concerns with regards to security and rule of law, CPAU conducted three dozen focus groups with male and female community members throughout Kunduz. These focus groups were used to both identify communal needs and to assess community perceptions of police actions taken to address those needs in Theme 1, Chapter 4. In each district, two male and two female focus groups were conducted by CPAU's field surveyors, each of whom

were themselves residents of those districts. Each focus group consisted of approximately six to 10 individuals. Each of these focus groups was conducted in a common area, such as a mosque or school, in the communities where the participants lived. The focus group questions were field tested in Kalakan District of Kabul Province prior to their implementation in Kunduz.

Each focus group was facilitated by at least two surveyors, including one moderator and one note-taker. All of the surveyors received a day of training from CPAU's research staff and conducted practice focus groups in Kunduz City prior to their deployment to their respective districts. The target communities were randomly selected by CPAU's Kunduz office. Within each community, CPAU's surveyors cooperated with local elders to identify potential respondents who generally represented a cross-sample of the community in terms of age, profession, education and other variables.

To cross-check the answers of the focus groups, CPAU conducted a number follow-up interviews with randomly selected individuals who had participated in the focus groups. These interviews were used to verify the consistency of the answers that were given during the group-setting. The final focus groups answers were collected and translated by CPAU's research staff and then analyzed in coordination between CPAU's expat and Afghan research staff, who identified and summarized the key trends reflected in the narratives. The research instrument can be found in Annex 5.

Method 3: Structured Interviews

In addition to the surveys, CPAU also conducted smaller numbers of structured interviews with members of key groups: police management, prosecutors, judges and court officials, *huqooq* (Civil Law) officials, informal justice members, and prisoners. Additional structured interviews were also conducted with community members who had previously interacted with the police, formal justice system or informal justice system. In contrast to the surveys, these structured interviews included more narrative and open-ended questions. Where possible, coding frameworks were developed in advanced with the assistance of CPAU's Afghan researchers. Where the range of possible answers was unknown, codes were developed for certain questions after reviewing the range of written answers.

The prisoner interviews were conducted at the main prison in Kunduz City by CPAU's Kabul-based researchers. All of the other interviews were conducted by locally hired surveyors from each district. Interviews with each of these categories of respondents were completed in all seven districts, with the exception of the prosecutors and judges and court officials. Those two categories of individuals often refused to provide interviews to CPAU, despite the possession of the appropriate permission letters from their respective ministries. In particular, all of the state justice officials in Char Dara who were approached by CPAU's researchers refused to participate in the study.

The data from the interviews was recorded in Dari and then translated into English by CPAU's bilingual research staff. The translations were cross-checked by other bilingual members of the research department to ensure accuracy.

Method 4: Other Instruments

Other methods included a police literacy test and a review of secondary research on the subject of the AUP and the state justice system in Kunduz. To measure the literacy abilities of the AUP, CPAU's research staff designed a one-page literacy test. The testing form included 10 questions of increasing difficulty, ranging from the respondent's name and position to more complex questions that required sentence-long or multiple sentence-long answers. The questions were originally developed in English and then translated into Dari by CPAU staff. The literacy tests were given to police recruits in Kunduz City by CPAU's Kabul-based researchers. If the police stated that they could not read and write, or if they refused to complete the surveys for other reasons, those reasons were recorded by the CPAU researchers. The literacy test was originally intended to also be taken by current AUP in each district, but the limited capacity of the field surveyors prevented the proper implementation of this instrument in the field during this initial assessment period. Further discussion of the literacy test is provided in the sub-section 'Education and Literacy' in Theme 1.

Meanwhile, to gain further contextual and background information for this report, CPAU's research staff conducted a review of other recent primary research conducted on Kunduz and the Afghan police and justice system. This included assessment reports conducted by the Max Planck Institute for Comparative Public Law and International Law (MPIL), the United Nations Assistance Mission in Afghanistan (UNAMA), the International Crisis Group (ICG), Oxfam International, and the United States Institute of Peace (USIP) among others. These additional resources were chosen based on their coverage of recent trends in the justice sector and were used to situate CPAU's findings within a wider contextual framework.

Limitations

The methods employed in this evaluation were limited by a number of factors, including security, bureaucratic, cultural and logistical obstacles. In particular, the security situation in many of the districts of Kunduz Province created barriers to access for CPAU's research staff that made the data collection process more difficult. Meanwhile, number of bureaucratic obstacles, including a lack of access to key documents and certain government officials, limited the scope of the research and types of methods that CPAU was able to employ during the baseline assessment period.

Despite a decline in the presence of Taliban and other armed groups in Kunduz relative to 2009, many rural areas of the province remain insecure and difficult to access. There has also been an uptick in violence in certain areas of the province during mid- and late 2011. As with many other areas of Afghanistan, field research can be difficult and unsafe to conduct for individuals who are

not residents of that area. CPAU therefore needed to rely on locally hired temporary surveyors rather than the organization's permanent Kabul and Kunduz City-based staff. All of the surveyors were educated, and many had previously been employed as teachers or other professionals in their local districts. However, most of them lacked prior experience in conducting surveys and focus groups prior to the trainings given by CPAU staff. To guard against potential errors and fraudulent responses during the structured interviews, the surveyors were instructed during the later part of the process to collect the phone numbers or contact information of their interviewees in order for CPAU's research staff to verify their existence and identities. Where possible, CPAU's permanent staff called interviewees to verify their existence. However, not all of the structured interview participants consented to give contact information, and CPAU was forced to reject some interview data in which suspicions about the veracity of the data arose.

Despite being recruited from the same districts where they were assigned to work, these surveyors also faced difficulties in accessing communities and households. This was particularly true for the female surveyors, who faced greater cultural obstacles and had to exercise greater caution when traveling between and within communities.

Due to the sensitivity or controversial nature of many of the topics touched upon by this evaluation, it was difficult to guarantee that interviewees were providing honest answers. As noted in a 2011 Oxfam International report, information regarding inappropriate conduct on the part of the ANP is difficult to obtain as a result of reluctance on the part of community members to overtly criticize the police (Oxfam, 2011). By relying on surveyors from the same local area as the interviewees, CPAU hoped to receive more accurate answers than if they had relied on outside staff from Kabul or Kunduz city. The Dari-language instruments were also worded as neutrally as possible in an attempt to mitigate these concerns. However, it is likely that on certain sensitive topics, community members and other actors provided answers that they believed were more socially acceptable. For this reason, no conclusions can be based on the absolute value of the answers to the more sensitive questions in this initial evaluation. Rather, these answers should only be used for identifying positive or negative trends once additional surveys are conducted.

Meanwhile, political and institutional barriers occasionally made it difficult or impossible to conduct interviews with certain individuals. Specifically, prosecutors and court officials in the district of Char Dara refused to be interviewed, despite the possession by CPAU's surveyors of official letters from the government of Afghanistan. Likewise, the head of the AUP in Kunduz City initially refused to allow CPAU to conduct any police interviews in the capital district until receiving a direct memorandum from the Ministry of Interior instructing him to allow CPAU to begin the research. This both delayed and made the data collection process more difficult. These bureaucratic obstacles reflect a lack of consistency in the levels of transparency among the government actors and institutions of the formal justice system in Kunduz.

Furthermore, a lack of access to formal sector documents, particularly police and court records, constrained the types of research that CPAU was able to do for this baseline evaluation. Document review was a necessary tool to evaluate certain topics covered in this evaluation, such as timeliness and adherence to proper procedures in the justice chain. Without the proper permission, bureaucratic obstacles made this impossible during this assessment period. This led to a higher

reliance on perceptions surveys and interviews, rather than document review, to measure indicators such as the efficiency and timeliness of formal justice institutions. In the future, further efforts will be made to gain access to current and previous records in order to make longitudinal comparisons between the baseline year and future years. Even though such data was not available to include in the baseline report, the static nature of written documents (in contrast to, for example, human memory) would allow CPAU to make comparisons between 2011 and later assessment periods. Meanwhile, a lack of access to training manuals and IPM trainers also limited the degree to which CPAU was able to design research instruments to assess specific elements of police training.

Theme 1: Civilian Police

The first theme addressed by this evaluation regards the civilian police and whether the population perceives the police as better serving their interests. This theme involves four goals: (1) police are better capable to uphold civil security, law and order; (2) police have greater respect for individual rights of civilians; (3) trust and respect between police and district populations is strengthened; (4) police are better oriented towards the needs of communities.

Chapter 1: Police capability to uphold security, law and order

The chapter reflects upon the size and capacity of the AUP to provide security in Kunduz. Several sets of indicators reflect upon this goal. These categories include Size of AUP *tashkil*, Confidence in AUP Ability to Provide Security, Motivation, Training, Education and Literacy, and Drugs and Criminal Activity.

Each of these categories is necessary to measure in order to determine the extent to which the AUP are capable of carrying out their duties to uphold security, law and order. In many cases, however, it was not possible to measure the underlying realities. Instead, community and police perceptions were used to provide a partial picture of the state of the AUP and how it is viewed and willingly expressed by the population of Kunduz.

Size of AUP tashkil

The size and structure of the ANP, including the AUP, is dictated by an organizational chart, or *tashkil*, developed by the Ministry of Interior (MoI). In practice, however, the number of recorded personnel in each province and district does not always match the total number allocated by the *tashkil*. Nor do the personnel records maintained by MoI and regional police headquarters necessarily match the number of personnel that are currently active (FPRI and RUSI 2009)

According to data obtained from the Dutch Embassy in Kabul, the total *tashkil* allocation for the AUP in Kunduz Province in 2011 was 1691. Of those, 599 were stationed in the Kunduz district, including 220 in the four main police precincts and 379 in the provincial police headquarters and other units. It is necessary to note that these numbers are not strictly AUP officers and patrolmen, but include other employees such as cooks and drivers. As a result of significant bureaucratic obstacles, it was not possible for CPAU to obtain a break-down of these numbers, including the ratio of AUP patrolmen and officers to administrative staff. See Table 1.1 for the district-level figures.

It is crucial to emphasize that these figures only reflect the target levels of AUP personnel in each district. They do not necessarily depict the number that are currently hired and actively deployed. CPAU was only able to obtain the actual numbers for Khan Abad district and the four main precincts

of Kunduz district. In the case of Khan Abad, the 205 AUP personnel matched the *tashkil* target. In Kunduz district, however, the number of AUP fell short of the targets in all four precincts. Unfortunately, no data was available for any of the other districts.

Table 1.1 – Size of AUP tashkil

District	AUP <i>tashkil</i> (2011)	Number of AUP personnel* (as of Jan 2012)	Number of Female AUP Staff (as of Jan 2012)
Ali Abad	98	-	0
Char Dara	207	-	3
Dasht Arche	107	-	0
Imam Sahib	204	-	0
Khan Abad	205	205	1
Kunduz District	599	-	19**
Precinct 1	55	40	1
Precinct 2	55	49	1
Precinct 3	55	33	0
Precinct 4	55	42	1
Provincial HQ Staff and Other Units	379	-	16**
Qala-e-Zal	50	-	0
Province Total	1691	-	23

* According to data obtained from Dutch Embassy. These figures were only available for Khan Abad and parts of Kunduz District.

** Includes two female AUP with no permanent place of employment.

The third column of the Table 1.1 includes the current number of women employed by the AUP in Kunduz. As of January 2012, there were only 23 women AUP employed in the entire province of Kunduz, according to data provided by the Dutch Embassy. Of these, almost all are in the provincial capital. There were only three female uniformed police in Char Dara, one in Khan Abad, and none in any of the other four districts. The gender composition of the AUP will be discussed further in Chapter 3 of this theme. CPAU was unable to obtain any data on the ethnic composition of the AUP in Kunduz.

The overall figures presented in Table 1.1 only reflect the MoI targets, not necessarily the number that community members believe are needed to provide security. Although CPAU did not ask about community perceptions of the size of the AUP in the initial community survey conducted in October 2011, such a question was asked in the second iteration of the survey that was conducted in late November 2011. As noted in the Methodology Section, this second survey was conducted in a condensed period of time and with a more quickly chosen sample.

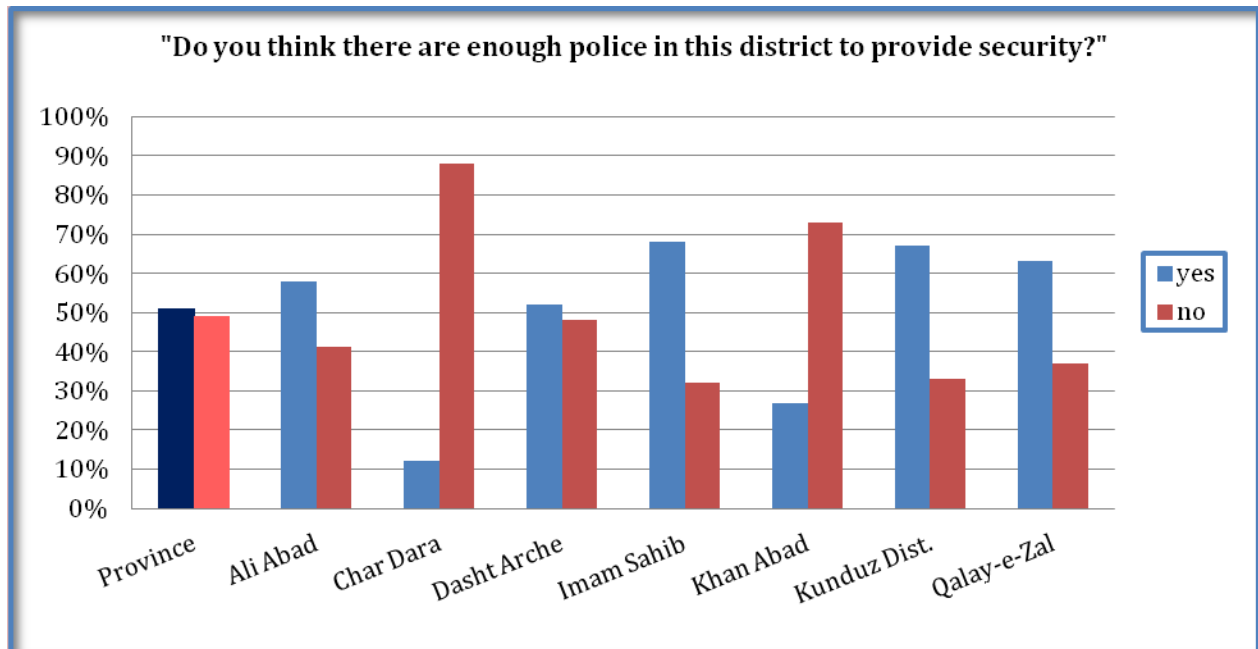
In the second round survey, community members were asked if they believed that there were enough police in their district to provide security, law and order. As noted in the Methodology section, it was determined during the instrument development stage that community members, particularly in rural areas, lacked the ability to consistently differentiate between the AUP and other branches of the ANP. Therefore, CPAU was forced to use the more common word ‘police’ in the community surveys. That said, the AUP is by far the largest branch of the ANP and also the branch of the national police that Afghan civilians are most likely to interact with. The northern Kunduz districts of Qala-e-Zal and Imam Sahib both have large numbers of Afghan Border Police (ABP) in addition to AUP, but only the AUP is responsible for providing community policing in those districts.

Overall, an approximately equal number of Kunduz residents believed that there were or were not enough police to provide security.¹ A total of 47 percent of residents in Kunduz viewed the number of police in their respective districts as sufficient, compared to 46 percent who viewed the number of police as insufficient. These perceptions varied significantly between districts. See Figure 1.1 below for a complete break-down of the seven districts.

Char Dara District was perceived by residents as being the least secure. Only 11 percent of the residents responded that there was a sufficient number of police in their district. According to the AUP *tashkil*, the Char Dara’s target of 207 personnel was roughly equal to the districts of Khan Abad and Imam Sahib, which have approximately two and three times the population of Char Dara respectively. However, as noted earlier, these are only the MoI targets and not the number actually deployed. CPAU was unable to obtain the actual number of AUP in Char Dara.

Compared to other districts, Char Dara has a higher presence of active armed groups, particularly a large number of *arbakai* (local security forces that are theoretically recruited and overseen by local *jirgas* to protect local communities, but which occasionally function as *de facto* tribal militias or criminal gangs). It is necessary to note that during the period that CPAU was conducting surveys in Char Dara, multiple *arbakai* groups were actively fighting each other for control of territory and that warning shells were being fired into the district by International Security Assistance Force (ISAF) artillery based at the Kunduz Provincial Reconstruction Team (PRT) base. This active fighting, which occurred during the data collection period, likely contributed to the large number of negative responses in Char Dara compared to other districts.

¹Community Survey – Round 2, Question #1 (n=635)

Figure 1.1 – Community Survey – Round 2, Question #1(n=635)

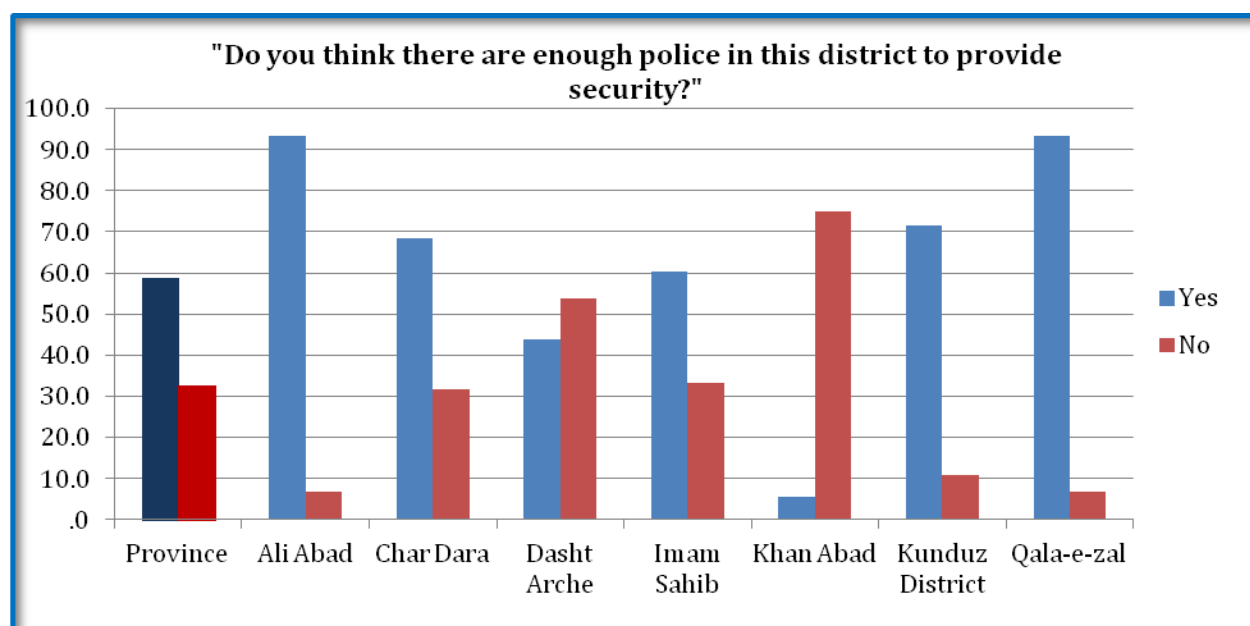
CPAU asked the AUP recruits in each district a similar survey question. The police were somewhat more likely to view the number of AUP in their respective districts as sufficient to provide security, law and order.² Of the 245 AUP surveyed, 64 percent believed that there were enough police in their area to provide security. These responses were highest in Ali Abad (93%), Qala-e-Zal (93%) and Kunduz District (87%) and lowest in Dasht Arche (45%) and Khan Abad (7%). See Figure 1.2 for details.

A member of the AUP management in Dasht Arche suggested that there were not nearly enough police in his district, saying “police cannot bring security here because there are not enough of us.” This sentiment was repeated by police management in Qala-e-Zal and Khan Abad. One police leader in Imam Sahib, meanwhile, noted that his district had requested additional officers to deal with the insecurity in his district. Conversely, a member of the management in central Kunduz, where the size of the police was generally perceived as sufficient, said, “the ability to provide security is not related to the quantity of the police, but to the capability of the police.”

In general, the districts that were most perceived by civilians as having a sufficient number of police were also seen that way by the police. The largest gap between the reported perceptions of the community members and the police, however, was in Char Dara, where only 11 percent of civilians but more than two-thirds of police (68%) told CPAU that there were enough police to provide security, law and order.

Figure 1.2 – Police Survey, Question #1(n=245)

²Police Survey, Question #1(n=224)



Confidence in AUP ability to uphold security

As noted in the previous section, community feelings of security are not merely a function of the total or relative number of police to the size of the population. During the first round of the community survey, CPAU asked residents in each district, "Can police provide security in this district?"³

Table 1.2

Community Survey - Round 1	Question #R8: "Can police provide security in this district?" (n=1039)							
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes	84%	41%	61%	76%	48%	80%	65%	67%
No	16%	59%	38%	23%	51%	19%	34%	33%

Overall, two-thirds of residents said that they believed that the police were capable of upholding security. One third disagreed. The positive responses were highest in Ali Abad (84%) and Kunduz District (80%). They were lowest in Char Dara, where only two in five believed that the police were capable of providing security. This is similar to the data from the second survey cited in the previous section, which found that only a small minority of residents of Char Dara believed there

³Community Survey – Round 1, Question #R8 (n=1039)

were enough police in their district to provide security. Khan Abad residents had the second lowest opinion of the police's ability to provide security, with a roughly equal number agreeing and disagreeing.

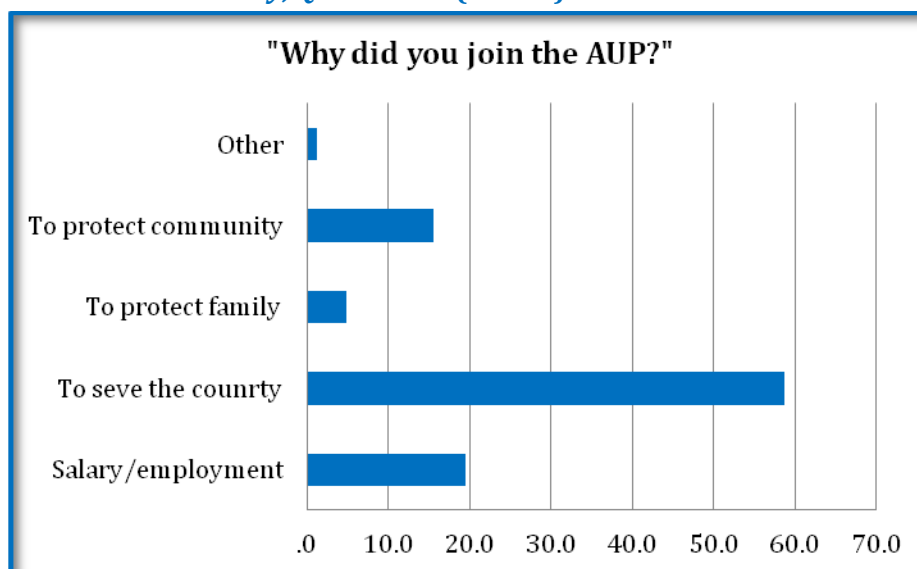
Motivation

When AUP officers were asked why they joined the police,⁴ a majority of 59 percent claimed that had joined to serve their country. Other common answers included salary and employment (20%), to protect their community (16%) and to protect their family (5%).

This question was also asked of the recruits currently undergoing training at the Police Training Center in Kunduz City.⁵ Of the 22 recruits that CPAU was given permission to interview, a slight majority of 13 said that they had joined to serve their country. Another 9 (36%) said that they had joined for salary and employment-related reasons. One also said that he had joined for the uniform, and one joined because his family wanted him to do so.

Several of the recruits, however, confided in CPAU's Afghan researchers after the conclusion of the survey that, contrary to the answers they gave in the survey, their biggest motivation was actually financial rather than patriotic. Some of those recruits noted that they were previously unemployed, and that their families needed the income.

Figure 1.3– Police Survey, Question #3(n=245)



Based on these unofficial comments, is probable that many of the AUP officers who were interviewed in the larger police survey may have also been less honest about their principal reasons for joining. Based on the feedback from the recruits, it is likely that the biggest motivation

⁴ Police Survey, Question #3(n=245)

⁵ Police Recruit Interviews, Question#3 (n=22)

for joining the police is not patriotism but salary and income. These answers should therefore be taken more as an indication of a public narrative that the members of the AUP feel that they should convey, rather than an honest depiction of their motivations.

Training

During the period of this initial baseline assessment, CPAU lacked access to the training plans, curriculum, and other materials used in the training of AUP recruits in Kunduz. As a result, CPAU was not able to ask any questions this year regarding specific aspects of AUP training. More general questions were asked instead. During future assessment periods, access to the training curriculum will be necessary to design more accurate instruments to evaluate the specific skills obtained during their training.

During the AUP survey conducted by CPAU, police were asked how useful they found their training. Seventy-four percent said that any training that they had received was very useful, while 23 percent said that it was somewhat useful.⁶ More than half answered 'very useful' in six of the districts. Only in Qala-e-Zal did a minority of 27 percent state 'very useful', with a majority stating that their training had been somewhat useful. These responses are not necessarily indicative of the actual usefulness of the training, but provided a baseline response and a possible measure of police willingness to be critical of their own institution and training.

Police were also asked which areas of training that should be paid more attention to, and which areas of training should be improved.⁷ Commonly mentioned areas of training that the police should pay more attention to included community relations (i.e. maintaining good behavior with people, observing human rights, and protecting civilians), usage of equipment (particularly weapons and vehicles), literacy, discipline and following regulations, patrols and checkpoints, surveillance, and searching houses.

Police were also asked which areas of training should be improved. Responses differed among interviewees, but were similar to those listed above. Common themes included police discipline and general regulations, equipment use (particularly weapons and vehicles), surveillance, awareness of law and human rights, dealing with insurgents, and dealing with crime.

Meanwhile, when police management were asked to reflect upon the training,⁸ they gave a wide range of answers about the extent and quality. One member of police management from Khan Abad claimed that his unit didn't receive any training, while another figure from the same district said that the police under his command had received training and that training was sufficient for the performing of their police tasks. In general, the management in most districts claimed that the training received by police in his area was sufficient. One management figure in Qala-e-Zal noted

⁶ Police Survey, Question #8 (n=240)

⁷ Police Survey, Question #9 & 10 (n=245)

⁸ Police Management Interviews, Questions 10-13 (n=14)

that his district had been ordered by the province's central police headquarters to send two or three policemen each month to receive training in Kunduz District.

Managers were also asked which areas of training should receive further focus. Common responses included training on rule of law, usage of equipment, literacy, techniques for checking cars and houses, military discipline, and discovering crime and smuggled goods. A manager in Qala-e-Zal said, "There must be more attention with regard to their accountability and in the performing of daily tasks." Meanwhile, one manager in the central district said that police in the province needed to receive greater training on how to detect and neutralize improvised explosive devices (IEDs).

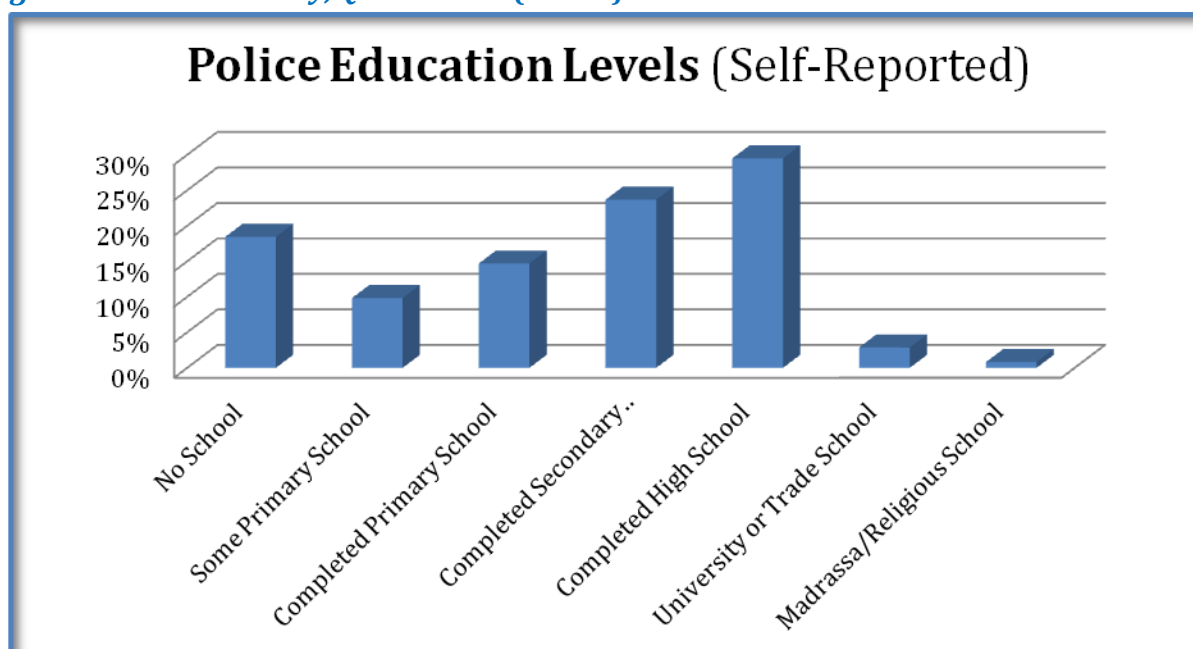
When asked if any parts of the training should receive less emphasis, the majority of the management interviewed said that everything is useful and that nothing should receive less attention. However, one Qala-e-Zal manager suggested that "non-military parts of the training should receive less attention."

Education and Literacy

Literacy has been an ongoing problem for the AUP. A MoI policy paper released in May 2010 noted that an estimated 70 percent of police are illiterate (Ministry of Interior, 2010). Other estimates have put the rate of illiteracy at between 70 and 90 percent of recruits (Hosenball, Moreau and Miller 2010)(Perito 2009). The inability of the recruits to read and write can negatively affect their ability to absorb information and learn basic police skills in the classroom, and it also prevents them from performing necessary tasks such as taking statements from witnesses, writing incident reports and maintaining records (ibid).

When the 245 AUP survey respondents were asked to state their education level, about a third claimed that they had completed high school. Of those, seven (3%) said that they had attended university and another form of higher education. Meanwhile, about one in five AUP said that they had never received any school. About half of the police respondents, meanwhile, said that they had received some formal education but had not completed high school. It is important to note that these education levels are self-reported and that CPAU did not have access to any police records to confirm these responses. It is therefore possible that some AUP may have overstated their education background.

To measure literacy, CPAU intended to conduct literacy tests of police and current recruits throughout Kunduz Province. During this initial assessment period, however, time constraints and the limited capacity of the locally hired surveyors prevented CPAU from properly administering the written test to AUP officers in the districts. The inconsistency with which the tests were conducted meant that these results unfortunately had to be left out of this report.

Figure 1.4– Police Survey, Question #i8 (n=245)

The literacy test, however, was successfully administered by CPAU's permanent research staff to a smaller number of recruits undergoing training by Dutch police trainers at the German Police Training Center in Kunduz District in November 2011. CPAU also intended to undertake document review of a random selection of police reports in each district station to evaluate the quality and consistency of those reports. Unfortunately, CPAU was unable to gain permission from the MoI to view any of those documents during this assessment period. If CPAU gains access to those documents in the future, however, it would be possible to retroactively make comparisons in the quality of report-writing over time by comparing documents from 2011 with documents from future assessment periods.

When CPAU's researchers were given access to interview the 22 recruits, CPAU instructed each of the recruits to complete a written form. This form included ten progressively more difficulty questions, beginning with their name and ending with open-ended questions about their opinion of the ability of the police to maintain security in the future.⁹

Overall, 8 of the 22 were able to complete the forms, while 13 were completely illiterate. There was also one recruit who could write his name but nothing else. When this individual is added to those who cannot read and write at all, two thirds of the recruits were functionally illiterate. This is slightly better but broadly in line with the common estimates of 70 percent illiteracy. However, the quality of the writing skills varied among those recruits who completed the written testing forms. Two of the recruits gave partial, grammatically wrong or otherwise incorrect answers to multiple questions. Despite having a basic level of literacy, such recruits may have difficulty in writing police reports or completing other written assignments.

⁹Literacy Test, Recruits (n=22)

Drugs and Criminal Activity

Drug-use within the AUP and the ANP is commonly believed to be widespread, although estimates have varied widely. A Newsweek article in 2010 cited a figure from the U.S. government that roughly 15 percent of Afghan police test positive for drugs, primarily hashish (Hosenball, Moreau, & Miller, 2010). In the politically volatile and opium-producing Helmand Province in southern Afghanistan, British officials estimate that 60 percent of the ANP use drugs (Murray, 2007). While Kunduz Province is not a major producer of opium itself, its strategic position along the Tajik border makes it a major conduit for drugs coming from the south as well as the northeastern province of Badakhshan (Devlin, et al. 2009). Many of these drugs are shipped through Central Asia and on to Russia and ultimately Europe (NPS, 2009). The Afghan police are regularly accused of being deeply involved in the trafficking of drugs, along with other criminal activities (Wilder, 2007).

It was not possible, of course, for CPAU to directly measure drug use or criminal activity. Instead, during the first round community survey, CPAU asked residents of Kunduz Province to reflect upon perceived drug use and criminal activity among the police. These expressed perceptions can be a partial means of examining popular trust in the institution of the AUP. It is important to note, however, that these are both highly sensitive subjects, and some respondents may have been hesitant to respond honestly. As noted in a 2011 Oxfam International report, information regarding inappropriate conduct on the part of the ANP is difficult to obtain as a result of reluctance on the part of community members to overtly criticize the police (Oxfam, 2011).

Table 1.3

<i>Community Survey – Round 1</i>	Question #R9: “Do you think any of the police in this district are engaged in drug use? If so, how many?”							<i>(n=1027)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
None	60%	18%	46%	15%	60%	44%	21%	37%
Some	32%	65%	31%	63%	32%	45%	51%	46%
Half	3%	12%	12%	14%	3%	8%	15%	10%
Most	3%	3%	9%	5%	3%	1%	10%	5%

A majority of respondents claimed that at least some of the police were engaged in drug use.¹⁰ Most of those said that fewer than half were engaged in drug use. Meanwhile, more than a third claimed that none of the police use drugs. This perceived drug use varied greatly by district. Only a minority

¹⁰Community Survey – Round 1, Question #R9 (n=1027)

of respondents in Kunduz District and Ali Abad indicated that any police were engaged in drug use. In contrast, the vast majority of respondents in Imam Sahib, Qala-e-Zal and Char Dara indicated that at least some AUP were engaged in drug use. Of these districts, Imam Sahib and Qala-e-Zal are both border districts that are the site of significant drug-trafficking from Afghanistan to Central Asia. Char Dara, as previously mentioned, was the district that was considered by residents to be the least secure in the province. As noted, however, these merely reflect the opinions that residents were willing to express to outsiders.

Likewise, a slight majority of the community survey respondents claimed that some of the police were engaged in criminal activities.¹¹ Of those, most believe that less than half were, while only about 13 percent indicated that half or more of the police in their district were engaged in criminal activity. These reported perceptions of criminal behavior by the police were highest in Char Dara, Imam Sahib, and Kunduz District. See Table 1.4 for details.

Table 1.4

<i>Community Survey – Round 1</i>	Question #R10: “Do you think any of the police in this district are engaged in criminal activities? If so, how many?” <i>(n=1037)</i>							
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
None	43%	39%	75%	30%	49%	38%	43%	47%
Some	43%	51%	22%	57%	25%	51%	39%	40%
Half	10%	5%	2%	2%	14%	10%	14%	8%
Most	3%	5%	1%	12%	12%	2%	4%	5%

¹¹Community Survey – Round 1, Question #R10 (*n=1037*)

Chapter 2: Respect for individual rights of citizens

Another important aspect of the civil police's overall performance is the ability and willingness of the AUP to respect the individual rights of citizens. For this goal, there are two groups of indicators: accountability and fair treatment. The first regards accountability structures as well as public awareness and confidence in those structures. By accountability structures, we refer to institutional mechanisms that allow civilians to complain and seek redress when their rights are violated by the police. In order for citizens to possess confidence that their rights will be respected by the AUP, it is necessary for there to be mechanisms in place that prevent or discourage the police from violating the rights of citizens with impunity. Fair treatment, meanwhile, refers to the population's perceptions that they are treated fairly and equally by the police. Legal and constitutional rights are not necessarily a well-known concept, particularly in rural areas where education levels are low. It was therefore considered by CPAU to be more appropriate to attempt to measure notions of fairness, rather than respect for constitutional rights.

Accountability

A joint briefing report released by Oxfam International in May 2011 found that there were no satisfactory mechanisms by which an individual could lodge a complaint against the ANP or ANA. Nor were there any means of processing complaints, disseminating findings or paying compensation (Oxfam, 2011). The report noted that unless adequate accountability mechanisms are put in place, violations of human rights and humanitarian law could potentially increase as responsibility for security is shifted away from international forces to the Afghan government.

Specific problems cited in the 2011 Oxfam report included:

“ambiguous and non-transparent chains of command (meaning that community members are often unable to identify which forces were responsible for alleged misconduct); a lack of public awareness regarding how or where to lodge a complaint; a fear of retaliation; slow or non-existent investigation and response; the fact that even when investigations are conducted the findings are often not made public; and a consistent failure to provide apology, compensation or redress.” (Oxfam, 2011, p. 15)

Afghan citizens can theoretically report ANP crimes or misconduct through an office of the Ministry of Interior, which is then tasked with assessing claims for investigation by one of three MoI structures. However, very few cases are ever pursued through this mechanism (UNAMA, 2011). Meanwhile, internal and external accountability mechanisms exist for ANP criminal conduct to be addressed internally through the Ministry of Interior. Alleged crimes committed by ANP officials should be referred to the Directorate of Military Affairs in the Attorney General's Office for investigation and criminal trial by a military prosecutor (ibid). However, little information from the Ministry of Interior is available regarding any referral of such cases to the judicial system (ibid).

During the second round community survey, CPAU asked community respondents where they could go to complain and receive help if they are treated unfairly by the police.¹² This was an open-ended question, and no preset answers were provided. The most common responses included the police and/or government officials, *shuras* or local elders, and powerful people, such as warlords or local commanders. Other options mentioned by respondents included the Taliban and human rights organizations. Overall, 61 percent of respondents said that they could bring the complaint to the police commander and/or government officials in their district or province. Meanwhile, 17 percent mentioned a *shura* or local elders, 11 percent mentioned powerful people, three percent mentioned the Taliban, and four percent said they could go to a human rights organization. Four percent also said that there was no where that they could go to complain and seek help. These responses did not vary majorly between districts, with between 56 and 68 percent of respondents in each district saying that they could bring a complaint to the government.

The difference between genders was also insignificant, with slightly more males (62%) than females (60%) saying that they could bring a complaint to the police or a government official. However, as mentioned previously, there are often significant variations between how the respondents respond to theoretical questions and what they would actually do. Women in particular face greater cultural and logistical barriers in approaching the police and other government institutions. Previous focus groups conducted by CPAU in Kunduz Province in 2011 indicate that these same cultural obstacles can often prevent women from approaching not just the police, but also *shuras* and other formal and informal justice institutions (Peavey, 2012).

Respondents were then asked a follow-up question on how effective they believe the institutions that they mentioned in the previous question would be if they took a complaint there.¹³ For respondents who had selected the police or a government official, half said that this option would be very effective, a third said it would be somewhat effective, and 16 percent said it bringing a complaint there would have no effect. For *shuras* and village elders, 56 percent said bringing a complaint there would be very effective, 26 percent said very effective, and 14 percent said it would have no effect. Meanwhile, for those who said they could approach powerful people, 58 percent said that option would be very effective, 27 percent said it would be somewhat effective, and 11 percent said it would have no effect. Likewise, a majority of the respondents who picked the Taliban or a human rights organization also claimed that those options would be very effective.

These responses largely affirm the perceived effectiveness of the institutions selected by individuals in the prior survey question. Most of respondents who selected each of those formal or informal institutions or individuals as a possible option also indicated that those institutions would be useful in addressing their complaints.

However, a majority of respondents also stated that they should have more institutional options for them to complain and seek help if they were mistreated by the police.¹⁴ Overall, two thirds of the community members interviewed said that there should be more options. Fifteen percent were

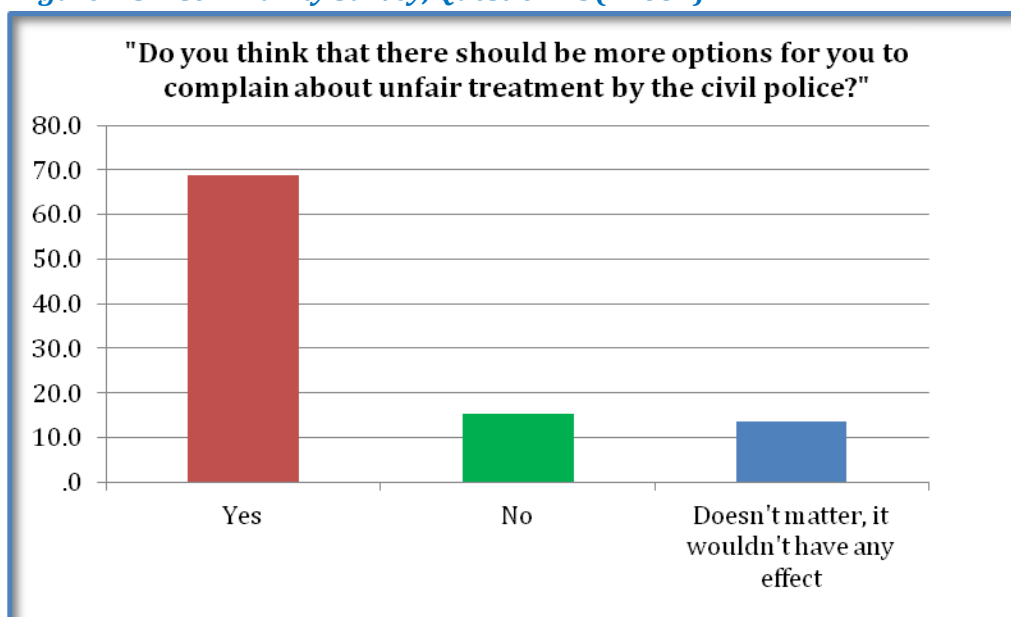
¹² Community Survey – Round 2, Question #12 (*n*=663)

¹³ Community Survey – Round 2, Question #13 (*n*=648)

¹⁴ Community Survey – Round 2, Question #15 (*n*=681)

satisfied with their current options, and 14 percent said that even if they had additional options, it would not be useful. There was little difference between male and female respondents, with 68 percent of males and 70 percent of females saying that there should be additional options to complain and seek redress.

Figure 1.5 – Community Survey, Question 15(n=681)



Police managers were also interviewed about the accountability of the police.¹⁵ All of the management interviewed said that people want the police to behave according to the law. Most down-played any accountability problems, even as they acknowledged that there were few options for seeking redress for violations of their rights. A manager in Ali Abad said, "People don't have any options, but they don't need them because the police operate according to the law." An Imam Sahib manager likewise noted that there were few options, but that "people are free to talk about the behavior of the police."

When asked about current activities or projects aimed at making the police more accountable, most management only mentioned the standard police training.¹⁶ Standard training was the only accountability mechanism mentioned in most districts. The managers who were interviewed in Khan Abad and Qala-e-Zal, meanwhile, said that there were no current projects or activities to address accountability. Only in Imam Sahib did a police manager say that there was an ongoing civil society workshop funded by an international donor. The manager was not aware of many details, but said that the workshop had three focus points: (1) how to behave properly with citizens, (2) how to find criminals, and (3) how to search civilian houses in a legal and appropriate way.

Meanwhile, the managers were also asked about means or mechanisms of controlling and ensuring oversight over the police under their command.¹⁷ Common answers included the enforcement of

¹⁵ Police Management Interviews, Question #23 (n=14)

¹⁶ Police Management Interviews, Question #24 (n=14)

¹⁷ Police Management Interviews, Question #25 (n=14)

discipline and police regulations. Several also mentioned instruments for communicating with and checking up on the police under their command. This included wireless radios, mobile phones, cars and motorcycles to obtain updates about the location and actions of the police under their command.

Fair Treatment

CPAU asked Kunduz residents to reflect upon the unfair treatment in both the first and second round community surveys. During the first survey, which had a higher sample size and more rigorous sampling procedures, the respondents were asked, “Have the police treated anyone in your community unfairly in the last year?”¹⁸ The possible answers were “yes,” “no” and “don’t know.”

Overall, about a quarter of respondents claimed that they knew someone who had been treated unfairly by the police. There was also a third, however, who said that they did not know. Based on debrief interviews with CPAU’s field surveyors and its Afghan staff, this refusal to give a concrete answer often, but not always, reflects reluctance on the part of respondents to voice criticism of police, rather than a lack of opinion about unfair actions by the police. See Table 1.5 for details.

Table 1.5

<i>Community Survey - Round 1</i>	Question #L1: “Have the police treated anyone in your community unfairly in the last year?”							<i>(n=1035)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes	23%	40%	25%	25%	33%	19%	23%	26%
No	57%	33%	50%	27%	39%	37%	30%	40%
Don’t Know	20%	26%	23%	48%	27%	44%	46%	33%

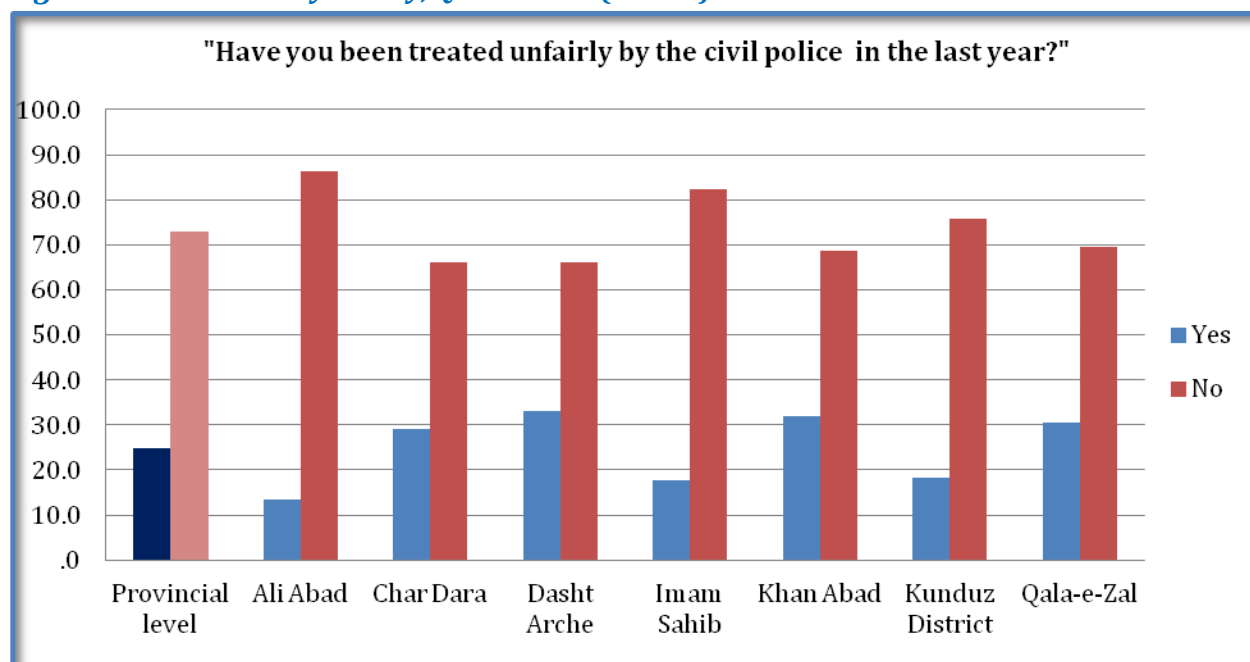
Meanwhile, a similar question was asked during the second round community survey. Respondents were asked if they knew at least one person who was not treated fairly by the police. Don’t know was excluded as an answer category. In that case, approximately two out of five (39%) community members surveyed reported that they knew at least one person who had been treated unfairly by the police in the last year.¹⁹ The districts with the highest number of people reporting knowing at least one person who had been treated unfairly by the police in the last year were Dasht Arche (49%) and Qala-e-Zal (52%). Kunduz District and Ali Abad were lowest at just one-third each.

¹⁸Community Survey – Round 1, Question #L1(*n=1035*)

¹⁹ Community Survey – Round 2, Question #16 (*n=668*)

Also, during the second round survey, CPAU asked residents, “Have you been treated unfairly by police in the last year?” A quarter of respondents replied in the affirmative. These responses were lower than average in Ali Abad, Imam Sahib, and Kunduz District. They were higher in the other outlying districts. Responses also varied significantly between gender, with more than twice as many males (33%) as females (16%) reporting that they had been treated unfairly by the police in the past year. This is presumably reflective of a lower number of interactions between women and the police. As noted, cultural barriers commonly prevent women in Afghanistan from approaching the police and other formal institutions. These barriers to access will be discussed in Theme 4.

Figure 1.6– Community Survey, Question 17 (n=669)



There were also some ethnic differences in the percentage of respondents reporting unfair treatment by the police in the past year. Pashtun and Turkmen were slightly more likely to report unfair treatment at 30 percent and 32 percent respectively. Meanwhile, 18 percent of Uzbeks, 19 percent of Arabs, 23 percent of Tajik, and 23 percent of Hazara reported being treated unfairly by the police at least once in the last year. However, these responses varied more by geography than by ethnicity.

When respondents were asked how they were treated unfairly, the most common answer was bribery.²⁰ Of the 169 individuals who indicated unfair treatment within the last year, almost half (48%) said that they had encountered bribe-seeking. Other types of unfair treatment included theft or property damage (11%), violence or physical beatings (9%), and reckless driving or causing accidents (5%). Seventeen percent, meanwhile, answered that the police failed to take their case seriously. In addition, 11 male respondents claimed to have been raped. It is not possible to know, however, the extent to which such incidents were under-reported or over-reported by the survey respondents.

²⁰ Community Survey – Round 2, Question #19 (n=669)

Chapter 3: Trust and Respect between police and population

The third goal for the civil police regards the levels of trust and respect between the police and population. The three categories measured within this goal are Gender and Ethnicity, Corruption and Favoritism, and the Police-Population Relationship. The first category reflects the gender and ethnic composition of the AUP *tashkil* respectively. In order for the police to better serve, represent and gain the trust and respect of the communities, the composition of the AUP should ideally match the demographics of the province and target districts that they work in. The second category relates to the active and perceived biases and unfair behavior of the AUP. Corruption and favoritism both represent a neglect of the AUP's duties to protect and serve the wider population. Finally, the third sub-theme, Police-Population Relationship, reflects upon the particular AUP efforts directed at communities, as well as the results of those activities on the perceived levels of trust and respect between the police and the population.

Ethnicity & Gender

In the course of conducting this baseline evaluation, CPAU found little consistent evidence of bias for or against specific ethnic groups. Unlike many other provinces, where one ethnic group constitutes the majority of the population, Kunduz Province lacks a clearly dominant group. This does not mean that ethnic bias and favoritism does not exist in practice, but it was not indicated as a significant problem by any of the main minority groups in the province.

Table 1.6

Community Survey – Round 1	Question #R1: “Do you think your ethnic group is sufficiently represented in the police?”							(n=1028)
	Pashtun	Tajik	Uzbek	Hazara	Turkmen	Arab	Other	Province Total
Strongly disagree	6%	5%	6%	5%	5%	5%	5%	6%
Somewhat disagree	17%	14%	16%	21%	8%	18%	5%	15%
Somewhat agree	14%	13%	20%	15%	11%	17%	5%	15%
Strongly agree	45%	53%	38%	39%	49%	50%	65%	45%
Don't know	18%	15%	19%	18%	27%	9%	20%	18%

During the first round community survey, CPAU asked respondents if they thought that their ethnic group was sufficiently represented by the police.²¹ A considerable majority (61%) agreed with this statement, compared to less than a quarter who disagreed. This also included a clear majority of all ethnic groups. See Table 1.6 for details.

Likewise, CPAU also asked residents if they thought that the balance of ethnic groups in the police was representative of their area as a whole.²² The responses were very similar with a majority of 59 percent agreeing with this statement, with only 20 percent disagreeing. This included a majority in all districts except Qala-e-Zal, where a high plurality (46%) agreed. See Table 1.7 for details.

Table 1.7

<i>Community Survey – Round 1</i>	Question #R2: “Do you think the balance of ethnic group in the police is sufficiently representative of the police as a whole?”							<i>(n=1026)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Strongly disagree	6%	7%	3%	8%	8%	10%	1%	6%
Somewhat disagree	13%	13%	23%	11%	14%	10%	14%	14%
Somewhat agree	15%	19%	17%	5%	17%	30%	10%	16%
Strongly agree	38%	45%	36%	64%	51%	30%	36%	43%
Don’t know	27%	16%	20%	11%	10%	21%	38%	20%

With regards to gender, the male-female composition of the AUP remains highly skewed, with women highly under-represented in both nationally and within Kunduz. Women also remain highly under-represented. In 2006, only 180 of the 63,000 police receiving salaries throughout Afghanistan were women and many those were in practice relegated to menial labor, such as cleaning, cooking and preparing tea for male officers (Wilder 2007). As of September 2011, there were still only 1,150 women employed in the national police force, approximately one percent of the overall force (Gutcher 2011). In Kunduz, there were only 23 women AUP employed in the entire province, according to data provided by the Dutch Embassy. Of these, almost all are in the provincial capital. There were only three female uniformed police in Char Dara, one in Khan Abad, and none in any of the other four districts. Meanwhile, two of the AUP women lack a permanent place of employment. See the table on page 19 for details.

²¹ Community Survey – Round 1, Question R1 (n=1028)

²² Community Survey – Round 1, Question R2 (n=1026)

Social and cultural barriers have made it difficult for women to work outside of the home, and particularly in a government office that is dominated by men. In the first community survey, CPAU sought to capture community attitudes on whether people believed that women were able to join the police. Residents were asked if they believed that a woman from their village would be able to get a job with the police.²³ A clear majority disagreed that a woman in their community could get a police job. Two-thirds of male respondents disagreed with this statement, compared to just half of women. See Table 1.8 for details.

Table 1.8

Community Survey – Round 1	Question #R7a: “Can a woman in your community get a job in the police?”		(n=912)
	Male	Female	Province Total
Strongly disagree	42%	10%	27%
Somewhat disagree	27%	40%	33%
Neither agree or disagree	8%	20%	13%
Somewhat agree	15%	22%	18%
Strongly Agree	7%	8%	7%

Similarly, community members were asked if women in their area *should* get a job with the police.²⁴ A slight majority voiced disagreement with the concept of a woman gaining employment with the police. However, male respondents were more likely than female respondents to disagree by a margin of 62 percent to 44 percent. Males were also more than twice as likely to strongly disagree.

²³ Community Survey – Round 1, Question R7a (n=912)

²⁴ Community Survey – Round 1, Question R7b (n=618)

Table 1.9

Community Survey – Round 1			
Question #R7b: “Should she [get a job with the police]?” (n=618)			
	Male	Female	Province Total
Strongly disagree	39%	17%	26%
Somewhat disagree	23%	27%	26%
Neither agree or disagree	15%	16%	15%
Somewhat agree	16%	28%	23%
Strongly Agree	7%	12%	10%

Corruption and Favoritism

Corruption has been a major problem in Afghanistan generally and the Ministry of Interior specifically (Murray, 2007). The police have regularly been accused of bribe-seeking, and corruption is widespread at all levels (Perito, 2009). This corruption remains widespread in Kunduz among the police and other state justice institutions (MPIL, 2011).

During the first round community survey, CPAU asked residents to provide accounts of recent interactions with the police and other justice actors. The research instrument, however, proved to be difficult to implement by some of the locally hired surveyors. As a result, standard survey questions were utilized during the second round of the community survey. As noted earlier, that second version was conducted during a shorter period of time, and ultimately had a smaller sample size and less rigorous sampling. This should be remembered when considering the following results.

According to the second round survey, 16 percent of respondents indicated that they had been asked to pay to the police in the last year.²⁵ Of those, 10 percent had paid one bribe, 4 percent had paid between two and five bribes, and 2 percent had paid bribes on more than five occasions. The districts with the highest number of respondents reporting bribery were Qala-e-Zal (31%) and Khan Abad (22%).

²⁵ Community Survey – Round 2, Question #26 (n=665)

"I am a teacher and I make just 3,000 Afghanis per month. I have 1,000Afs in daily expenditures, so my salary is only enough for three days. What am I supposed to do for the other 27 days? If someone asks me for a bribe, what will be my situation? . . . Corruption is making our lives more complex and difficult."

- School Teacher, Charikarian Village, Khan Abad, Kunduz

Meanwhile, a total of 20 percent of the community members interviewed said that they knew someone else who had paid a bribe to the police in the last year.²⁶ The districts with the highest amount of reported bribery were Qala-e-Zal (29%) and Dasht Arche (26%).

Bribe-seeking was also a common complaint mentioned in many of the focus groups. See the textbox to the left for a typical story. Another community member in the same focus group discussed an incident in which a theft case was reported in the other district of Dasht Arche. "Afterwards, the police came and arrested 25 people from our area, just to generate money. These people were thrown in jail for about 20 days and were only released after they paid the bribes that

the police were demanding."

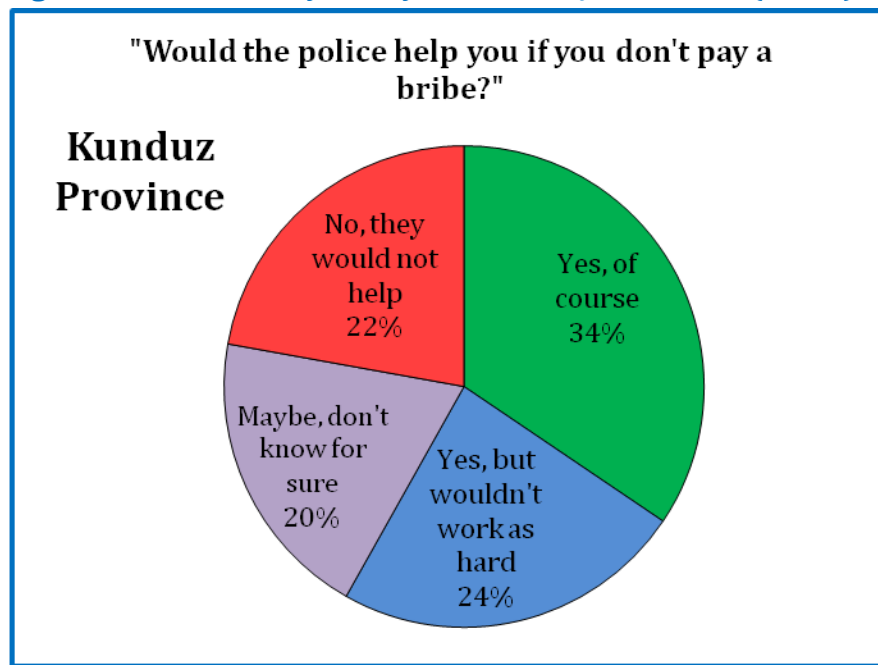
Similar cases were reported in many of the focus groups. For example, a man in Imam Sahib said that he was wrongly accused in the murder of his wife, and he was imprisoned by the police. Instead of formally charging him with a crime, he claimed that the police threatened to keep him in jail until he paid a bribe to prove that he was innocent. A friend was then forced to come to the station to pay a bribe to the officials on his behalf.

When respondents were asked if police would help them if they did not pay a bribe, a majority of 58 percent said that the police would still help.²⁷ However, of those, only 34 percent said that they would help fully, while 24 percent said that the police would help but not put their full effort into doing so. Meanwhile, 22 percent of overall respondents said that the police would not help them at all without a bribe. The remainder of respondents said that they did not know if the police would help them without a bribe.

Opinions regarding the police's willingness to help without bribes varied between districts. The districts where the highest number of respondents stated that the police would put their full efforts into helping them without a bribe were Dasht Arche (55%) and Kunduz District (48%). The districts with the lowest responses were Qala-e-Zal (22%), Imam Sahib (18%), and Char Dara (17%).

²⁶ Community Survey – Round 2, Question #27 (n=665)

²⁷ Community Survey – Round 2, Question #28 (n=660)

Figure 1.7– Community Survey – Round 2, Question #28 (n=660)

With regards to favoritism, a plurality of the community members interviewed believed that the ANP were more likely to assist members of their own ethnic group than members of other ethnic groups.²⁸ Overall, about half agreed or strongly agreed that the ANP were more likely to help their own ethnic group, compared to just over a quarter who disagreed or strongly disagreed. Perceptions of ethnic favoritism ranged from a high of 58 percent in Char Dara (58%) to a low of 35 percent in Kunduz District. Meanwhile, perceptions of ethnic favoritism also varied among ethnic groups. Recorded perceptions of ethnic favoritism were highest among Arabs (62%), Hazara (58%) and lowest among Tajiks (38%). Meanwhile, 50 percent of Pashtuns, 48 percent of Uzbeks and 46 percent of Turkmen said that they believed that the ANP were more likely to help members of their own ethnic group.

It should be cautioned, however, that these results may overstate the importance of ethnicity. District and area may have a distorting effect on perceptions of the police, as the ethnic groups surveyed are not evenly distributed throughout the province. Also, as noted earlier, a majority of all ethnic groups believed that their group was sufficiently represented in the police. Likewise, a majority of the respondents from each ethnic group believed that they and people like them could get jobs in the police. Rather than indicating that particular ethnic groups are being favored by the police, the responses to the above question may also indicate a generally distrust in the AUP or a belief that AUP are more likely to help people who are close to them, such as family members, relatives and close friends.

²⁸ Community Survey – Round 2, Question #29 (n=675)

Civil Police – Population Relationship

During the first community survey in October 2011, community members were asked to describe a dispute that they or a close family member or friend had encountered in the last two years. They were also asked to describe where they took that dispute, whether it was successfully dealt with, and if they would approach that same institution in the future.²⁹In total, 19 percent mentioned a dispute that they took to the police, 13 percent said that they had approached a *shura* or *jirga*, 10 percent said a court, and 7 percent said the *arbakai*. The proportion of citizens who mentioned a dispute that they took to the police was highest in Khan Abad (28%) and Ali Abad (24%) and lowest in Char Dara (5%).

Of those who had taken a dispute to the police, 38 percent said that their dispute had been solved, 10 percent said that it was not solved, and 12 percent said that it was still in progress. A plurality of 40 percent did not respond. This self-reported success rate was lower than for those who had gone to a court (49%) or a *shura* (45%) but higher than those who had gone to the *arbakai* (33%).

Meanwhile, citizens were also asked where they would go if they had a similar dispute in the future. Of those who had previously gone to the police, two-thirds said that they would return to the police. Fewer said that they would instead prefer to go to a *shura* (13%), court (11%), *huqooq* (5%), *arbakai* (2%), or other (1%). This was actually higher than the reported percentage who had gone and would return to a *shura* (55%) and to a court (42%). It was especially higher than those who had previously taken a dispute to the *arbakai* and would willingly choose to take another dispute to the *arbakai* in the future (26%). These citizen narratives reflect a relatively positive level of contentment in the performance of the police, at least among the minority of citizens who had willingly approached the police in the last two years.

Trust and respect between the civil police and the population is influenced in part by the actions undertaken by the police to establish and build a positive working relationship with communities. Police management in the various districts of Kunduz were asked to discuss that relationship and the efforts that are taken to improve it.³⁰

Most of the managers claimed that the police cooperate and have good relationships with the population. A few, including managers in Imam Sahib, Kunduz District, and Qala-e-Zal said that they held regular meetings with local elders and *shuras* in order to improve their relationships with communities. The manager in Qala-e-Zal noted, “Our main target group is community elders because they have good relations with everyone. People have respect for them, and they have power and influence in their communities.” That same manager noted that his unit made an effort to meet with the elders of different ethnicities in order to have a wider and more positive impact. This, however, was a more detailed than average response, with most managers making positive but largely non-specific comments on the subject of police-community relationships.

²⁹ Community Survey - Round 1, Question #E1-E12 (*n*=1047)

³⁰ Police Management Interviews, Questions 26-30 (*n*=14)

A few other police managers did suggest that regular police activities, such as operating check points and enforcing the official laws of Afghanistan, were sufficient to build positive relations with communities. One manager in Char Dara also mentioned the importance of foot patrols, both during

"Our main target group is community elders because they have good relations with everyone. People have respect for them, and they have power and influence in their communities."

- Police Manager, Qala-e-Zal district, Kunduz

the day and the night, in order to make community members feel safer. He said that target groups of police efforts should be citizens, because "police are servants of the community, and they have a responsibility to provide security to citizens."

To measure the impact of AUP efforts to boost their relationship with communities, CPAU asked community members during the second round survey about their respect and trust in the police. It is important to note, however, that it is possible that these responses are more likely to overestimate than underestimate positive community perceptions of the police, as community members have traditionally been hesitant to express negative views of the police (Oxfam, 2011).

With that limitation in mind, three quarters of the community members surveyed said that they had either some or a lot of respect for the police.³¹ The levels of expressed respect were highest in Kunduz District (88%) and Imam Sahib (88%). The number indicating at least some respect for the police were lowest in Char Dara (68%) and Ali Abad (64%). These levels of respect were similar between genders with 77 percent of males and 79 percent of females replying some or a lot of respect for the police. It was also similar across all age groups.

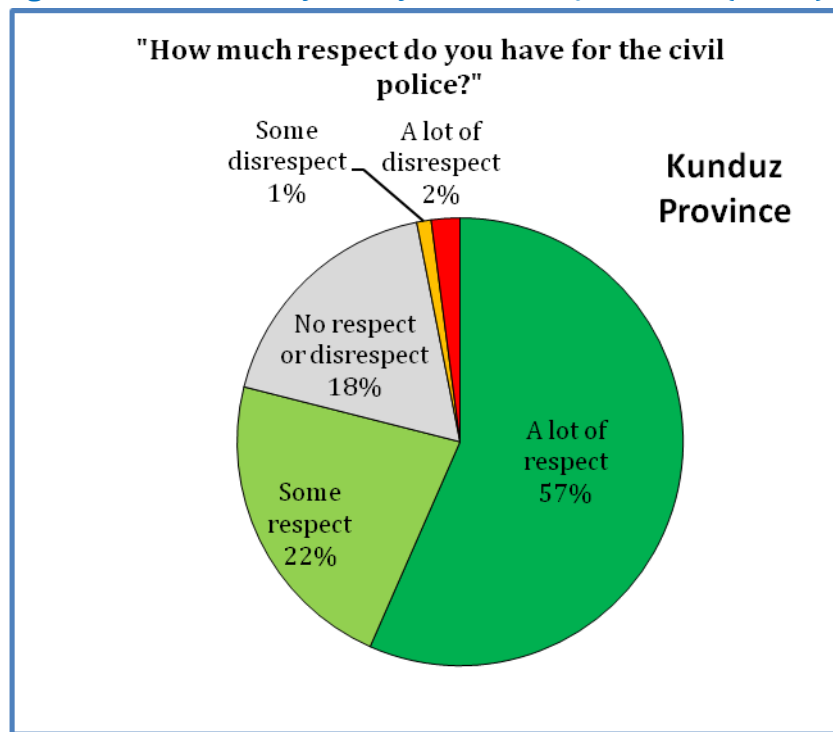
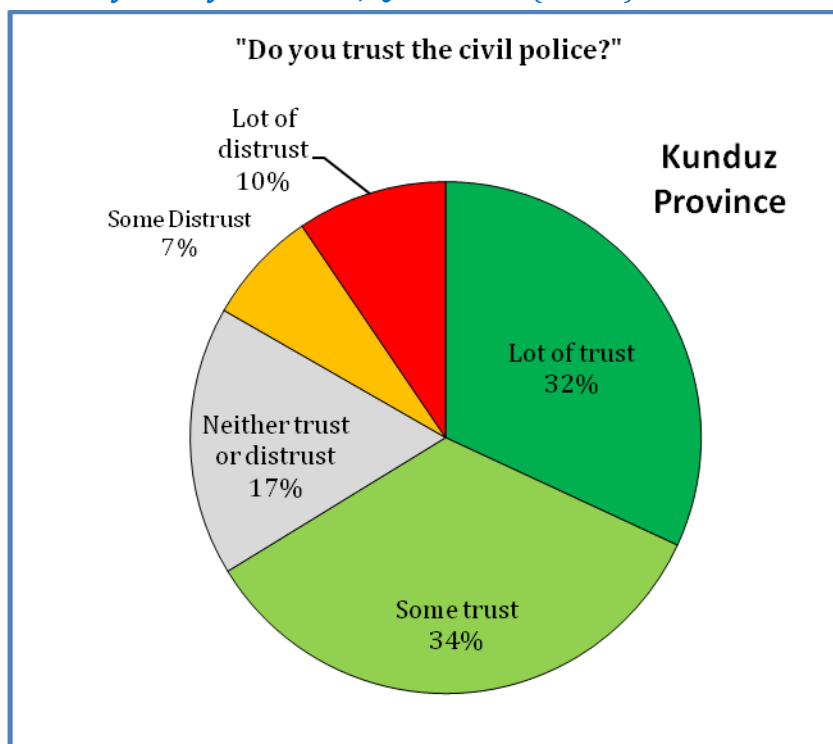
The police were also asked if they felt that they were respected by the population.³² Ninety percent indicated a belief that the population had some or a lot of respect for the police. This was moderately higher than the percentage of community members who voiced this opinion, but in both cases a solid majority voiced respect or was perceived as having respect for the police.

Similarly, a majority of 64 percent of community respondents also stated that have either some or a lot of trust in the police.³³ This included a majority of respondents in all but one district. The highest levels of trust were reported in Qala-e-Zal (84%), Dasht Arche (78%), and Kunduz City (74%). Clear majorities also reported at least some respect for the police in Khan Abad (65%), Ali Abad (59%), and Char Dara (57%). The only district in which less than half of the respondents had at least some respect for the police was Imam Sahib (32%). In general, respondents indicated similar levels of trust and respect in each district. However, Imam Sahib was a considerable outlier, with 88 percent of respondents indicating at least some respect but only 32 percent indicating at least some trust. The reasons for this divergence are not clear.

³¹ Community Survey – Round 2, Question #34 (n=682)

³² Police Survey, Question #15 (n=235)

³³ Community Survey – Round 2, Question #35 (n=684)

Figure 1.8– Community Survey – Round 2, Question 34(n=675)*Figure 1.9– Community Survey – Round 2, Question 35(n=652)*

There was a gap between the amount of trust voiced by community members and the trust perceived by the police. Ninety-three percent of the police surveyed said that they believed that they were trusted by the population.³⁴ This was thirty percentage points higher than the proportion of citizens who indicated at least some trust in the police.

Meanwhile, a solid majority of 70 percent of the community respondents also stated that the police treated them and people like them with respect.³⁵ Overall, 36 percent said that the police treated them with a lot of respect, while 34 percent said that the police treated them with at least some respect. Unsurprisingly, members of the AUP were more likely to believe that the police treated the population with respect.³⁶ Ninety-two percent of the police surveyed believed that the population was treated with at least some respect by the AUP, including 66 percent who believed that the police treated the population with a lot of respect. This was close to twice the number of community members who believed that they were treated with a lot of respect.

In most cases, these levels of reported perceived trust and respect were similar, with a majority of both community members and police indicating positive levels of trust and respect. The police, however, generally were more likely to express a positive view of police-population relations than community members. As noted earlier, however, these numbers likely overstate the positive popular opinions of the police, given a potential reluctance of citizens to voice criticism of government actors (Oxfam, 2011). Instead, these answers should be read at least partially as an indication of the willingness of community respondents to voice criticism of government institutions.

³⁴ Police Survey, Question #16 (*n*=235)

³⁵ Community Survey – Round 2, Question #35 (*n*=652)

³⁶ Police Survey, Question #17 (*n*=243)

Chapter 4: Police orientation toward needs as identified by communities

This sub-theme reflects upon the degree to which community needs are addressed by the activities of the AUP. In order for the AUP to successfully perform their community policing duties, it is essential for their tasks to match the needs that are identified by communities in their area. Therefore, to evaluate the success of those efforts, it is necessary to first identify the current needs of those communities and compare those needs with the ongoing activities of the AUP. This was done by conducting several focus groups in each district and comparing those answers to information about AUP activities obtained through interviews with police and police management.

Community Needs

There was variation among communities with regard to problems that they reported facing and the intensity and frequency of these problems. Some focus groups reported problems with theft and traffic accidents, while other focus groups from neighboring villages stated they had no problems in this regard. The most commonly mentioned issue was insecurity, with virtually all of the focus groups identifying a lack of security in their communities and surrounding area as their most significant problem.

Despite a modest reduction in the presence of the Taliban and other insurgent groups in Kunduz after a resurgence in 2009, most of the interviewed community members continued to voice concern about a perceived lack of security in their areas. This insecurity has created obstacles for children to go to school and for adults to travel to work, the market or to their fields. Furthermore, insecurity affects relationships among people within villages and families. Disputes can arise or be intensified by perceptions of insecurity. Residents shared stories about brothers who have become enemies, while others talked about growing distrust within communities. The means to deal with disputes and tensions within societies, in turn, also have become more limited as a result of insecurity. In particular, a lack of security creates obstacles to accessing justice institutions, enables corruption and favoritism, and undermines the authority of the government.

Feelings of insecurity in Kunduz were sometimes, but not always, related to the actions of larger insurgent movements such as the Taliban. A greater number of complaints from residents, however, were focused on the presence of *arbakai* (semi-official, community-based security forces that often function as *de facto* tribal militias) and the absence of official law enforcement in their areas.

These *arbakai* are similar to and often confused with the Afghan Local Police (ALP), a US-supported initiative since 2010 to allow local *shuras* to recruit and deploy officially recognized local security forces to protect their respective communities (Oxfam, 2011). As a result of the significant time involved in properly training and strengthening the capacity of the ANP to uphold security, the Afghan government and members of ISAF to support the creation of controversial local defense forces as a temporary solution for insecurity in rural and outlying areas (Jones & Munoz, 2010)(MPIL, 2011). These local security forces are based on similar groups such as the *arbakai* that

have existed in many areas of Afghanistan, particularly in the Pashtun-dominated southeast, for centuries (Tariq, 2008).

The ALP is the latest iteration in a string of local security initiatives that are widely considered to have failed to provide effective community policing, in large part because they have merely absorbed existing militias with almost no vetting or training of recruits (Oxfam, 2011). In practice, there is often little difference and considerable overlap in the identities and behavior of the *arbakai* and more officially sanctioned ALP, with community members often unable to distinguish the two groups (MPIL, 2011).

According to a MPIL provincial needs assessment of Kunduz conducted in early 2011, there are roughly 1,500 militias deployed throughout the province. These militias have sometimes been used to fight the Taliban, but MPIL also found that these groups have developed into a serious threat to the rule of law in Kunduz Province (MPIL, 2011).

"Most of our problems are from the arbakai. We can't even travel on the other side of the road from our village."

- Community Member,
Khan Abad District,
Kunduz

In CPAU's focus groups, the *arbakai* often invoke some of the strongest feelings, both in favor and against. Many community members strongly criticized the government for creating or employing *arbakai*, which they claimed regularly engaged in criminal activities and preyed upon the communities that they were supposed to protect. On the other hand, a smaller but still significant number of focus group respondents also praised the *arbakai* for improving local security in the absence of the official

security forces. For example, in a focus group in Sahak Village, Khan Abad, one respondent said, "We have an *arbakai* commander, but he is a good person. He helps us in every dispute and tries to solve our problems."

Conversely, and more commonly, a community member from a focus group in another village of the same district said, "We don't have any security here. Most of our problems are from the *arbakai*. We can't even travel on the other side of the road from our village. ... If the government is empowering people like the *arbakai* and forming parallel forces to the police and government law enforcement agencies, then it is the government that is making the situation worse." That same individual also claimed that people in his area had resorted to arming themselves to protect against encroachments from nearby militias. "We have our own armed people. Even our sons are armed, protecting and defending our community from any outer breach and incursion."

Meanwhile, both pro- and anti-*arbakai* focus group respondents regularly blamed the government for being absent in their communities with regard to the enforcement of law and oversight of the officials who are supposed to be providing with security, law and order. Common complaints included that murders are committed and that land and property are being stolen without action being undertaken. Meanwhile, corruption and favoritism were identified by many respondents as reinforcing feelings of insecurity, distrust and frustration in Kunduz Province.

Most focus groups stated that no significant actions were being undertaken to deal with problems in their communities, or that they must rely on informal means to avert these feelings of insecurity (e.g. *shuras* and *jirgas*; although communities often stated that these informal institutions were not strong enough to oust powerful spoilers from their territory). When asked about what should be done to deal with these security problems, residents in Kunduz Province often stated a hope that the government takes action, that their own communities would mobilize, that more police would be stationed in their areas, and that the cooperation between the police and the population would improve. This last point was made repeatedly by focus groups in a majority of the districts.

Where actions are undertaken by the Afghan government to address insecurity, people seemed to appreciate the government and the civil police better than in other areas. In Aqabai Village, Imam Sahib, Kunduz Province, residents reported that the security situation improved after a police station was built: “We don’t have as many problems regarding insecurity as we had last year. Our elders went to the governor and complained about the security situation and said that we needed a police station. Now we don’t have any problems regarding insecurity [in our village].” However, this case is an exception to the rule, with the focus groups from most communities stating that actions to address their security problems were not being undertaken.

Meanwhile, the AUP who were surveyed were also asked to identify the issues that they believed that communities saw as their biggest problems.³⁷ The most common responses included insurgency, smuggling and narcotics, rape, theft, fighting and traffic accidents. When asked to rank these problems, two-thirds of the police listed insurgency as the biggest problem for communities. Smuggling and narcotics were identified as the top problem by 15 percent of police respondents. The border district of Qala-e-Zal was the only district where more police identified smuggling and narcotics as a bigger issue than insurgency. Meanwhile, rape and theft were ranked as one of the top two issues by about a third of the police respondents.

Police management in each of the districts were also asked what threats communities in their district face.³⁸ As with the community focus groups, insecurity was the most commonly mentioned issue, which several of the interviewed managers said was tied to a lack of police. Otherwise, the issues mentioned varied from district to district. In Ali Abad, crime such as robberies and kidnapping, along with unemployment and a poor economy were cited as significant community problems and drivers of insecurity. In Khan Abad, the managers mentioned theft, narcotics, fighting, land disputes and general insecurity. In Imam Sahib, corruption and insurgency were both mentioned as community problems. In Kunduz District, one manager said that there were various types of problems, and that community members would come to the police to report them.

³⁷ Police Survey, Question #12 (*n*=210)

³⁸ Police Management Interviews, Question #28 (*n*=14)

Furthermore, the AUP management were asked to identify what steps were being taken to reduce these issues.³⁹ Many mentioned working with communities, specifically local elders, to identify and address problems. In Ali Abad, a manager said that they held regular meetings with community elders, and that they addressed insurgency by following the instructions from higher officials. A

"In the last year the workers of the NGOs were not able to travel to the villages of this district, but these days they can easily travel to all of the villages of this district."

- Police Manager, Khan Abad district, Kunduz

Char Dara manager, meanwhile, noted that "The police live and work among the citizens, and because of this the citizens can inform us about the problems of their communities."

In Kunduz District, one manager said that "We try to persuade people to join the police. We use white-beards (elders) and mullahs to get the message to the people." Meanwhile, in Dasht Arche, where the Taliban was mentioned as a specific threat, a member of the police management said that the ANP regularly cooperated with both the Afghan National Army (ANA) and local leaders and community members to identify and address problems.

Police management were finally asked to comment upon the impact that these efforts were having on the problems in their districts.⁴⁰ The majority claimed that the problems were still there, but that the situation was improving. In Khan Abad, for example, a police manager said, "In the last year the workers of the NGOs were not able to travel to the villages of this district, but these days they can easily travel to all of the villages of this district." However, that same manager also noted that the security situation remained far from perfect in his district. Meanwhile, in Char Dara, a police manager said that while there had been progress within the last year, progress remained limited. "Maybe when there is more police in this district, there will be a more meaningful impact," he said.

In summary, although specific problems varied greatly between communities, the most mentioned problem in all districts of Kunduz Province was insecurity. Often people didn't feel that these problems are acknowledged by the government, and they blamed the government for an absence of police and rule of law in their areas. This lack of security, in turn, created space for *arbakai*, criminal groups, and corrupt officials to flourish and prey upon their livelihoods.

³⁹ Police Management Interviews, Question #4 (n=14)

⁴⁰ Police Management Interviews, Question #5 (n=14)

Conclusion

The size, impact and reputation of the AUP differed among districts. In general, the AUP were seen as most capable of providing security in Kunduz District, and least capable in Char Dara. Most people saw the police as ethnically inclusive, including a majority of all ethnic groups. However, the gender composition of the AUP remains highly skewed, with only 23 female personnel in the entire province. All but four of those women were employed in the central district.

With regards to training, many noted that there should be a greater emphasis on many of their regular tasks, such as dealing with citizens, using equipment, reading and writing, and conducting activities against criminals and insurgents. On topic of literacy, the majority of the current recruits undergoing training in Kunduz City who were surveyed by CPAU were completely illiterate. In total, about two-thirds the recruits were either completely illiterate or could write nothing other than their own name.

A majority of the community respondents were willing to indicate to CPAU's surveyors that drug-usage occurs in the police. These figures were highest in the border districts of Imam Sahib and Qala-e-Zal and in the insecure district of Char Dara. A slight majority were also willing to indicate to surveyors that at least some of the police in their districts were engaged in criminal activity.

Accountability mechanisms to report and seek redress for police misconduct are largely lacking. More than two-thirds of respondents also stated that they wanted additional options for accountability. A quarter of respondents said they had been treated unfairly by police. Meanwhile, almost one in six respondents claimed to have paid a bribe to the police in the last year. Reported bribe-seeking was highest in Qala-e-Zal, Khan Abad, and Char Dara and lowest in Kunduz District and Ali Abad. Bribery was also a commonly mentioned complaint in many focus groups, causing distrust and a lack of faith in the government to protect their interests.

Finally, with regards to community needs, the biggest problem mentioned by most focus groups throughout Kunduz Province was insecurity. Other problems, such as theft or traffic accidents, varied between communities. The *arbakai* were often seen as a leading cause of insecurity, but were occasionally seen as a force for order and stability in other areas. Many of the problems identified by community members were also recognized by the police and police management. Despite this general awareness by the police of the problems facing communities, however, many focus groups indicated that the actions and presence of the police were not sufficient to provide security and address their communal needs.

Theme 2: Police-Prosecutor Cooperation

The second theme of the baseline evaluation regards the cooperation between the civil police and the criminal justice system. In particular, this theme addresses the cooperation between the AUP and the Attorney General's Office (i.e. prosecutors). This theme centers on two goals for which the progress will be measured in both the baseline and the annual follow-up research reports: (1) trust in police and prosecutors is strengthened, and (2) cases are handled more timely and effectively.

Chapter 1: The level of trust in police and prosecutors

The previous decades of civil conflict and warlordism have had a negative influence on the development of the formal justice system in Afghanistan (USIP, 2004). This negative influence has affected the capacity and capability of the justice system and, as a consequence, its popular trust and popular acceptance (Scheye, 2009). Corruption, favoritism and a lack of independence are often cited characteristics of the civil police, the attorney generals' offices and the courts. Popular confidence in the capability of the formal justice institutions has therefore suffered, which led to a continued preference for other, informal institutions to address injustices and solve disputes.

This chapter will reflect on four sub-themes, namely: (1) capability, (2) corruption, (3) independence, and (4) cooperation.

Capability

There are 50 prosecutors in Kunduz, including three in each outlying district and the rest in the provincial capital (MPIL, 2011). A new provincial prosecutor's office was built in Kunduz City in 2009 with Italian and UN funding, but the district-level prosecutors generally work in local police or district governors' offices. Education of prosecutors remains low, with only a few in the province having studied modern law and some having no academic background at all (ibid). According to a 2010 ICG report, the AGO asserted that 47 percent of the organization's staff in the country had a university degree (ICG, 2010).

In Kunduz, half of the prosecutors have a university degree, according to AGO personnel data provided by Dutch government. Of the 50 prosecutors currently serving in the province, only 16 have law degrees. However, nine have university degrees in other subjects. Meanwhile, one of the prosecutors has a background in *sharia* and the other 24 only have a high school education.

Likewise, the AGOs in Kunduz Province, particularly the outlying districts, remain significantly under-resourced. They typically lack vehicles, communication tools, materials for investigating crimes, forensic labs, office supplies, and appropriate facilities for evaluating evidence from crime

scenes (MPIL, 2011). This lack of education and resources, along with very low salaries, has negatively affected the capability and willingness of prosecutors to appropriately investigate and prosecute crimes (ibid).

During this assessment period, CPAU was unable to gain permission to conduct a review of any AGO documents. To assess the capability of AGO staff, CPAU had to rely entirely on interviews with community members and other justice actors. These are not ideal methods, given the low interaction between prosecutors and the general public. It should be assumed that the attitudes expressed about prosecutors by citizens likely reflect a common public narrative about the justice system, rather than any personal experiences with the criminal prosecutors.

In the second survey, CPAU asked community members to reflect on the capability of both police and prosecutors. About two-thirds percent of residents in Kunduz believed that they were capable of performing their jobs, against 18 percent who believe that the prosecution is either incapable or very incapable.⁴¹ In addition, 73 percent of residents in Kunduz stated that if a crime was committed against them, they would trust a public prosecutor to present their case at a court, compared to 19 percent of the population who stated they would not trust them. The high level of trust in the capability of the prosecution was reflected in the data from Kunduz District at 86 percent. Only in Imam Sahib did less than a majority (48%) trust a prosecutor to present their case at court.

Police interviewees were also asked their opinion on the capability of prosecutors to perform their jobs.⁴² A total of 83 percent of police believed that prosecutors were very or somewhat capable of performing their jobs. Only 5 percent said that they believed prosecutors were somewhat or very incapable. In addition, a majority of police (58%) said that they would fully trust a prosecutor to present a case for them in court, while another 26 percent said that they would somewhat trust a prosecutor.⁴³

Prosecutors, meanwhile, were also asked to comment on the capability of the police.⁴⁴ Opinions were mixed, with some prosecutors suggesting that the police are capable and while others were more skeptical of their numbers and capacity. In Ali Abad, a prosecutor said, "Police are not capable because antigovernment forces are too strong." Likewise, a district prosecutor in Khan Abad said that there were not enough capable police. In the central district, one prosecutor said that the police were capable, while another claimed that they didn't even know how to use their guns.

With regards to obstacles to performing their own jobs, prosecutors mentioned the general insecurity in the province as a threat to their work.⁴⁵ A provincial needs assessment carried out by MPIL in early 2011 also noted that threats of violence against formal justice employees made it more difficult for those officials to operate and carry-out their official duties in the districts (MPIL, 2011). Indeed, a prosecutor in Ali Abad suggested to CPAU that Taliban and anti-government forces

⁴¹ Community Survey – Round 2, Question #51 (*n*=671)

⁴² Police Survey, Question #22 (*n*=241)

⁴³ Police Survey, Question #23 (*n*=242)

⁴⁴ Prosecutor Interviews, Question #7 (*n*=10)

⁴⁵ Prosecutor Interviews, Question #6 (*n*=10)

create a distance between the population and the government that makes it more difficult for them do their jobs. Similar problems were mentioned in Khan Abad. By contrast, insecurity was not mentioned as a problem by any of the prosecutors in central Kunduz.

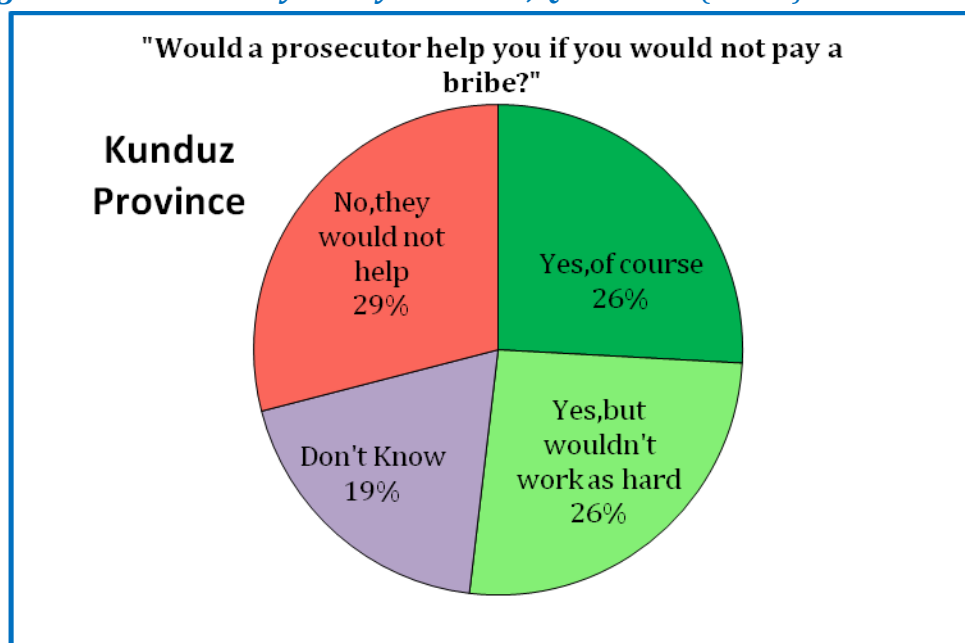
Also, an additional problem mentioned by a prosecutor in Qala-e-Zal was the low salary of prosecutors, which the individual claimed made it difficult to support his family on. While the average monthly salary of judges has increased from about \$60 in 2001 to approximately \$400 to \$900 in 2010, the average entry-level prosecutor continues to earn just \$60 per month (ICG, 2010). This, along with insecurity and anti-government threats, has discouraged capable and educated professionals from joining the AGO.

Finally, judges and court officials were also asked to reflect upon the capacity of prosecutors.⁴⁶ All of them gave generally positive opinions, although none of them cited any specific positive aspects of the prosecutor's performances.

Corruption

Corruption is a significant problem among prosecutors in Kunduz Province, as it is in most of Afghanistan. A 2010 ICG report noted that low salaries are often pointed to by Afghan justice officials as one the major factors perpetuating petty bribery (ICG, 2010). Likewise, insecurity was also found to be a significant driver of corruption, with physical intimidation and death threats reducing the chances that perpetrators of corruption will be held accountable (ibid).

Figure 2.1 - Community Survey - Round 2, Question 41 (n=665)



⁴⁶ Judge and Court Official Interviews, Question #4 (n=20)

During the second round community survey, residents were asked if they believed that they would still receive help from prosecutors if they did not pay a bribe.⁴⁷ As noted before, these results are unlikely to be based on personal experience, but likely reflect a common public narrative about corruption in the justice system. More than half of Kunduz residents stated that without the payment of bribes they would still receive help from prosecutors, but half of those positive respondents did not believe that the prosecutors would put too much effort in their case. Positive answers (prosecutors will assist fully without a bribe) were highest in Kunduz District and lowest in Char Dara.

These responses were similar to the responses to a parallel question about the willingness of the police to assist without a bribe. Just over half of residents in Kunduz stated that they would be able to receive help from the civil police without bribing them.⁴⁸ Of those, however, only 34 percent said that they would help fully, while 24 percent said that the police would help but not put their full effort into doing so. Meanwhile, 22 percent of overall respondents said that the police would not help them at all without a bribe. The similarity in the responses given about both police and prosecutors could potentially reflect an inability or unwillingness to differentiate between the various actors of the state justice system. As noted before, very few civilians ever interact with prosecutors, so opinions likely are indicative of more general opinions about the justice system.

Independence

A 2010 report by the International Crisis Group found that inefficiencies and lack of resources and capacity in Afghanistan's justice system has left prosecutors and other justice officials susceptible to outside influence and interference (ICG, 2010). The report noted that criminal powerbrokers have flourished and that many Afghans view justice as a "market commodity to be bought and sold" (ibid).

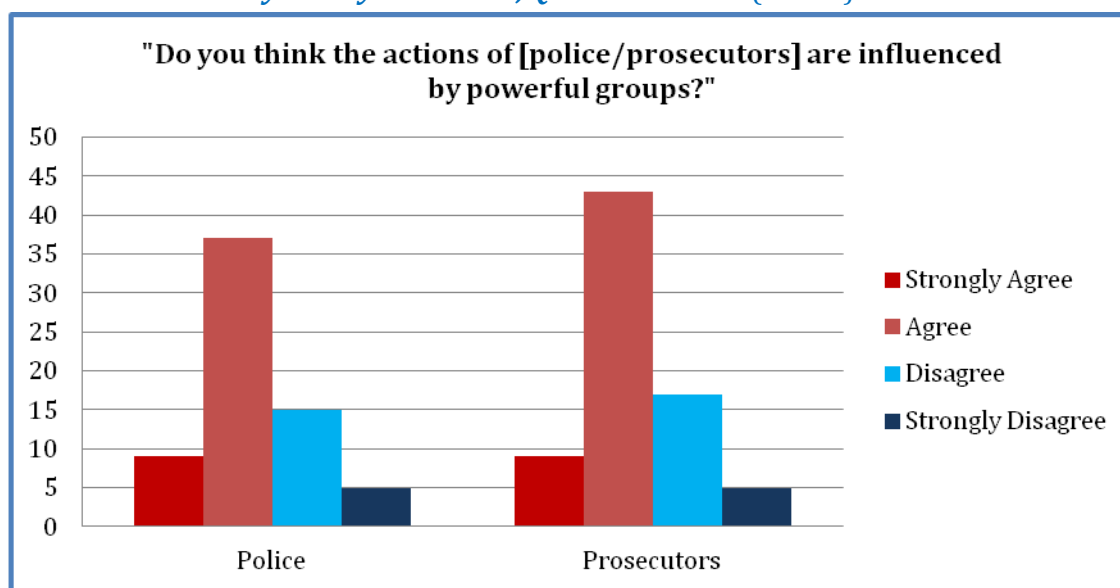
During the second round of the community survey, Kunduz residents were asked if they believed that the actions of the civil police were influenced by powerful groups or individuals such as warlords or politicians over the last year.⁴⁹ Overall, 46 percent of residents in Kunduz indicated a belief that the actions of the civil police were influenced by powerful groups or individuals, compared to 20 percent of residents who disagreed. Similarly, close to 52 percent of residents in Kunduz were convinced that powerful groups influenced the actions of prosecutors, against 22 percent of residents claiming that the actions of prosecutors were not influenced by powerful groups or individuals.⁵⁰

⁴⁷ Community Survey – Round 2, Question #41 (*n*=665)

⁴⁸ Community Survey – Round 2, Question #28 (*n*=650)

⁴⁹ Community Survey – Round 2, Question #42 (*n*=676)

⁵⁰ Community Survey – Round 2, Question #46 (*n*=671)

Figure 2.2 – Community Survey – Round 2, Question 41+ 46 (n=665)

Members of the AUP were also asked if they believed the police were ever influenced by powerful groups or actors.⁵¹ A plurality of 47 percent of police respondents believed that their own institution was influenced by powerful actors outside of the AUP. This is almost identical to the percentage of civilians (46%) who believed that the AUP was influenced by outside actors. In contrast, only 33 percent of the police respondents actually stated that the police were not influenced by powerful actors outside of the police, while another 17 percent said they were sometimes influenced.

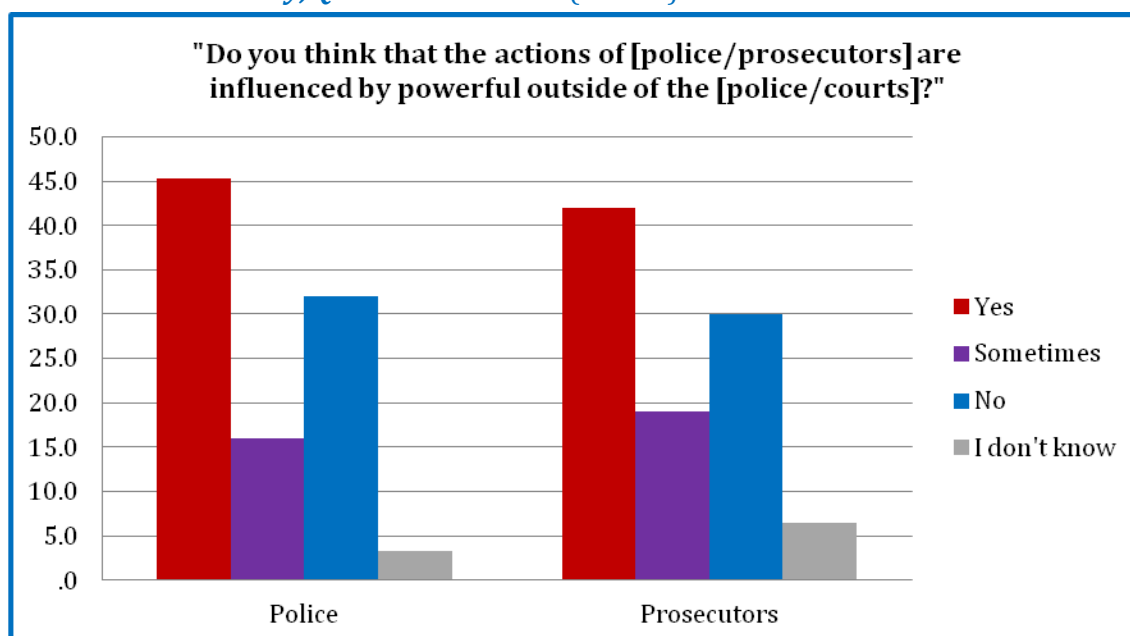
Moreover, the police respondents were also asked if powerful people from outside of the police ever prevent the police from doing their job properly.⁵² Thirty-nine percent said yes, 18 percent said sometimes, and another 39 percent said no. A majority therefore indicated that the police are at least sometimes prevented from doing their jobs by powerful actors.

Police were also surveyed about the perceived influence of powerful groups on prosecutors.⁵³ A similar number of police viewed the prosecutors as being influenced by powerful groups as had viewed their own institution as being influenced. Overall, 43 percent of police respondents agreed that prosecutors were influenced by outside groups, 31 percent disagreed, and another 19 percent said that they were sometimes influenced. Similarly, a plurality of 37 percent of police respondents believed that powerful people prevent prosecutors from doing their jobs properly, while another 24 percent said that powerful people sometimes prevent prosecutors from performing their jobs.

⁵¹ Police Survey, Question#18 (n=238)

⁵² Police Survey, Question#19 (n=239)

⁵³ Police Survey, Question#20 (n=238)

Figure 2.3 – Police Survey, Question 18 and 20 (n= 238)

Likewise, prosecutors were also asked to give their opinions on the independence of the police as well as on their own institution.⁵⁴ All of the prosecutors said that the police were mostly independent. However, one prosecutor in Ali Abad suggested that “powerful people have an effect on them and can prevent from doing jobs. It is only the poor people who must obey the law.” Similarly, a prosecutor in Khan Abad said that warlords and *arbakai* often try to prevent the civil police from carrying out their jobs.

With regards to prosecutors’ perceptions of attempted outside inference on their own institution⁵⁵ several prosecutors indicated that their cases were sometimes affected by powerful individuals or groups. Notably, in Kunduz District, four out of five prosecutors said powerful groups sometimes try to block cases and prevent prosecutors and court officials from properly carrying out their legal duties.

“Sometimes [powerful individuals] try to stop our work if they or some of their relatives have some cause with us.”

- Prosecutor, Ali Abad
District, Kunduz

Judges and other court officials were also asked if powerful people tried to influence their work.⁵⁶ In Ali Abad, two of three court officials said that they had experienced powerful individuals, such as warlords or political leaders, attempting to influence them. “Sometimes they try to stop our work if they or some of their relatives have cause with us.” Another official in the same district said, “They interfere as much as they can.” In Khan Abad, meanwhile, a court official said that

⁵⁴ Prosecutor Interviews, Question #8 (n=10)

⁵⁵ Prosecutor Interviews, Question #14 (n=10)

⁵⁶ Judge and Court Official Interviews, Question #7 (n=22)

outside groups did sometimes try to influence the court in his district, but claimed that they were usually unsuccessful.

Meanwhile, the 2010 ICG report noted that legal barriers to interference in cases are crucial to create accountability. Although judges and prosecutors are required by their code of ethics to report undue influence from outside parties, there is no law in the general criminal code to ensure that allegations of interference are investigated and prosecuted (ICG, 2010).

Cooperation

Cooperation between prosecutors and AUP has often been lacking. A 2010 report by the ICG on the status of Afghanistan's justice institutions found that a "lack of clarity over the established authorities for detection and discovery has made the task of investigating crime difficult, muddled basic procedures and expanded opportunities for corruption" (ICG, 2010). The report also notes that linkages between police and prosecutors in Afghanistan have historically been weak and that international attempts to strengthen their working relationship have sometimes had an adverse effect on the rule of law (ibid).

Meanwhile, in Kunduz, a MPIL provincial needs assessment found that prosecutor-police cooperation has been hindered by a variety of causes. This included a lack of knowledge, training and technical equipment in both the AGO and the ANP (MPIL, 2011). However, when asked to characterize that inter-institutional cooperation, actors in both institutions largely avoided voicing any criticism of their counterparts to CPAU's surveyors.

To properly assess cooperation between police and prosecutors, it is necessary to review AGO and ANP documents to evaluate if and to what extent proper procedures are being followed. During this assessment period, CPAU was not given permission by the relevant government ministries to conduct document review. This section is therefore limited to the police survey and prosecutor interview responses, which likely reflect a public narrative about what the interviewees believed was the 'right' answer rather than a honest evaluation of the relationship between the two institutions.

Ninety percent of AUP respondents described their institution's relationship with prosecutors as good (45%) or very good (45%).⁵⁷ Of those claiming to have interacted with a prosecutor, 65 percent described the relationship between police and prosecutors as very good, while another 31 percent described the relationship as somewhat good.⁵⁸ Not all members of the AUP actually interact with prosecutors during the course of their jobs. However, it is significant that those who claimed to have interacted with prosecutors had a more positive view of the prosecutors than those who had not.

⁵⁷ Police Survey, Question #24 (n=238)

⁵⁸ Police Survey, Question #26-27 (n=188)

Prosecutors, meanwhile, also voiced primarily positive opinions of the police-prosecutor relationships. In Khan Abad, one prosecutor said that the two institutions cooperate and mutually respect each other. This sentiment was echoed in Kunduz District. A prosecutor in Qala-e-Zal, however, said that while police and court officials generally maintained a good working relationship, the police sometimes engage in illegal activities and fail to adhere to the Afghan constitution. Another prosecutor in Kunduz City also mentioned that police sometimes take bribes, and that due to literacy, many police are not aware of law, which creates problems. However, that same official also suggested that literacy and that police awareness of the law was gradually increasing.

Chapter 2: Timely and effective handling of cases

The Afghan police are constitutionally required to hold a suspect for no more than 72 hours before his or her case is given to a prosecutor. Afterwards, the prosecutor is required to file a case in the court within 15 days, with a possible extension of an additional 15 days. During this time, most suspects are transferred a state prison, though in some cases suspects remain in a police jail.

A 2011 UNAMA report on the treatment of detainees in Afghanistan noted that ANP and NDS officials routinely disregard these time limits and safeguards (UNAMA, 2011). UNAMA found that the NDS was particularly problematic with 93 percent of all NDS detainees lingering in custody for more than 72 hours (an average of 20 days) before being officially charged with a crime. However, the ANP were also found to regularly detain suspects for illegal periods of time.

Document review is necessary to properly evaluate the timely and effective handling of cases. CPAU, however, was unable to obtain permission from the proper Afghan ministries to view the necessary documents during this evaluation period. However, CPAU was successful in gaining permission to conduct interviews at the central prison in Kunduz City.

Of 21 prisoners that CPAU staff interviewed, approximately half (12) stated that they were held in police custody for less than 72 hours before being transferred to a detention facility to await their trials.⁵⁹ In a few cases, interviewees stated that they were held in a police jail for periods of four or five days. Others claimed that they were kept in jail for periods ranging from one month up to three months. In addition, one individual claimed that he was held by the ANP for one day, but was then shipped to a NDS facility for a period of approximately one month.

The suspects who were detained at a police station for over one month were also those who happened to accuse powerful individuals of meddling in their cases. In one case, an interviewee claimed that he was falsely accused of being a member of the Taliban by a friend who owed him money. This friend supposedly had powerful connections, and the interviewee said that he was detained for one month after returning from working in Iran for one year. During his time in jail, he claimed that he was beaten by the police.

In the police survey, AUP members were also asked how often, if ever, suspects are held longer than three days.⁶⁰ Close to two-thirds (64%) said that suspects are never held longer than three days, while 24 percent said that suspects are only held longer in a few cases. Thirteen percent, however, said that suspects were held longer than three days in half or more of the cases. The districts where the highest number of police claimed to adhere to the three day constitutional deadline were Char Dara (100%), Ali Abad (97%), Kunduz District (84%) and Imam Sahib (77%). Only a minority of respondents claimed that police stations never held people more than 30 days in Khan Abad, Dasht Arche, and Qala-e-Zal.

⁵⁹ Prisoner Interviews, Question #3 (*n*=21)

⁶⁰ Police Survey, Question#28 (*n*=233)

Police were subsequently asked what reasons there might be for holding a suspect more than 72 hours.⁶¹ Those reasons primarily focused on investigating and collecting the necessary evidence, documents and witnesses to process a case. A number mentioned legal procedures and the complexity of prosecuting criminals. Some police respondents, however, readily acknowledged that some members of the AUP sometimes choose to hold suspects past the 72-hour time limit in order to extort bribes (none of the respondents personally admitted to extorting bribes, but instead said that other AUP officers occasionally engaged in such practices).

Likewise, the 2011 UNAMA report found that ANP and NDS officials often attributed their time delays in handling subjects to inadequate human resources, lack of logistical and technical capacity, and difficulties in traveling to and from remote and insecure locations (UNAMA, 2011).

⁶¹ Police Survey, Question#29 (*n*=245)

Conclusion

Prosecutors were generally perceived as capable but occasionally corrupt. More than 50 percent of the community members believed that a prosecutor would assist them without a bribe, but half of those believed that prosecutors would not put their full effort into doing so. As noted, however, there is very little interaction between prosecutors and the general population, so such opinions are likely indicative of a more general public narrative about the state of the justice system, rather than based on personal experiences.

Most police, prosecutors and court officials acknowledged that external actors sometimes tried to influence their work. A plurality of the AUP believed that both their own institution as well as the AGO were sometimes affected or influenced by powerful individuals or groups. Most of the prosecutors and court officials interviewed also noted that they had experienced powerful forces attempting to block or influence a case.

Meanwhile, the relationship between police and prosecutors was generally reported to be positive by all parties. Nine out of ten AUP officers categorized the police-prosecutor relationship as somewhat or very good. Prosecutors were also mostly positive in their depictions of police capability, although some noted that the police occasionally lack training and an ability to adhere to the law.

The police are required to hold suspects for no more than 72 hours before their case is referred to a prosecutor. Of the prisoners that CPAU staff interviewed, the majority stated that they were held in police custody for less than 72 hours before being transferred to a detention facility. In a few cases, however, interviewees were held four or five days, while others claimed that they were held for periods ranging from one month up to three months.

Theme 3: Justice Sector

The third theme regards the justice sector and whether the country's formal and informal institutions are capable of providing justice. This theme involves four goals: (1) confidence in state justice institutions is improved; (2) cases are more referred to and dealt with by appropriate institutions; (3) human rights are better protected; and (4) state justice institutions act effectively and efficiently.

Chapter 1: Confidence in state justice institutions is improved

Confidence in state justice institutions has typically been low, leading many Afghans to instead utilize local institutions and other informal actors for justice. In order for state justice institutions to be approached and fully utilized by the population, community members must have greater confidence that those institutions will be able to successfully provide justice and the rule of law. This evaluation therefore seeks to measure the extent to which public confidence in state justice institutions, particularly the formal court system, changes over time.

Confidence in State Justice Institutions

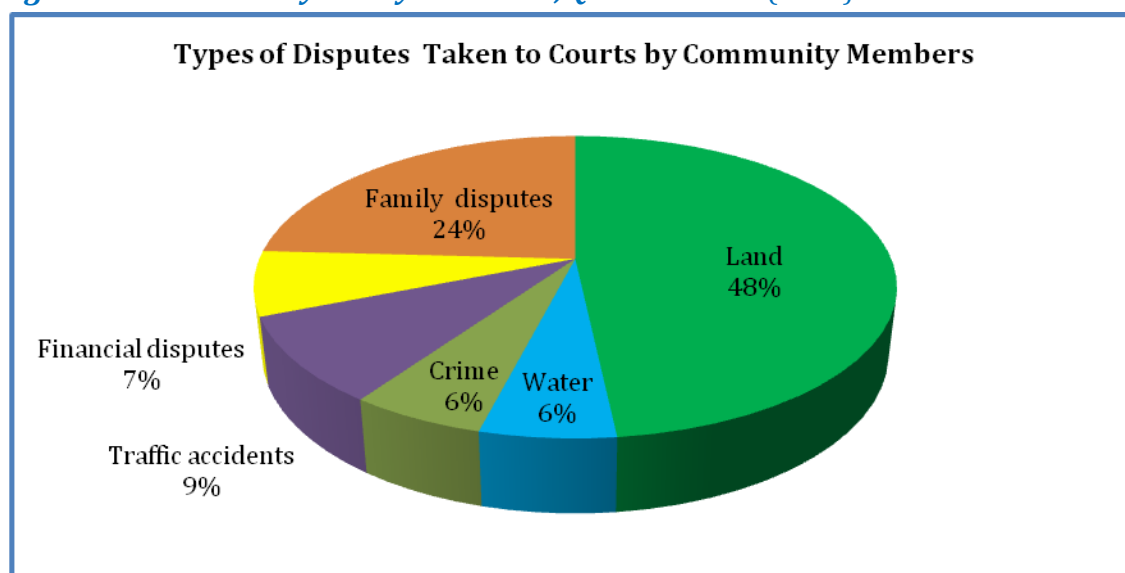
During the first round of the community survey conducted in October 2011, community members were asked to describe a dispute that they or a close family member or friend had encountered in the last two years. They were also asked to describe where they took that dispute, whether it was successfully dealt with, and if they would approach that same institution in the future. In total, 19 percent mentioned a dispute that they took to the police, 13 percent said that they had approached a *shura* or *jirga*, 10 percent said a court, and 7 percent said the *arbakai*.⁶² The proportion of citizens who mentioned a dispute that they took to a state court was highest in Dasht Arche (20%) and Qala-e-Zal (20%). The most common type dispute brought to the courts was land and property, which accounted for 42 percent of the cases mentioned.⁶³

Of those who had taken a dispute to the court, 49 percent said that their dispute had been solved, 9 percent said that it was not solved, and 18 percent said that it was still in progress.⁶⁴ Meanwhile, 24 percent did not respond. This self-reported success rate was slightly higher than for those who had gone to any other institution, including *shura/jirgas* (45%), the police (38%) or the *arbakai* (33%).

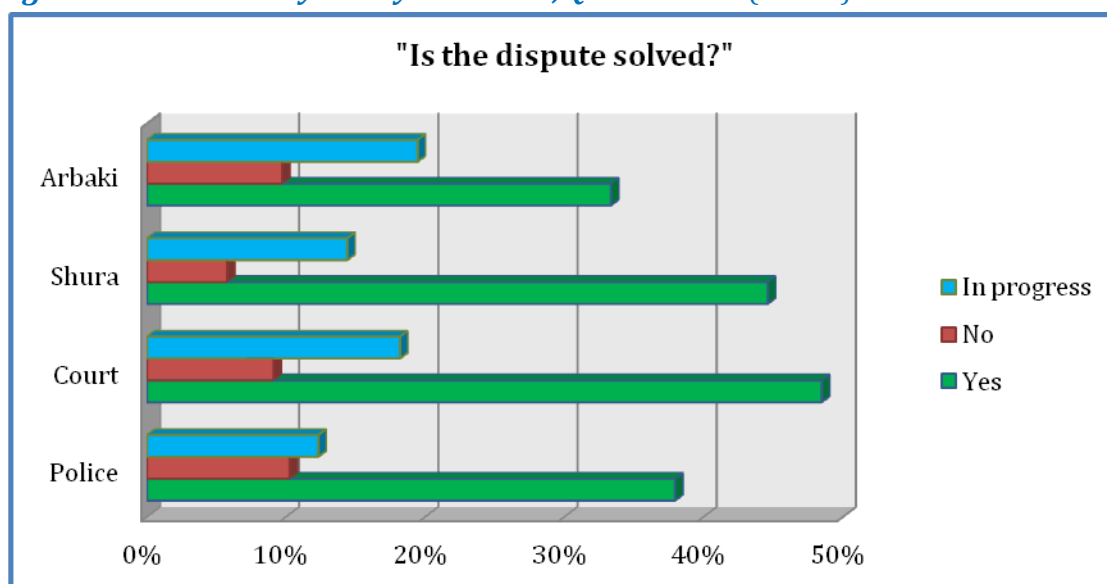
⁶² Community Survey – Round 1, Question #E5, (n=1047)

⁶³ Community Survey – Round 1, Question #E10, (n=1047)

⁶⁴ Community Survey – Round 1, Question #E8, (n=343)

Figure 3.1– Community Survey – Round 1, Question #E10 (n=75)

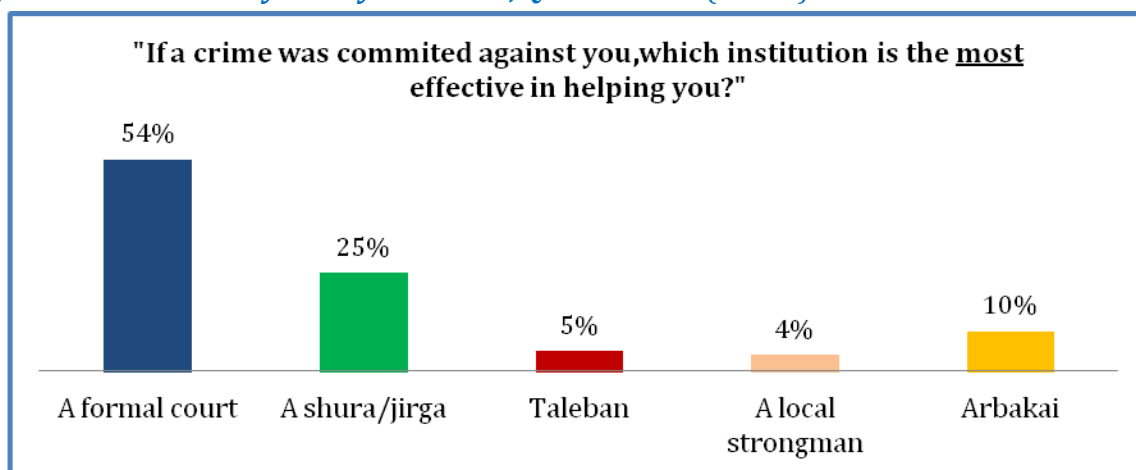
However, when those community members were asked where they would go if they had another dispute, only 42 percent of those who had previously interacted with a court said that they would choose to take another dispute there. Comparatively, 66 percent said that they would return to the police and 55 percent would go back to a *shura* or *jirga*. This suggests that most of those who previously interacted with the court did not have positive experiences and would therefore believe that an alternate institution would be more effective. However, there was not a clear consensus of what institution might be preferable, with 21 percent naming the police, 17 percent saying *shura*, 11 percent saying *arbakai*, 5 percent saying *huqooq*, and 3 percent choosing other.

Figure 3.2– Community Survey – Round 1, Question #E8 (n=343)

Meanwhile, during the second round of the community survey, respondents were asked to select the justice institution that they believed would be most effective in helping them if a crime was

committed against them.⁶⁵ The type of crime was not specified in the survey question. The choices included courts, *shuras* or *jirgas*, Taliban, a local strongman or commander, *arbakai* or other. Of these options, 54 percent selected the formal courts, 25 percent chose a *shura* or *jirga*, five percent chose the Taliban, four percent chose a local strongman, and 10 percent selected the *arbakai*. Conversely, when asked which institution would be least effective in helping them if a crime was committed against them,⁶⁶ 24 percent selected *arbakai*, 24 percent selected a local strongman, 18 percent picked the Taliban, 16 percent picked a *shura* or *jirga*, and 14 percent picked the formal courts.

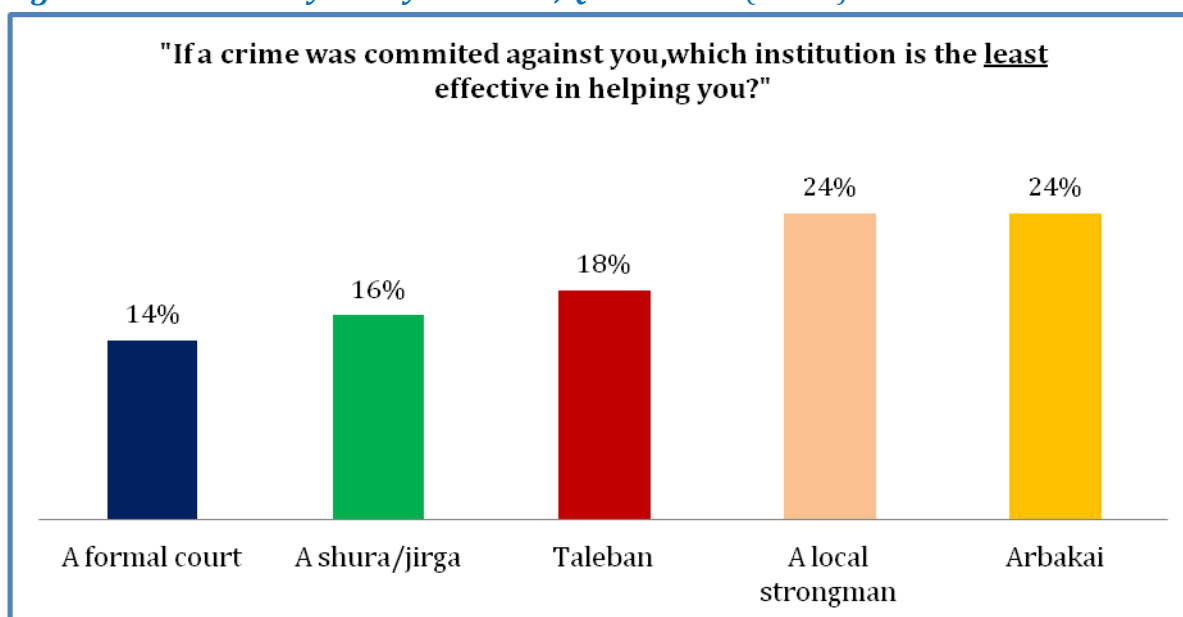
Figure 3.3– Community Survey – Round 2, Question #56 (n=667)



Perceptions of the most effective justice institutions differed among districts, with residents of Kunduz District viewing the courts most favorably. Seventy-eight percent of the respondents in Kunduz City selected the courts as the most effective institutions. A majority of the respondents in Dasht Arche (61%), Imam Sahib (60%) and Khan Abad (55%) also selected formal courts as the most effective. Meanwhile, a plurality in Qala-e-Zal (49%) and Char Dara (48%) also picked the courts. The only district where a plurality did not believe that the formal courts were most effective was Ali Abad, where 21 percent selected the courts and 39 percent selected a *shura* or *jirga*.

⁶⁵ Community Survey – Round 2, Question #56 (n=667)

⁶⁶ Community Survey – Round 2, Question #57 (n=667)

Figure 3.4– Community Survey – Round 2, Question #57(n=667)

Community members were also asked during the second round survey to select the most effective and least effective justice institutions for dealing with a dispute over land ownership.⁶⁷ The possible answers were courts, *shuras* or *jirgas*, Taliban, a local strongman or commander, a *huqooq* office, *arbakai* or other. *Huqooq* was included in these two survey questions but not the previous two because *huqooqs* deal exclusively with civil law. Similarly, a majority selected the courts as the most effective institution. Overall, 55 percent selected a court, 24 percent selected a *shura* or *jirga*, 8 percent selected a *huqooq*, 5 percent selected a local strongman, 4 percent selected the Taliban, and 3 percent selected the *arbakai*. When asked which institution was least effective at resolving a land dispute, 23 percent selected a strongman, 23 percent selected the *arbakai*, 15 percent selected a *shura* or *jirga*, 14 percent selected a court, and 7 percent selected a *huqooq*.

As before, perceptions of the most effective justice institutions differed among districts, with residents of Kunduz District (67%) and Imam Sahib (64%) viewing the courts most favorably. Meanwhile, a majority of respondents in Ali Abad (57%), Dasht Arche (51%) and Khan Abad (50%) also selected formal courts as the most effective. Meanwhile, a considerable plurality in Qala-e-Zal (49%) and Char Dara (48%) also picked the courts. No plurality in any district chose a *shura* or *jirga* or any other option as the most effective option for resolving a dispute over land ownership. However, in practice, informal institutions such as *shuras* and *jirgas* remain by far the most common destination for dispute-resolution, particularly in rural areas. It has been estimated that between 80 and 90 percent of all civil disputes and criminal cases continue to be dealt with by informal justice institutions (Scheye 2009b)(TLO 2010).

⁶⁷ Community Survey – Round 2, Questions #58-59 (n=664)

Chapter 2: Cases are referred and dealt with by appropriate institutions

In Afghanistan, legal cases and disputes have not always been taken to or addressed by most appropriate institutions. This is the result of a lack of trust and confidence among institutional actors and between those justice institutions and the public. It is therefore necessary to measure the willingness of particular justice actors and institutions to refer cases to their counterparts. It is also important to evaluate public perceptions of those institutions in order to determine the willingness of community members to approach them and bring their disputes there. Members of various justice institutions were therefore asked how likely they would be to refer a case to another institution.

Inter-Institutional Referrals by Police

Police respondents were asked if they would refer or recommend that two individuals who are having a dispute over land ownership or water should take a case to a *huqooq*.⁶⁸ (*Huqooq* offices only address civil cases, so no follow-up question regarding the referral of criminal cases was asked.) Overall, 81 percent of the interviewees said yes and another six percent said sometimes, while only six percent said no. Common reasons cited for referring a case to a *huqooq* included their knowledge of the law, their fair and equal treatment of citizens, and their ability to solve cases effectively.⁶⁹ Less commonly mentioned reasons included a perceived lack of corruption and lack of other costs. The reasons against recommending a case to a *huqooq* included distance/travel costs and a perceived lack of effectiveness or knowledge.⁷⁰

Next, police respondents were asked if they would refer or recommend that two individuals having a land or water dispute go to a formal court.⁷¹ Overall, 83 percent said yes, another seven percent said sometimes and only three percent said no. These numbers were slightly lower when police were asked if they would refer a criminal case.⁷² Seventy-six percent would refer a criminal case to a court, eight percent would sometimes refer a criminal case, and eight percent would not. As with the *huqooq*, common reasons cited for recommending a dispute to the courts included their knowledge of the law, their perceived ability to solve cases effectively, and their fairness and equal treatment.⁷³ Less commonly mentioned reasons included their empathy to people, their physical proximity, and the lack of significant financial costs. Reasons cited by the police who opposed referring disputes to the formal courts included their perceived favoritism and lack of fairness or equality for all groups, corruption, physical distance and time delays.⁷⁴

⁶⁸ Police Survey, Question #33 (*n*=210)

⁶⁹ Police Survey, Question #34 (*n*=238)

⁷⁰ Police Survey, Question #35 (*n*=200)

⁷¹ Police Survey, Question #36 (*n*=240)

⁷² Police Survey, Question #42 (*n*=242)

⁷³ Police Survey, Questions #37,43 (*n*=238, 233)

⁷⁴ Police Survey, Questions #38,44 (*n*=206, 203)

Slightly fewer police said that they would refer a land or water dispute to a *shura* or *jirga* than to a court or *huqooq*.⁷⁵ Just over half of the police surveyed (54%) said that they would refer a case to an informal institution, compared to 35 percent who said no and nine percent who said sometimes. However, these numbers were reversed when asked if a criminal dispute should be recommended to a *shura* or *jirga*.⁷⁶ Only 28 percent of police said they would refer a criminal case to an informal institution, compared to 55 percent who said no and another 11 percent who said sometimes.

Reasons for referring a case to a *shura* or *jirga* included their empathy for citizens, their fair treatment of all groups, their physical proximity to citizens, their effectiveness, the lack of financial costs, and the speed with which they can resolve disputes.⁷⁷ Of those who opposed recommending a case to an informal institution, no single reason was cited by more than a tenth of respondents. The various responses included ineffectiveness, corruption, lack of physical proximity, lack of legal knowledge, a lack of empathy, and the possible physical danger of traveling to a *shura* or *jirga*.

Courts, *huqooqs* and *shuras/jirgas* were all seen as an appropriate destination for some types of cases by a majority of the AUP members surveyed. However, only the courts were seen by most police as being an appropriate institution to refer criminal cases. This is similar to the citizen opinions described in the previous section. As noted there, courts were seen by community members as the most effective institution for dealing with criminal cases, with *shuras* and *jirgas* listed second. These were also two the most preferred institutions for dealing with civil cases, such as disagreements over land or water. While *huqooqs* were also perceived by a clear majority police as capable of dealing with civil disputes, they were a distant third choice for citizens seeking to resolve a civil dispute.

Inter-Institutional Referrals by Courts

Court officials were also asked if they ever referred cases to *shuras* or *jirgas*.⁷⁸ Some reported referring no cases, while others said that they occasionally referred smaller disputes to the informal sector. Within Ali Abad, one court official said that he had never referred a case, two others noted that they had referred some disputes to *shuras*. When asked why they would refer a case, one court official said “We have sent them to the *shuras*, because the *shuras* are less expensive and would save their time.” Those who didn’t refer cases, however, said that it was the job of the courts to deal with cases, not the job of elders. Other court officials suggested that informal institutions are ineffective, and that they lack legal knowledge and intelligence.

Court officials do not typically refer cases to the *huqooq*. Instead, it is usually the *huqooq* that refers cases to either the courts or to *shuras*. There were no recorded mentions by the court officials interviewed in this evaluation of referring a case to a *huqooq*.

⁷⁵ Police Survey, Question #39 (n=236)

⁷⁶ Police Survey, Question #45 (n=233)

⁷⁷ Police Survey, Questions #39,46 (n=235, 233)

⁷⁸ Judge and Court Official Interviews, Question #14 (n=22)

Inter-Institutional Referrals by Shuras

Shura members were asked if they would ever recommend that two individuals having a dispute over land or water should go to a *huqooq*.⁷⁹ Overall, 64 percent said that they would refer a case there, 16 percent said sometimes, and only 6 percent said no. When *shura* members were asked to explain their reasons for referring a case to a *huqooq*, the plurality said that they are effective, while a large number also said that they are intelligent and/or have a good knowledge of the law.⁸⁰ Less commonly mentioned reasons included a lack of corruption, lack of distance, and timeliness. Reasons for not referring a case to a *huqooq* included financial costs (non-corruption), ineffectiveness, lack of knowledge, lack of fairness, and the danger of traveling to the *huqooq* office.⁸¹

Shura members were asked if they would recommend the same type of civil dispute be taken to a formal court.⁸² Overall, 72 percent said they would refer a case, six percent said sometimes and 12 percent said no. Likewise, when they were asked about criminal cases, a similar number (74%) said they would, while 12 percent said no.⁸³

Common reasons listed by *shura* members for recommending a case to a court were similar to those for recommending a case to a *shura*, with most respondents citing either effectiveness or legal knowledge.⁸⁴ Only small numbers mentioned timeliness, fairness and lack of corruption. Conversely, corruption was the most commonly cited reason for not referring a case to a court.⁸⁵ Other significant reasons included a lack of fairness, time delays, other (non-corruption) financial costs, and a lack of empathy or respect for common people.

Inter-Institutional Referrals by Huqooq

The Department of Justice (DoJ), which includes the district *huqooq* offices, employs 53 staff in Kunduz Province (MPIL, 2011). In general, three *huqooq* officers are assigned to work in each district governor's office, with a larger number in Kunduz City. *Huqooq* officers seek to mediate civil disputes that are brought to them, but they also regularly refer cases to both the formal courts and the informal system.

In general, *huqooqs* are more likely to refer cases to *shuras* than to courts. MPIL found that up to 80 percent of the cases referred by *huqooqs* are sent to *shuras*, and that cases are generally only recommended to the courts if both the *shura* and the *huqooq* itself are unable to mediate the case (MPIL, 2011). Even so, MPIL found that cooperation between the DoJ and the judiciary seemed to

⁷⁹ Shura Interviews, Question #1 (n=50)

⁸⁰ Shura Interviews, Question #2 (n=50)

⁸¹ Shura Interviews, Question #3 (n=50)

⁸² Shura Interviews, Question #4 (n=50)

⁸³ Shura Interviews, Question #7 (n=50)

⁸⁴ Shura Interviews, Questions #5,8 (n=50)

⁸⁵ Shura Interviews, Questions #6,9 (n=50)

functioning. However, it is the case that the role of the *huqooq* is not well understood by many police and prosecutors in Kunduz, who sometimes intervene in civil cases by handing files directly to the courts (ibid).

Each of the 28 *huqooq* or DoJ officials were asked how many times they had referred a case or recommended that two individuals who were having a civil dispute go to the courts in the last year.⁸⁶ Eight had referred between one and ten cases, eight others claimed to have referred between 20 and 30 cases, and eleven merely said that had referred “many” or “a lot” of cases.

When DoJ members were asked why they would refer a case to the courts,⁸⁷ the major reasons included the effectiveness of the courts, their legal knowledge or intelligence, and their fair treatment of everyone. Reasons against referring a case to a court included time delays, corruption, travel costs, and perceived ineffectiveness.⁸⁸

With regards to referrals by *huqooqs* to *shuras* or *jirgas* in the past year,⁸⁹ six DoJ staff said that they had referred between 1 and 10 disputes, one said more than 20, and eight said ‘many’ or ‘a lot’ of times. However, six also said that they had never referred a case in the last year, while another seven neglected to answer the question.

When asked about their rationale for referring or recommending a case to the informal sector,⁹⁰ the most common response was that it was better for disputes to be solved in their communities and/or that local elders have better familiarity with the individuals or details of the dispute. Other mentioned reasons included fairness, effectiveness and lack of time delays. The major reasons against *shuras* were ineffectiveness and a lack of legal knowledge.⁹¹

Overall, the reasons cited for and against referring cases to particular institutions were similar across all categories of respondents. The courts were often seen as effective and possessing the appropriate legal knowledge, but also criticized for time delays, corruption, other financial costs, physical distance and occasional bias or favoritism. *Huqooqs* were also seen as effective, knowledgeable and generally fair. However, they were also were variously criticized for lack of effectiveness, financial costs (non-corruption), physical distance from citizens, and lack of fairness. *Shuras*, meanwhile, were praised as empathetic, fair, physically close, and able to solve cases quickly and without excessive costs. Conversely, they were also seen as less effective and less knowledgeable about the law.

In general, the *huqooqs* were the most likely of the formal institutions to refer cases to the informal sector. Courts occasionally referred cases to *shuras* or *jirgas*, but much less frequently and usually only for small disputes. Police expressed a willingness to refer cases to all of the other institutions, but were most likely to forward cases on to the courts.

⁸⁶ Huqooq and DoJ Interviews, Question #8 (n=28)

⁸⁷ Huqooq and DoJ Interviews, Question #9 (n=28)

⁸⁸ Huqooq and DoJ Interviews, Question #10 (n=28)

⁸⁹ Huqooq and DoJ Interviews, Question #14 (n=28)

⁹⁰ Huqooq and DoJ Interviews, Question #15 (n=28)

⁹¹ Huqooq and DoJ Interviews, Question #16 (n=28)

Chapter 3: Human rights are better protected

In order for the wider population to gain trust in particular justice institutions, Afghanistan's institutions must be perceived as treating individuals fairly and equally. It is therefore important to measure the extent to which justice institutions are seen as fair, both generally and with regards to women and other potentially vulnerable groups.

Respect for basic rights

In general, the formal justice institutions were perceived as less fair and less respectful of the rights of the population than their informal counterparts. This was particularly true of those who had actually interacted with formal and informal justice institutions. Specifically, three quarters of community members who claimed to have interacted with courts in the last year said that they had been treated unfairly, compared to just 13 percent of those who had interacted with a *shura* or *jirga*.

During the second round of the community survey, residents were asked if they knew anyone who had been treated unfairly by the courts in the last year.⁹² Thirty-seven percent of respondents claimed to know at least one person. More specifically, 17 percent of the total respondents knew one person, 12 percent said they knew between two and five people, and eight percent claimed to know more than five people who had been treated unfairly by the courts in the last year. The percentage of respondents claiming to know at least one person who had been treated unfairly by the courts was highest in Dasht Arche (52%) and lowest in Qala-e-Zal (22%). The other districts were more closely spaced with Kunduz District (33%), Khan Abad (34%), Char Dara (38%), Ali Abad (39%), and Imam Sahib (41%).

Of the respondents who claimed to have interacted with the courts, three quarters said they were treated unfairly. When asked how they were treated unfairly, a plurality said bribery.⁹³ Other common responses included the courts not taking their cases seriously and powerful groups influencing the judge. Less commonly cited responses (less than 10 percent of respondents) included powerful groups influencing prosecutors or lawyers, evidence tampering, extended time delays, and favoritism (i.e. judges siding with members of their own group).

Community members were also asked if they knew anyone who had been treated unfairly by a *shura* or *jirga* in the last year.⁹⁴ A total of 26 percent claimed to know at least one person who had been treated unfairly in the last year. Specifically, 10 percent knew one person, seven percent knew between two and five people, and eight percent claimed to know more than five people who had been treated unfairly. The districts with the lowest level of responses for those who knew one or

⁹² Community Survey – Round 2, Question #62 (n=657)

⁹³ Community Survey – Round 2, Question #65 (n=657)

⁹⁴ Community Survey – Round 2, Question #66 (n=657)

more people were Imam Sahib (11%), Char Dara (16%), and Kunduz District (16%). The highest levels of unfair treatment by *shuras* or *jirgas* were reported in Dasht Arche (45%).

Meanwhile, of those who claimed to have gone to a *shura* or *jirga* in the last year, only 13 percent said that they had been treated unfairly, compared to 83 percent who said that they had not been.⁹⁵ This is a major contrast from the 75 percent of those who had gone to court and said that they had been treated unfairly. Of those who did claim to have been mistreated by a *shura* or *jirga*, the most common reasons given were that the *shura/jirga* had not taken their case seriously and that their case had been influenced by powerful actors.⁹⁶ Other complaints included bribe-seeking and that members of the *shura* or *jirga* had sided with members of their own group.

When community members were asked if they believed that the formal courts respected the basic rights of them and people like them,⁹⁷ a plurality answered yes. In total, 45 percent believed that the courts did respect their rights, 27 percent believed that they did not, and 28 percent did not know. Positive responses were highest in Dasht Arche (77%) and Kunduz District (56%) and lowest in Ali Abad (33%) and Char Dara (21%). There were no significant differences between genders, with 44 percent of males and 46 percent of females stating that the courts respected the rights of people like them. There were some differences among ethnic groups, with 60 percent of Tajiks, 46 percent of Pashtuns, 40 percent of Uzbeks, 36 percent of Turkmen, 31 percent of Hazara, and 24 percent of Arabs believing the courts respected the basic rights of people like them. However, it is unclear whether geography or ethnicity was the more significant factor, with the sample from Dasht Arche, the district with the highest number of positive answers, also including the highest percentage of Tajiks.

Gender Equality

During the first round survey, community members were asked to give their opinion on whether it was more likely for a man or a woman to win a case in the formal court in their district.⁹⁸ Overall, about half (49%) of respondents believed that a man would win, compared to just nine percent who believed that a woman would be more likely to prevail. This was the most common response for both male and female respondents. Male respondents were slightly more likely to believe that men were favored in court. Female respondents, meanwhile, were somewhat more likely to state both genders had an equal chance.

⁹⁵ Community Survey – Round 2, Questions #67-68 (*n*=657)

⁹⁶ Community Survey – Round 2, Questions #69 (*n*=657)

⁹⁷ Community Survey – Round 2, Questions #70 (*n*=658)

⁹⁸ Community Survey – Round 1, Question #A1 (*n*=1012)

Table 3.1

<i>Community Survey – Round 1</i>	Question #A1: “Do you think men or women are more likely to win a case in the <u>formal</u> justice system in your district?”		(n=1012)
	Male (n=514)	Female (n=498)	Province Total
Men	52%	44%	48%
Women	11%	6%	8%
Equal Chance	24%	35%	29%
Don’t Know	12%	13%	13%

In comparison to the formal justice system, a slightly higher number of respondents (59%) believed that a man would win a case in a *shura* or *jirga*.⁹⁹ Only six percent believed that a woman would be more likely to win. Again, male respondents were slightly more likely than female respondents to indicate that a pro-male bias. Female respondents were slightly more likely to indicate that both genders had an equal chance.

Table 3.2

<i>Community Survey – Round 1</i>	Question #A2: “Do you think men or women are more likely to win a case in the <u>informal</u> justice system (e.g. <i>shura</i> or <i>jirga</i>) in your district?”		(n=1012)
	Male (n=514)	Female (n=498)	Province Total
Men	62%	55%	59%
Women	6%	5%	5%
Equal Chance	23%	27%	25%
Don’t Know	7%	11%	9%

Although both institutions are seen as highly biased in favor of men, these survey responses appear to indicate a popular perception that informal institutions are even more gender-biased than formal institutions. Even so, women in Kunduz continue to face significant cultural and logistical barriers

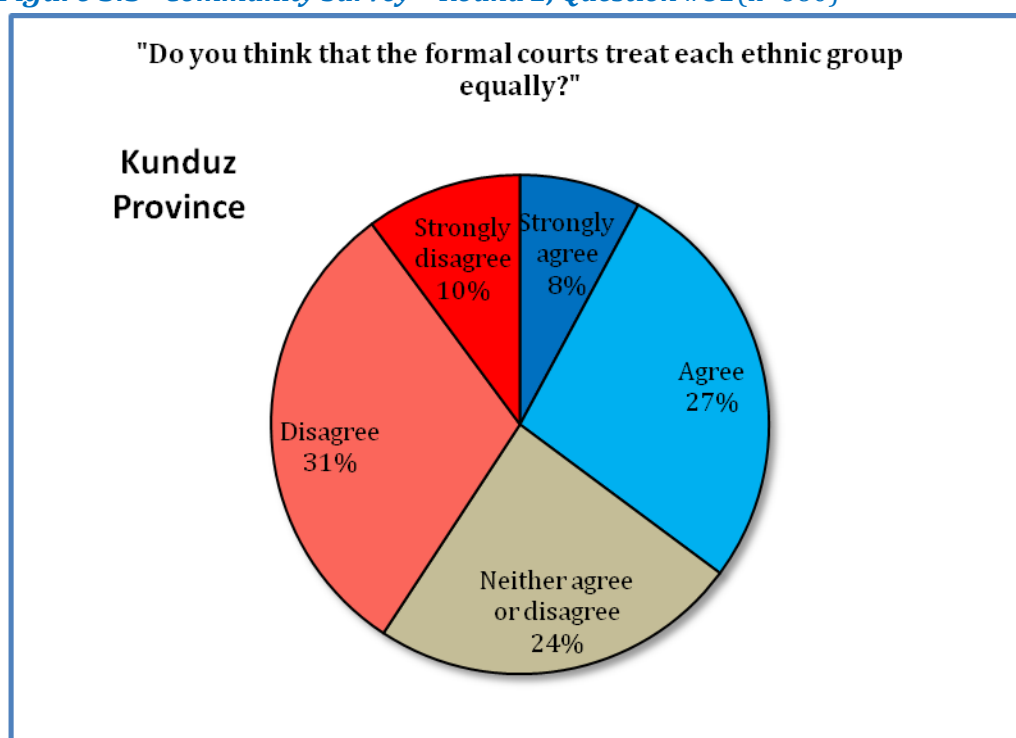
⁹⁹ Community Survey – Round 1, Question #A2, (n=1012)

that can prevent them from seeking justice in district courts as well as *shuras* (Peavey, 2012). These obstacles will be discussed in Theme 4.

Minority Rights

In the second community survey, respondents were asked if they believed that the courts treated all minority groups equally.¹⁰⁰ Overall, 35 percent of respondents agreed or strongly agreed that the courts treated all ethnic groups equally, compared to 41 percent who disagreed. The positive responses were lower among Hazara (23%), Turkmen (23%) and Tajik (25%) and higher among Uzbek (37%), Pashtun (41%), and Arab (43%). However, there was even greater variation between districts, ranging from a low of 22 percent in Kunduz District and a high of 51 percent in Imam Sahib. It is unknown the degree to which geography or ethnicity is a greater explanatory factor. It is also possible that negative answers to this question may reflect a general distrust of the courts, rather than a specific belief that the courts are favoring particular ethnic groups. Likewise, negative responses could also indicate a belief that court officials are biased in favor of the family members, relatives and close acquaintances.

Figure 3.5– Community Survey – Round 2, Question #81 (n=660)



The surveyed community members were also asked if they believed that *shuras* and *jirgas* treated all minority groups equally.¹⁰¹ Twenty percent agreed or strongly agreed that *shuras* and *jirgas*

¹⁰⁰ Community Survey – Round 2, Questions #81 (n=660)

¹⁰¹ Community Survey – Round 2, Questions #85 (n=668)

treated each ethnic group equally, compared to 59 percent who disagreed or strongly disagreed. These perceptions varied significantly between districts. Opinions of the respect of informal justice institutions for minority rights were the most negative in Kunduz District, with only three percent agreeing with the statement that *shuras* and *jirgas* treat all minority groups equally, compared to 80 percent who disagreed or strongly disagreed. The most favorable responses were in Ali Abad (40%) and Imam Sahib (33%). As mentioned above, these results may reflect a more general distrust of these institutions, rather than a specific belief that *shuras* and *jirgas* are favoring particular ethnic groups. This may also signify a belief that *shura* or *jirga* members are likely to be biased in favor of family members, relatives and other close friends or acquaintances.

Other than the major ethnic groups, one sub-group that has been noted to have difficulty in accessing the state justice institutions are the Kuchi, a group of nomadic Pashtuns who regularly migrate between Kunduz and neighboring provinces (MPIL, 2011). Kunduz possess a small population of Kuchi nomads, whose numbers range from approximately 45,000 in summer to 88,000 in winter (NPS 2009). Like returning refugees, internally displaced people and other groups who lack permanent residence, this can place them at a disadvantage in seeking justice (MPIL, 2011).

These itinerant groups were not properly captured in CPAU's survey sampling, which was structured around villages and households. However, in the first round of the community survey, CPAU asked all residents if they believed a Kuchi or a non-Kuchi would be more like to win a case in a formal court.¹⁰² By a margin of 39 percent to seven percent, respondents believed the non-Kuchi would be more likely to win a case. This perceived anti-Kuchi bias was lowest in Kunduz District and Ali Abad and highest in the outlying districts of Qala-e-Zal and Dasht Arche.

Table 3.3

Community Survey - Round 1	Question #A12: "Do you think a Kuchi or a non-Kuchi is more likely to win a case in a formal court?"							(n=1021)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Kuchi	17%	5%	8%	6%	6%	6%	2%	7%
Non-Kuchi	28%	32%	51%	41%	29%	23%	73%	39%
Equal Chance	38%	21%	32%	2%	54%	46%	20%	31%
Don't Know	17%	41%	9%	50%	16%	25%	5%	22%

¹⁰² Community Survey - Round 1, Questions #A11 (n=1021)

This response was similar when asking if a Kuchi or non-Kuchi was more likely to win in the informal system (e.g. *shura* or *jirga*).¹⁰³ Overall, respondents believed by a margin of 43 percent to nine percent that a non-Kuchi would win a *shura* or *jirga* case. Again, this margin was highest in Qala-e-Zal and lowest in Kunduz District and Ali Abad.

Table 3.4

Community Survey – Round 1	Question #A12: “Do you think a Kuchi or a non-Kuchi is more likely to win a case in a <i>shura</i> or <i>jirga</i> ?”							(n=1021)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Kuchi	17%	7%	8%	6%	2%	17%	4%	9%
Non-Kuchi	28%	35%	50%	42%	51%	26%	74%	43%
Equal Chance	39%	15%	34%	3%	35%	31%	15%	26%
Don’t Know	15%	42%	8%	49%	12%	26%	7%	22%

¹⁰³ Community Survey – Round 1, Questions #A12 (n=1021)

Chapter 4: State justice institutions act effectively and efficiently

Finally, it is important that state justice institutions perform their tasks effectively and efficiently. Those institutions should be able to resolve cases successfully and in a timely manner. This depends upon the knowledge and capability of the justice actors that comprise the courts, along with other key actors. Prosecutors were previously discussed in Theme 2, but it is also important that lawyers are capable of providing legal advice and assisting their clients in taking their cases through the court system. To measure efficiency, it is also necessary to evaluate the degree to which cases were processed without any significant time delays. Finally, corruption and favoritism are also important to measure because their existence creates inefficiencies and inequities in the processing of cases.

Confidence in formal institutions to act effectively

In 2011, the judiciary of Kunduz Province consisted of 58 sitting judges, which was short of the target of 74 included in the *tashkil* (organizational chart) for the province (MPIL, 2011). Judges are legally required to have a background in either secular law or *sharia*. However, a 2010 ICG report on the Afghan judiciary found that a majority of judges in the country had not obtained the educational training required by law (ICG, 2010). In Kunduz, about 30 percent hold a modern law degree, while a majority has some background in *sharia* (MPIL, 2011). More than 90 percent, however, have attended additional legal trainings or courses offered by MPIL, GIZ and other organizations in recent years (MPIL, 2011). However, the 2011 provincial needs assessment by MPIL found that additional training of judges, particularly in critical areas such as land law and criminal, was still necessary (ibid).

Meanwhile, CPAU asked community members during the second round survey if they believe that the formal courts act effectively/efficiently.¹⁰⁴ Overall, 40 percent agreed or strongly agreed that the courts were efficient/effective, compared to 35 percent who disagreed or strongly disagreed. In five districts, a plurality or majority viewed the courts as effective and efficient. The two exceptions were Kunduz District (29% agree to 50% disagree) and Dasht Arche (27% to 61%).

Meanwhile, community members were also asked if they brought a criminal case to a formal court, if they thought that court would be able to process the case without any administrative or legal problems.¹⁰⁵ The answers to this question are primarily an indication of general public perceptions of the court, as only a small minority of residents has personally interacted with the judicial system. That said, about half of the residents (47%) agreed or strongly agreed that the case would be processed without errors. By comparison, 28 percent disagreed or strongly disagreed that the courts could process the case without any legal or administrative problems. A plurality or majority agreed with this statement in most districts. In Kunduz District, however, a greater number of respondents disagreed (45%) than agreed (35%) that the courts could process a case without legal

¹⁰⁴ Community Survey – Round 2, Questions #88 (n=673)

¹⁰⁵ Community Survey – Round 2, Questions #87 (n=673)

or administrative errors. This lower response may indicate a greater familiarity of Kunduz City residents with the courts, rather than a higher number of errors or inefficiencies in the central district compared to those in outlying districts.

Of the citizens who were interviewed who had taken a case to the formal system, the majority said that they were not aware of any mistakes. At least one individual, however, cited legal mistakes in the processing of a court case, while another referred to mistakes by the police. Another individual who had an unresolved case that he claimed powerful actors had exerted pressure to block said that he believed legal mistakes were made in the processing of the case, but that he lacked the knowledge to know if the court had functioned according to the law.

Capacity and availability of lawyers

There are relatively few lawyers in Kunduz Province outside of the capital. As of the first half of 2011, there were only 21 registered defense attorneys in the entire province, with most of them based in Kunduz City (MPIL, 2011). This was an improvement from just six attorneys in 2007 (ibid). In general, however, MPIL found that these attorneys only provide written statements for clients and rarely represent defendants in trials (ibid). Meanwhile, there are also virtually no female legal representatives in Kunduz, and very few male attorneys who are both capable and willing to provide legal representation to women in the province (MPIL, 2011).

When prosecutors in Ali Abad and Qala-e-Zal were asked by CPAU about the interactions with lawyers,¹⁰⁶ both claimed that they had never accounted a defense lawyer in their districts. The prosecutor in Ali Abad further noted that poor people in his district regularly experience problems in gaining access to legal representation. The prosecutor in Qala-e-Zal, meanwhile, said that local leaders sometimes play the role of legal advocates and speak on behalf of suspects.

Perceptions of lawyers were generally positive among prosecutors in Kunduz District. One prosecutor based in the capital said that he was enthusiastic about the capability of lawyers, and estimated that 80 percent to 90 percent of the lawyers that he had encountered in Kunduz were capable of performing their duties. One prosecutor also said, “We have observed during the course of our work that defense lawyers play a key role in defending their clients. The people can benefit from their talents.”

It was also confirmed by the citizen narratives gathered in November 2011, however, that it was more common for individuals to rely on their family members or on local elders to provide legal representation.¹⁰⁷ Several citizens who were interviewed said that they had sought the help of someone in the village to assist and represent them to the formal system. In one case involving a female complainant with a land dispute, a community elder recommended that she bring her dispute to the district *huqooq*. That elder went to the *huqooq* on her behalf and acted as her proxy and legal representative. The case was successfully resolved in her favor. There were similar cases

¹⁰⁶ Prosecutor Interviews, Questions #17-19 (*n*= 10)

¹⁰⁷ Citizen Narratives, Question #6 (*n*=122)

in which elders or *shura* members accompanied or traveled on behalf an individual to the courts, *huqooq* or police to assist them in dealing with a case. The individuals in such cases usually said that they had paid for the food and/or transportation costs of their informal representative, but that they did not have any other legal expenses.¹⁰⁸

Meanwhile, one of the few documented cases in which a complainant sought the services of a formal lawyer involved the theft of land by a local commander in Char Dara. Due to a family connection with a member of the *huqooq*, the victim sought to bring the case to that institution. However, the *huqooq* officer was unable to assist him, and suggested that the individual should hire a lawyer. The lawyer was also unable to help, but the person was forced to pay the legal fee, along with transportation and food costs. Ultimately, the commander successfully blocked the case from ever going to court, and the dispute remained unresolved. In the end, the citizen complained that “the law doesn’t help us because we are poor.” The capability of the lawyer was therefore limited by the actions of powerful groups. Furthermore, the expense of hiring a lawyer generally makes them an unaffordable and unrealistic option for most citizens.

*“The law doesn’t help us
because we are poor.”*

- A resident from
Char Dara district,
Kunduz

Meanwhile, it is also the case prisoners rarely, if ever, have access to legal advice or counsel. Of the 324 ANP and NDS detainees interviewed by UNAMA between October 2010 and August 2011, only one reported having access to a defense lawyer.

Timeliness

According to the national laws of Afghanistan, a suspect cannot be legally held in a jail cell for more than 72 hours before he or she is officially charged and the case is handed over to a prosecutor. Afterwards, prosecutors are legally required to bring the case to court within 30 days, or else the suspect should be released. Once the case is filed, primary courts have one month to process the case, with a possible extension of an additional month if they need more time for gathering evidence and witnesses. However, there are often variations in the time that it takes for the primary courts to deal with cases.

To properly measure timeliness, it is necessary to analyze police and court records. Unfortunately, CPAU faced considerable institutional obstacles and was unable to gain access to any such records during the baseline evaluation period. Instead, this indicator currently relied primarily upon interviews with court officials and prisoners. If access to records is gained before future assessments are undertaken, then CPAU could retrospectively compare records from the baseline period to future years. However, that data is not currently available in this report.

¹⁰⁸ Citizen Narratives, Question #12 (*n*=122)

Close to half of the interviewed prisoners stated that it took between one and two months for the primary courts to process their cases.¹⁰⁹ In over one-third of the cases, however, it reportedly took the courts three to six months to process their case. In some of those cases, the trial process was still ongoing at the time of the interview.

Appeals courts have a similar time frame as primary courts for the processing of cases: 30 days with the possible extension of an additional 30 days. In close to half of the prisoner cases that went to the appeals court, those cases were dealt with in one or two months.¹¹⁰ Nine interviewed prisoners, however, stated that the processing of their cases took between three and seven months. Furthermore, a couple of the prisoners stated they tried to appeal the decision of the primary court, but they received no response from the appeal court.

The court of final appeal is the Supreme Court, which has up to 5 months to deal with cases. A 2010 ICG report estimated that 80 percent of cases decided in primary courts in Afghanistan are appealed to the appeals courts, and that 70 percent of those cases are subsequently appealed to the Supreme Court (ICG, 2010).

Ten interviewees stated that they attempted to bring their cases to the Supreme Court.¹¹¹ Of those who did, half were dealt with within the appropriate timeframe, while the other half of the cases took six between six and nine months.

Meanwhile, court officials and prosecutors who are also asked how long cases generally took in the primary courts.¹¹² Estimates of the time it took to resolve a court case varied considerably among the formal justice officials who were interviewed. A prosecutor in Khan Abad estimated that it took 5 or 6 days to resolve an average case, while another prosecutor in neighboring Ali Abad estimated 15 to 30 days. In Kunduz City, however, one prosecutor suggested that it was not uncommon for a case to take up to year. Judges and court officials also varied in their estimates, from 1 to 2 months to 2 to 4 months on average. Another court official in Ali Abad noted that a case could take from one month to several months, depending on its complexity.

When asked reasons why a case may take longer than one month,¹¹³ prosecutors cited a lack of evidence and/or witnesses, along with legal procedures that can prevent them processing a cases. Likewise, judges and court officials cited the process of finding evidence and proof as a common cause of time delays. Likewise, according a 2010 ICG report on Afghanistan's justice system, judges and prosecutors both cited a failure of witnesses and defendants to appear as well as a lack of vehicles and sufficient personnel to transport prisoners in a timely manner (ICG, 2010).

¹⁰⁹ Prisoner Interviews, Question #11 (*n*=21)

¹¹⁰ Prisoner Interviews, Question #14 (*n*=21)

¹¹¹ Prisoner Interviews, Question #16 (*n*=21)

¹¹² Prosecutor Interviews, Question #21 (*n*= 10); Judge and Court Official Interviews, Question #20 (*n*=22)

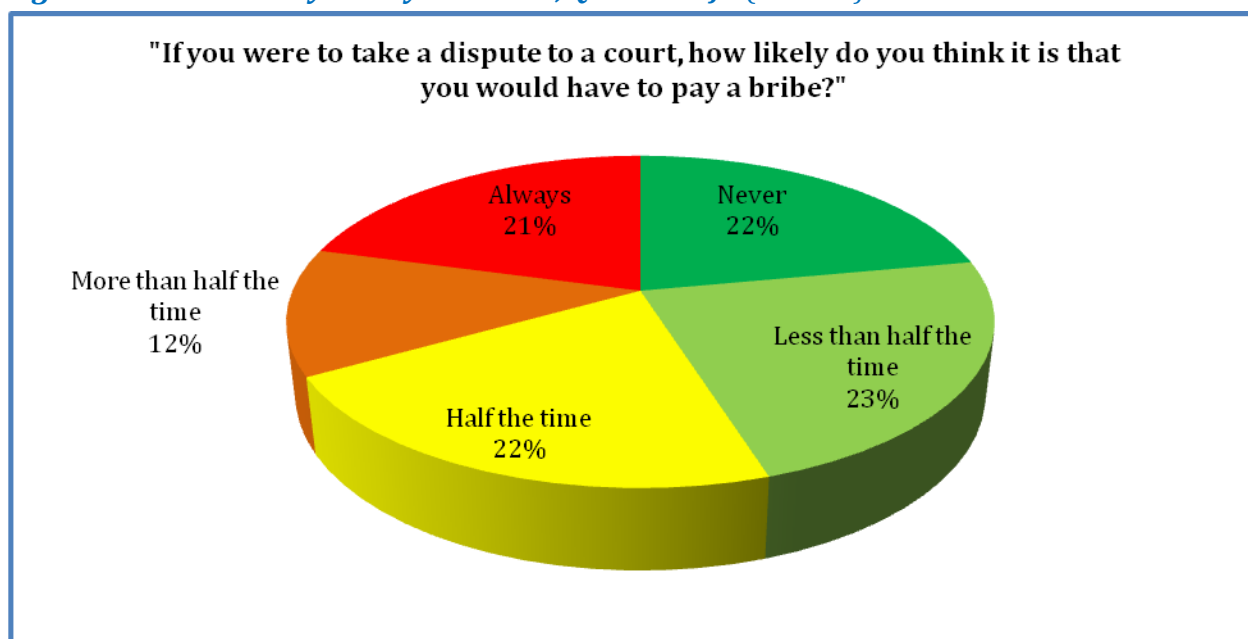
¹¹³ Prosecutor Interviews, Question #22 (*n*= 10)

Corruption & Independence

The judiciary in Kunduz Province continues to suffer from widespread corruption (MPIL, 2011). This corruption is partially, but not entirely, explained by the low income levels of judicial personnel. However, even judges with high incomes and private sources of land and wealth have been known to accept bribes (ibid). The culture of corruption grew significantly following the fall of the Taliban and remains deeply entrenched at all levels of the government (ibid).

During the first round survey, community members were asked by CPAU, if they brought a dispute to the courts, how likely they believe it would be that they would need to pay a bribe.¹¹⁴ Just more than half (55%) said that they would have to pay a bribe at least some of the time. That included eight percent who said they would always have to pay a bribe, and another 24 percent who said that they would have to pay a bribe half or most of the time.

Figure 3.6– Community Survey – Round 1, Question #J2 (n=1027)



Meanwhile, during the first round survey, CPAU also asked residents, "A strongman or commander in a nearby area has illegally taken a piece of your property. If you were to take a case to a court, could you win?"¹¹⁵ Overall, about one third of respondents (37%) believed that they could win in court, compared to be about two thirds who believed that they could not. This indicates a public belief that powerful people are able to manipulate the courts to the disadvantage of common people.

¹¹⁴ Community Survey – Round 1, Question #J2 (n=1027)

¹¹⁵ Community Survey – Round 1, Question #J3 (n=998)

Conclusion

The courts in Kunduz continue to be plagued by inefficiency, limited human resources, and accusations of corruption and favoritism. Of the citizens that CPAU interviewed who had recently taken a dispute to a formal court, less than half said they would prefer to go back to a court if they had another dispute in the future. Likewise, of the people in the second round survey who claimed to have interacted with a court within the last year, three quarters claimed to have been treated unfairly. The most common complaint was bribery. By contrast, only 13% of those had interacted with a *shura* or *jirga* claimed to have been mistreated.

Both the formal and informal systems were seen as biased against women, with significant numbers of both men and women believing that men were more likely to win a case. Meanwhile, only a minority of respondents agreed that either the courts or *shuras/jirgas* treated all ethnic groups equally. In particular, the nomadic Kuchis were seen as particularly likely to be ill-treated by both formal and informal justice institutions.

In general, the *huqooqs* were the most likely of the formal institutions to refer cases to the informal sector. Courts occasionally referred cases to *shuras* or *jirgas*, but much less frequently and usually only for small disputes. Police expressed a willingness to refer cases to all of the other institutions, but were most likely to forward cases on to the courts.

Access to lawyers and legal representation was highly limited outside of Kunduz City. It was much more common for a complainant to rely on a family member or local elder as a representative in the either the formal or informal system.

With regards to corruption, a majority of the respondents who claimed they had taken a case to the courts in the last year said that they had been required to pay a bribe. Meanwhile, most community members believed that the courts could be unfairly influenced by powerful actors. Only a third of the community respondents believed that they could win a case in court if a powerful individual such as a warlord or local commander were to illegally take their property.

Finally, with regards to timeliness, interviews with prisoners and formal justice officials indicated that cases were generally dealt with by the courts within the time period proscribed by the law. However, it was not uncommon for court cases to last several months or even a year, particularly in cases that were more complex or that were missing evidence or witnesses.

Theme 4: Awareness and Accessibility

The fourth and final theme addresses the accessibility of formal and informal justice institutions and awareness about the rule of law institutions. This theme centers on two sub-themes for which the progress will be measured in both the baseline and the annual follow-up research papers: (1) individuals, including women and vulnerable groups, enjoy better access to justice; and (2) women and vulnerable groups enjoy better protection within the legal system.

Chapter 1: Access to justice institutions

This chapter focuses on the level of access to justice residents have in Kunduz Province. The level of access to justice is determined by both the range of institutional options (both formal and informal institutions) and the obstacles that residents have to face when accessing these institutions. This chapter will reflect on two sub-themes, namely: (1) institutional options; and (2) barriers to access. For the first indicator, residents of Kunduz Province were asked to reflect on whether and how easily they can access different formal and informal institutions concerned with justice. For the second indicator, residents of Kunduz Province were asked to reflect on the particular obstacles that they face in accessing particular justice institution. Gender-related obstacles will be discussed in the subsequent chapter.

Institutional Options

MPIL found that proper access to state judicial institutions is relatively good throughout Kunduz province. The provincial needs assessment noted that judicial institutions were present in each district and that their capacity had improved during recent years, in part because of an increased number of training programs, greater availability of legal aid, a functioning regional AIHRC office and improvements to infrastructure and equipment (MPIL, 2011).

During the first round of the community survey, CPAU asked respondents if there were police stations, courts, *shuras/jirgas*, and *huqooq* offices that they could get to. The possible answers were: (1) Yes, easy to access; (2) Not easy, but can access if necessary; and (3) Not Accessible. In general, the easiest institutions to access were *shuras/jirgas*, followed by police office, and courts. *Huqooq* offices were considered to be least easy institution to access.

In the case of police stations, a slight majority of respondents (58%) said that they could easily access a police station.¹¹⁶ Another 29 percent said that they could access a police station if necessary. Only 14 percent said that they could not access a police station. There were almost no differences between the answers of male (57%) and female respondents (58%). In practice, however, there are major cultural and logistical barriers that can prevent or strongly discourage

¹¹⁶ Community Survey – Round 1, Question #E14 (*n*=1006)

Afghan women from approaching the police (MPIL, 2011). These will be discussed in the next subsection. There were, however, significant variations among the districts. More than eighty percent in Kunduz District said that a police station was easily accessible. By comparison, only 12 percent of respondents in Qala-e-Zal said that they could easily get to a police station.

Table 4.1

<i>Community Survey – Round 1</i>	Question #E14: “If you wanted to, is there a police station that you could get to?”							(n=1006)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes, easily accessible	73%	39%	67%	63%	53%	81%	12%	58%
Not easily, but can access if necessary	21%	35%	25%	32%	29%	15%	46%	29%
Not accessible	5%	25%	7%	4%	18%	3%	42%	14%

With regards to courts, a slight majority of respondents (52%) also said that there was a court that they could easily access.¹¹⁷ Another 30 percent said that they couldn’t easily access a court, but could do so if necessary. Meanwhile, 17 percent said that they could not access a court. Almost three quarters of the residents in Kunduz District and Ali Abad said that they had easy access to a court. Conversely, only one in ten residents in Qala-e-Zal said that they could easily access the formal justice system.

Table 4.2

<i>Community Survey – Round 1</i>	Question #E18: “If you wanted to, is there a court that you could get to?”							(n=1027)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes, easily accessible	73%	38%	58%	54%	47%	72%	10%	52%
Not easily, but can access if necessary	24%	37%	31%	37%	32%	24%	28%	30%
Not accessible	3%	25%	10%	8%	20%	3%	61%	17%

¹¹⁷ Community Survey – Round 1, Question #E18 (n=1027)

Community members were also asked a parallel question during the first round survey about access to *shuras* or *jirgas*.¹¹⁸ Two-thirds of respondents said that there was an informal justice institution that they could easily access. Another 22 percent said that they couldn't easily access a *shura* or *jirga*, but could do so if necessary. Meanwhile, only one in ten respondents said that they did not have access to an informal institution. These institutions were easily accessible to a majority of residents in all districts. Men, meanwhile, were slightly more likely than women to say that they could easily access a *shura* or *jirga*.

Table 4.3a - District

Community Survey - Round 1	Question #E15: "If you wanted to, is there a <i>shura</i> or <i>jirga</i> that you could get to?"							(n=1020)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes, easily accessible	81%	56%	55%	79%	71%	61%	54%	67%
Not easily, but can access if necessary	14%	32%	38%	15%	21%	31%	9%	22%
Not accessible	5%	11%	5%	6%	8%	7%	36%	10%

Table 4.3b - Gender

Community Survey - Round 1	Question #E15 "If you wanted to, is there a <i>shura</i> or <i>jirga</i> that you could get to?"		(n=1020)
	Male	Female	Province Total
Yes, easily accessible	70%	65%	67%
Not easily, but can access if necessary	19%	25%	22%
Not accessible	11%	10%	10%

¹¹⁸ Community Survey - Round 1, Question #E15 (n=1020)

Finally, community members were also asked if they could easily access a *huqooq* office.¹¹⁹ Less than half of respondents (41%) said that they could easily access a *huqooq*. Another 30 percent said that they couldn't easily access a *huqooq*, but could do so if necessary. However, just under a third of respondents said that they did not have access to that institution. The only two districts where a majority claimed that they could easily access a *huqooq* office were Kunduz District and Ali Abad. Conversely, only six percent of residents in Qala-e-Zal said that they had easy access to a *huqooq*. There were no major differences between male and female responses. Overall, the *huqooq* received the fewest number of "easily accessible" answers, possibly indicated a lower awareness among community respondents.

Table 4.4a – District

Community Survey – Round 1	Question #E16: "If you wanted to, is there a <i>huqooq</i> office that you could get to?"							(n=1020)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes, easily accessible	62%	29%	47%	31%	48%	56%	6%	42%
Not easily, but can access if necessary	29%	35%	28%	34%	29%	28%	24%	30%
Not accessible	8%	36%	24%	35%	22%	15%	69%	28%

Table 4.4b – Gender

Community Survey – Round 1	Question #E16: "If you wanted to, is there a <i>huqooq</i> office that you could get to?"		(n=1027)
	Male	Female	Province Total
Yes, easily accessible	43%	40%	42%
Not easily, but can access if necessary	25%	34%	30%
Not accessible	31%	25%	28%

¹¹⁹ Community Survey – Round 1, Question #E16 (n=1020)

Barriers to access

Access to justice institutions in Kunduz has been adversely affected by a variety of barriers, including physical insecurity, financial costs, and cultural restrictions. Physical threats from insurgents, *arbakai*, and other criminal groups can prevent safe passage to district and provincial capitals and discourage justice-seekers from traveling to state justice institutions. Meanwhile, the perceived cost of seeking justice, including transportation costs, bribery and other fees, can also discourage community members from bringing disputes or complaints to state institutions. Social and cultural barriers can also prevent certain individuals, particularly women and other vulnerable groups, from accessing justice institutions. The obstacles faced by female and minority justice seekers will be discussed in the next section.

A 2011 MPIL report noted that the capability of justice sector employees and their access to the population is limited by threats from insurgents. For example, Taliban have previously attempted to menace justice officials in Kunduz with so-called “night letters,” which convey threats of physical violence towards individuals who continue to work for the government. In Kunduz, this has reduced access to justice institutions by the population as well as reduced the effectiveness of support programs (MPIL, 2011). In particular, insecurity is a barrier to access in the districts of Char Dara, Dasht Arche, Khan Abad (particularly in the Aqtash area) and Ali Abad, all of which are near the city of Kunduz (ibid).

Meanwhile, the costs of bringing a case to a justice institution are often too high for people. People have to pay for their travel expenses, administrative fees and/or bribes, and people often are often forced to take time off from their job, which can adversely affect their income.

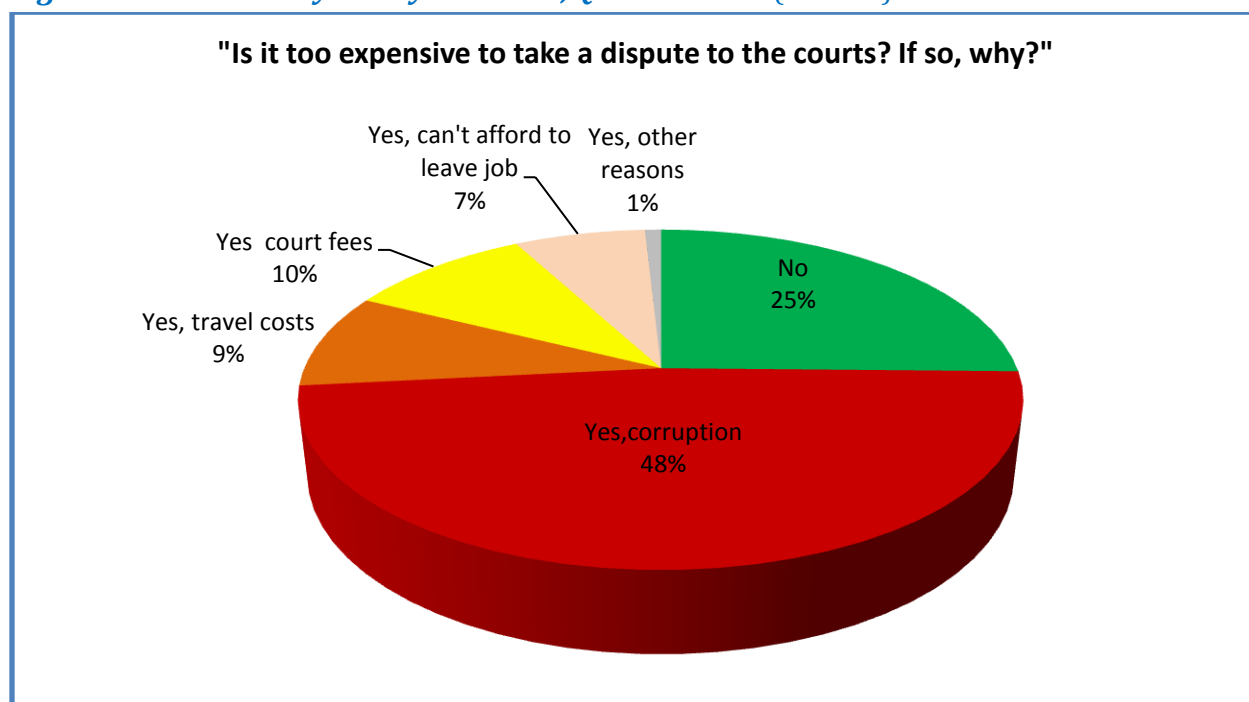
In the first round survey, community members were asked, “Is it too expensive for you to take a dispute to the courts? If so, why?”¹²⁰ Possible reasons included corruption, travel costs, court fees (non-corruption), and an inability to afford to take time off from work. Only one quarter of respondents said that it was not too expensive to take a dispute to the courts, compared to three quarters who said that it was too expensive. By far, the most commonly cited expense was corruption, which was mentioned by almost half of respondents. Travel costs, administrative fees, and an inability to leave work were each cited by about a tenth of the respondents.

Similar questions were asked to Kunduz residents about the police and the informal justice sector during the second round survey. With regard to the civil police, only about a third of residents stated that they did not face any financial obstacles to access the police.¹²¹ In line with the formal courts, corruption was identified as the biggest financial obstacles for approaching the police. On a provincial level, over 44 percent of the interviewees stated that it was too expensive for them to access the civil police because of costs related to corruption/bribery. Other costs, including administrative and transportation expenses, were only mentioned by a negligible number of respondents.

¹²⁰ Community Survey – Round 1, Question #E13 (n=1032)

¹²¹ Community Survey – Round 2, Question #102 (n=673)

Figure 4.1– Community Survey – Round 1, Question #E13 (n=1032)



Comparatively, a slight majority (52%) of residents in Kunduz province stated that it was not too expensive to bring a case to a *shura* or *jirga*.¹²² The most commonly cited financial barrier was administrative fees (non-corruption), which was selected by 19 percent of residents, followed by corruption/bribes (17%). Overall, these numbers indicate that there are higher perceived financial barriers to accessing state justice institutions compared to the informal justice sector.

¹²²Community Survey – Round 2, Question #103 (n=670)

Chapter 2: Women and vulnerable groups enjoy better protection within the legal system

It is important that within both the informal and formal legal systems the rights of vulnerable groups and women are protected. Justice institutions should uphold the rights of men, women, children and other vulnerable groups equally. The equality of people for constitutional law or customary law is reflected in the fair and equal treatment of people from both sexes and all ethnicities by justice institutions. This chapter will reflect on the perceived levels of fair and equal treatment by the main formal and informal justice institutions in Afghanistan. The focus of this chapter is primarily on gender-based differences in the treatment by formal and informal justice institutions. To a lesser extent will this chapter focus on possible ethnicity-based inequalities in the formal and informal justice systems, as ethnic inequalities are not as easy to account for on a province or district-wide level in a province such as Kunduz where no single group holds a majority.

The 2011 MPIL provincial needs assessment found that access to the judicial institutions remains limited for marginalized groups including women and children, returning refugees and smaller ethnic minorities such as Kuchi nomads (MPIL, 2011).

Gender Equality

Women in Kunduz Province have traditionally had limited access to justice. A provincial needs assessment by MPIL in 2011 identified several obstacles that continue to reduce access for women in Kunduz: (1) strong social restrictions that reduce opportunities for roles outside of the household, (2) lack of education and high levels of illiteracy, (3) lack of safe shelter for women who seek to flee from abusive households, (4) a severe lack of female justice sector employees, including zero female judges and prosecutors, and (5) a lack of female legal representatives and other attorneys who are both able and willing to represent women in legal affairs (MPIL, 2011).

As noted in Theme 3, nearly half of community respondents believed that a man was more likely to win a case in the formal system, compared to only eight percent who believed that a woman was more likely.¹²³ This gap was even higher in the informal system, with almost sixty percent of residents believing that a man was more likely to win a dispute in a *shura* or *jirga*.¹²⁴ Only one in twenty respondents believed that a woman was more likely to win.

During the second round survey, community members were also asked if women were able to represent themselves in court.¹²⁵ Overall, 53percent of respondents said that women could represent themselves, compared to 47percent who said they could not. Of the positive answers, 40percent said that women could only represent themselves with the consent of their family,

¹²³ Community Survey – Round 1, Question #A1 (*n*=1012)

¹²⁴ Community Survey – Round 1, Question #A2 (*n*=1012)

¹²⁵ Community Survey – Round 2, Question #76 (*n*=656)

compared to only 13 percent who said that a woman could represent herself regardless of her family's consent. Of the negative answers, 24percent said that women should be represented in court by a male relative, while 23percent said that women shouldn't send a case to court, with or without a male representative.

Men and women responded similarly when asked if a woman can represent herself in court. Fifty percent of female interviewees said that women can represent themselves, compared to 56percent of male interviewees.

In practice, women are prevented from representing themselves in both the formal and informal system. According to research on justice institutions conducted by CPAU in Kunduz earlier in 2011, women generally have greater access to informal justice providers, with many stating that it was not an option for them to travel to a government office (Peavey, 2012). Even when approaching a shura in their own village, however, a majority had to rely on a male relative such as a husband, father or brother to represent them. Only in a minority of cases were women allowed to present their own case (ibid). Meanwhile, as noted in the previous theme, there are very few lawyers who either willing or knowledgeable to provide legal support to female justice-seekers (MPIL, 2011).

Minority Rights

As noted earlier, CPAU found little consistent evidence of bias for or against specific ethnic groups in the course of conducting this baseline evaluation. Unlike many other provinces, where one ethnic group constitutes the majority of the population, Kunduz Province lacks a clearly dominant group. This does not mean that ethnic bias and favoritism does not exist in practice, but it was not indicated as a significant problem by any of the main minority groups in the province.

As mentioned in Theme 1, a clear majority of each ethnic group believed that their group was sufficiently represented in the police.¹²⁶ Meanwhile, during the first round survey, community members were asked if they believed that officials in the judicial system were more likely to make decisions in favor of their own tribe or sub-tribe.¹²⁷ Overall, a plurality of 43 percent indicated a belief that formal justice officials are more likely to favor a member of their own group. Only 20 percent disagreed. However, more than a third said that they didn't know. A plurality of each of the main minority groups agreed with this statement.

Meanwhile, in the second round survey, parallel questions were asked if they believed that the formal courts and *shuras/jirgas* treated all groups equally. Overall, 35 percent of respondents agreed that the courts treated all ethnic groups equally, compared to 41 percent who disagreed.¹²⁸ The positive responses were slightly lower among Hazara (23%), Turkmen (23%) and Tajik (25%) and slightly higher among Uzbek (37%), Pashtun (41%), and Arab (43%). It should be noted,

¹²⁶Community Survey – Round 1, Question #R1 (*n*=1028)

¹²⁷Community Survey – Round 1, Question #A13 (*n*=980)

¹²⁸Community Survey – Round 2, Question #81 (*n*=660)

however, that there was even greater variation between districts, ranging from a low of 22 percent in Kunduz District and a high of 51 percent in Imam Sahib.

Table 4.5

<i>Community Survey – Round 1</i>	Question #A13: “Do you think that officials of the judicial system are more likely to make decisions in favor of their own tribe or sub-tribe?”							(n=1028)
	Pashtun	Tajik	Uzbek	Hazara	Turkmen	Arab	Other	Province Total
Yes	47%	48%	41%	32%	45%	34%	25%	43%
No	20%	21%	21%	28%	6%	24%	31%	20%
Don’t Know	32%	31%	38%	39%	48%	42%	43%	37%

The surveyed community members were also asked if they believed that *shuras* and *jirgas* treated all minority groups equally.¹²⁹ Twenty percent agreed or strongly agreed that *shuras* and *jirgas* treated each ethnic group equally, compared to 59 percent who disagreed or strongly disagreed. These perceptions varied significantly between districts. Opinions of the respect of informal justice institutions for minority rights were the most negative in Kunduz District, with only three percent agreeing with the statement that *shuras* and *jirgas* treat all minority groups equally, compared to more than two-thirds who disagreed. The most favorable responses were in Ali Abad (40%) and Imam Sahib (33%). Since these responses varied more by district than ethnicity, it is possible that these answers may reflect more general positive or negative attitudes toward these institutions, or possibly a perception that members of those institutions are more likely to help family members, relatives, or other individuals with whom they have close relationships.

As mentioned earlier, however, nomadic groups such as the Kuchi have greater difficulty in accessing justice (MPIL, 2011). By a margin of 39 percent to seven percent, residents surveyed by CPAU believed the non-Kuchi would be more likely to win a case in the formal justice system. Survey respondents indicated a similar perceived bias in the informal justice system. This perceived anti-Kuchi bias was lowest in Kunduz District and Ali Abad and highest in the outlying districts of Qala-e-Zal and Dasht Arche.

¹²⁹Community Survey – Round 2, Question #85 (n=668)

Conclusion

In general, residents of Kunduz enjoy greater access to informal justice institutions, such as *shuras* and *jirgas*, than to formal justice institutions. Two thirds of citizens could easily get to a *shura* or *jirga*. Meanwhile, a majority said that they could also access a police station (58%) and a court (52%). Only a minority said that they could easily access a *huqooq* (Civil Rights) office. Meanwhile, access to state justice institutions was highest in Kunduz District and Ali Abad. Only a small minority of residents of Qala-e-Zal said that they could easily access any type of state justice institution. Even in Qala-e-Zal, however, a majority said that they could easily get to a non-state justice provider.

The responses given to CPAU's surveyors varied little by gender. However, in practice, women and vulnerable groups face greater social and logistical obstacles in approaching both state and non-state justice institutions. These problems are compounded by the fact that there are very few female police and no female state officials in Kunduz. Cultural norms make it difficult for women to both travel to and interact with these exclusively or almost exclusively male institutions.

Other general barriers to access included security and financial obstacles. State actors often have difficulty working and traveling in outlying areas as a result of threats from insurgent groups, which can also make it more difficult for justice-seekers to travel to those institutions. Meanwhile, real and perceived financial costs can strongly discourage residents from approaching state justice institutions, including the courts and the police. Only a quarter of respondents said that it was not too expensive to take a dispute to a court. Roughly half said that corruption made it too expensive. Other perceived financial barriers included transportation costs, administrative costs (non-corruption), and an inability to take time off from work.

Meanwhile, a plurality of the respondents believed that justice officials were more likely to make decisions in favor of their own tribe or sub-tribe. While CPAU found few discrepancies between the experiences and attitudes of Kunduz's main ethnic groups, it is the case that the migratory Kuchi, a Pashtun sub-group, were considered to be less likely to win a case than a non-Kuchi in either the formal or informal justice systems. Perceived bias against Kuchi was lowest in central Kunduz and highest in the outlying districts.

Concluding Remarks

The data included in this report reflect the findings of the baseline research conducted by CPAU from October to December 2011. This is only the first phase of the evaluation process, and annual follow-up reports will be released in 2012, 2013 and 2014. Additional research and case-studies on specific areas of the police and justice system in Kunduz will also be conducted during the three-year evaluation period. The data findings in this study are only intended to serve as a reference point in order to measure the ongoing impact of the Integrated Police Training Mission in Kunduz, Afghanistan. For this reason, no generalizing claims or larger conclusions on the current state and progress of the Afghan civil police and the state and non-state justice institutions in Kunduz will be included in this initial report.

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Annex 1: Number of Police and Justice Actors

Targets and Total Numbers of Formal Justice Actors in Kunduz:

	<i>Tashkil (targets according to Ministry of Interior)</i>	Number of Personnel	Number of Female Staff
Afghan Uniform Police*	1691	-	23
Judges**	74	54	0
Prosecutors**	-	50	0
Department of Justice (including huqooq/civil rights offices)**	-	53	2***

* According to data provided by the Dutch Embassy in Kabul.

**According to a 2011 provincial needs assessment of Kunduz conducted by MPIL in March 2011.

***Both female employees are located in the DoJ's Family Disputes Office.

AUP Targets and Total Numbers by District:

District	<i>AUP tashkil (2011)</i>	Number of AUP Personnel* (as of Jan 2012)	Number of Female AUP Staff (as of Jan 2012)
Ali Abad	98	-	0
Char Dara	207	-	3
Dasht Arche	107	-	0
Imam Sahib	204	-	0
Khan Abad	205	205	1
Kunduz District	599	-	19**
Precinct 1	55	40	1
Precinct 2	55	49	1
Precinct 3	55	33	0
Precinct 4	55	42	1
Provincial HQ Staff and Other Units	379	-	16**
Qala-e-Zal	50	-	0
Province Total	1691	-	23

* According to data obtained from Dutch Embassy. These figures were only available for Khan Abad and parts of Kunduz District.

** Includes two female AUP with no permanent place of employment.

Judges and Attorney General Office (AGO) Staff by District

District	Number of Judges	Number of AGO Staff (Prosecutors, Administrators)
Ali Abad	1	3 (2,1)
Char Dara	2	3 (2,1)
Dasht Arche	2	3 (2,1)
Imam Sahib	2	3 (2,1)
Khan Abad	3	3 (2,1)
Kunduz District	35	53 (38,15)*
Primary Court	13	-
Appeals Court	22	-
Qala-e-Zal	1	3 (2,1)
Province Total	46	71 (50,21)

** Includes 17 prosecutors who are temporarily working in Kunduz from other provinces.*

Annex 2: Community Survey Results

The two community surveys were used to address indicators in each of the four themes. The results from the Round 1 and Round 2 community surveys are listed here according to the theme and in which they have cited in the main text.

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Theme 1 – Civilian Police

Chapter 1.1: Police Capability to Uphold Security, Law and Order

1. Community Survey – Round 2, Question #1

<i>Community Survey – Round 2</i>	Question #1: ""Do you think there are enough police in this district to provide security, law and order?"							<i>(n=635)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes	58%	12%	52%	68%	27%	67%	63%	51%
No	42%	88%	48%	32%	73%	33%	37%	49%

2. Community Survey – Round 1, Question #R8

<i>Community Survey – Round 1</i>	Question #R8: “Can police provide security in this district?”							(n=1039)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes	84%	41%	61%	76%	48%	80%	65%	67%
No	16%	59%	38%	23%	51%	19%	34%	33%

3. Community Survey – Round 1, Question #R9

<i>Community Survey – Round 1</i>	Question #R9: “Do you think any of the police in this district are engaged in drug use? If so, how many?”							(n=1027)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
None	60%	18%	46%	15%	60%	44%	21%	37%
Some	32%	65%	31%	63%	32%	45%	51%	46%
Half	3%	12%	12%	14%	3%	8%	15%	10%
Most	3%	3%	9%	5%	3%	1%	10%	5%

4. Community Survey - Round 1: Question #R10

<i>Community Survey – Round 1</i>	Question #R10: “Do you think any of the police in this district are engaged in criminal activities? If so, how many?”							(n=1037)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
None	43%	39%	75%	30%	49%	38%	43%	47%
Some	43%	51%	22%	57%	25%	51%	39%	40%
Half	10%	5%	2%	2%	14%	10%	14%	8%
Most	3%	5%	1%	12%	12%	2%	4%	5%

Chapter 1.2: Respect for Individual Rights of Citizens

5. Community Survey – Round 2, Question #12

<i>Community Survey – Round 2</i>	Question #12: "If the police treat you unfairly, where can you to complain and get help?"							(n=663)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Government Officials	59%	61%	62%	61%	61%	56%	68%	61%
Shura/Jirga	16%	13%	18%	23%	15%	18%	13%	17%
Powerful people	12%	12%	10%	9%	11%	12%	9%	11%
Taliban	5%	3%	3%	2%	4%	3%	5%	3%
Human Rights Organizations	6%	5%	4%	3%	4%	6%	2%	4%
I can't complain anywhere	2%	5%	3%	2%	7%	6%	3%	4%

6. Community Survey – Round 2, Question #13

<i>Community Survey – Round 2</i>	Question #13: "How effective do you think it is when you complain and try to get help?"							(n=663)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Not effective at all	12%	13%	14%	24%	6%	7%	27%	15%
Somewhat effective	40%	23%	20%	44%	24%	37%	32%	32%
Very effective	48%	62%	65%	32%	70%	57%	41%	54%

7. Community Survey – Round 2, Question #15

<i>Community Survey – Round 2</i>	Question #15: "Do you think that there should be more options for you to complain about unfair treatment by the civil police?"							<i>(n=669)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes	74%	68%	67%	66%	64%	85%	66%	70%
No, we have enough options	15%	10%	24%	9%	24%	11%	18%	16%
It doesn't matter, wouldn't have any effect anyway	11%	22%	9%	25%	13%	4%	16%	14%

8. Community Survey – Round 1, Question #L1

<i>Community Survey – Round 1</i>	Question #L1: "Have the police treated anyone in your community unfairly in the last year?"							<i>(n=1035)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes	23%	40%	25%	25%	33%	19%	23%	26%
No	57%	33%	50%	27%	39%	37%	30%	40%
Don't Know	20%	26%	23%	48%	27%	44%	46%	33%

9. Community Survey – Round 2, Question #16

<i>Community Survey – Round 2</i>	Question #16: "Do you know anyone in your community who has been treated unfairly by the civil police in the last year?"							<i>(n=668)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes, I know lots of people	11%	9%	18%	16%	14%	7%	14%	12%
Yes, I know more than one person	11%	14%	14%	15%	8%	14%	15%	13%
Yes, I know one person	11%	10%	16%	7%	15%	13%	24%	14%
No, I know no one	68%	68%	51%	63%	62%	67%	48%	61%

10. Community Survey – Round 2, Question #17

<i>Community Survey – Round 2</i>	Question #17: "Have you been treated unfairly by the police in the last year?"							(n=669)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes	14%	31%	33%	18%	31%	20%	31%	25%
No	86%	69%	67%	82%	69%	80%	69%	75%

11. Community Survey – Round 2, Question #19

<i>Community Survey – Round 2</i>	Question #19: "How have you been treated unfairly [by the police]?"							(n=669)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
No [don't need to answer]	90%	64%	66%	84%	64%	79%	69%	74%
Bribery	0%	20%	19%	10%	8%	10%	18%	12%
Theft or damage to property	1%	1%	6%	1%	10%	0%	1%	3%
Beating or violence	1%	2%	1%	1%	5%	6%	1%	3%
Did not take my case seriously	1%	6%	6%	3%	2%	2%	9%	4%
Rape	1%	1%	2%	0%	6%	2%	0%	2%
Police driving recklessly, causing accidents	4%	0%	0%	0%	5%	0%	1%	1%
Other	2%	7%	0%	0%	0%	2%	0%	2%

Chapter 1.3: Trust and Respect between Police and Population

12. Community Survey – Round 1, Question R1

<i>Community Survey – Round 1</i>	Question #R1: “Do you think your ethnic group is sufficiently represented in the police?”							(n=1028)
	Pashtun	Tajik	Uzbek	Hazara	Turkmen	Arab	Other	Province Total
Strongly disagree	6%	5%	6%	5%	5%	5%	5%	6%
Somewhat disagree	17%	14%	16%	21%	8%	18%	5%	15%
Somewhat agree	14%	13%	20%	15%	11%	17%	5%	15%
Strongly agree	45%	53%	38%	39%	49%	50%	65%	45%
Don’t know	18%	15%	19%	18%	27%	9%	20%	18%

13. Community Survey – Round 1, Question R2

<i>Community Survey – Round 1</i>	Question #R2: “Do you think the balance of ethnic group in the police is sufficiently representative of the police as a whole?”							(n=1026)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Strongly disagree	6%	7%	3%	8%	8%	10%	1%	6%
Somewhat disagree	13%	13%	23%	11%	14%	10%	14%	14%
Somewhat agree	15%	19%	17%	5%	17%	30%	10%	16%
Strongly agree	38%	45%	36%	64%	51%	30%	36%	43%
Don’t know	27%	16%	20%	11%	10%	21%	38%	20%

14. Community Survey – Round 1, Question R7a

<i>Community Survey – Round 1</i>	Question #R7a: “Do you think a woman from your village can get a job with the police?”							(n=944)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Strongly disagree	30%	61%	19%	26%	27%	23%	20%	27%
Somewhat disagree	39%	18%	45%	34%	40%	22%	22%	34%
Somewhat agree	11%	10%	20%	13%	8%	25%	13%	14%
Strongly agree	14%	11%	13%	25%	21%	20%	24%	18%

15. Community Survey – Round 1, Question R7b

<i>Community Survey – Round 1</i>	Question #R2b: “Should she [get a job with the police]?”							(n=618)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Strongly disagree	14%	63%	11%	10%	27%	35%	41%	26%
Somewhat disagree	47%	16%	34%	7%	40%	12%	24%	26%
Somewhat agree	16%	11%	22%	3%	16%	25%	6%	16%
Strongly agree	16%	10%	30%	52%	12%	17%	29%	23%

16. Community Survey – Round 2, Question #26

<i>Community Survey – Round 2</i>	Question #26: “Did you have to pay a bribe in the last year?”							(n=665)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
No	93%	83%	85%	88%	77%	90%	68%	84%

Yes, once	6%	9%	9%	8%	10%	6%	24%	10%
Yes, a few times	1%	5%	5%	5%	6%	3%	8%	5%
Yes, more than five times	0%	3%	1%	0%	7%	2%	0%	2%

17. Community Survey – Round 2, Question #27

<i>Community Survey – Round 2</i>	Question #27: "Do you know anyone who had to pay a bribe in the last year?"							<i>(n=665)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
No	78%	58%	50%	51%	44%	76%	34%	57%
Yes	16%	16%	26%	23%	19%	16%	30%	21%
Don't Know	7%	26%	24%	26%	36%	8%	37%	23%

18. Community Survey – Round 2, Question #28

<i>Community Survey – Round 2</i>	Question #28: "Would the police help you if you did not pay a bribe?"							<i>(n=650)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes, of course	37%	17%	57%	19%	31%	50%	24%	35%
Yes, but they would not put as much effort	25%	25%	22%	19%	21%	20%	36%	24%
No, they would not help	13%	37%	17%	36%	19%	18%	15%	22%
Maybe, don't know for sure	25%	21%	5%	25%	30%	12%	24%	20%

19. Community Survey – Round 2, Question #29

<i>Community Survey – Round 2</i>	Question #29: “Do you think that the police treat each ethnic group equally?”							<i>(n=675)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Strongly disagree	1%	8%	12%	3%	9%	0%	6%	6%
Somewhat disagree	16%	16%	37%	23%	20%	27%	15%	22%
Neither agree or disagree	35%	16%	10%	19%	15%	38%	29%	24%
Somewhat agree	40%	36%	36%	51%	34%	27%	45%	38%
Strongly agree	8%	24%	4%	4%	21%	8%	5%	11%

20. Community Survey – Round 2, Question #34

<i>Community Survey – Round 2</i>	Question #34: “How much respect do you have for the civil police?”							<i>(n=675)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
A lot of respect	46%	59%	56%	57%	55%	74%	45%	57%
Some respect	19%	12%	26%	32%	16%	14%	39%	22%
No respect, but also no disrespect	35%	22%	12%	11%	28%	9%	12%	18%
Some disrespect	0%	2%	4%	0%	0%	8%	0%	1%
A lot of disrespect	0%	5%	2%	0%	1%	2%	4%	2%

21. Community Survey – Round 2, Question #35

<i>Community Survey – Round 2</i>	Question #35: “Do you trust the civil police?”							<i>(n=652)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
A lot of trust	26%	23%	48%	18%	30%	31%	45%	32%
Some trust	37%	37%	32%	17%	35%	46%	34%	34%
No trust, but also no distrust	26%	18%	9%	24%	15%	14%	15%	17%
Some distrust	8%	4%	6%	19%	7%	5%	2%	7%
A lot of distrust	4%	19%	5%	22%	13%	3%	4%	10%

Theme 2: Police-Prosecutor Cooperation

Chapter 2.1: The level of trust in police and prosecutors

1. Community Survey – Round 2, Question #51

<i>Community Survey – Round 2</i>	Question #51: "Do you think that prosecutors are capable of performing their duties?"							<i>(n=671)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Very capable	21%	42%	23%	39%	6%	27%	16%	25%
Somewhat capable	62%	39%	49%	24%	38%	41%	52%	44%
Neither capable or incapable	12%	12%	6%	25%	12%	23%	5%	14%
Somewhat incapable	5%	6%	20%	13%	43%	10%	27%	17%
Very incapable	0%	0%	2%	0%	1%	0%	0%	4%

2. Community Survey – Round 2, Question #41

<i>Community Survey – Round 2</i>	Question #41: “Would a prosecutor help you if you did not pay a bribe?”							<i>(n=665)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes, of course	8%	5%	54%	11%	33%	44%	18%	26%
Yes, but would not give much effort	36%	17%	27%	23%	26%	20%	35%	26%
No, they would not help	28%	72%	16%	40%	17%	13%	22%	29%
Maybe, don’t know for sure	27%	6%	3%	26%	25%	23%	25%	19%

3. Community Survey – Round 2, Question #28

<i>Community Survey – Round 2</i>	Question #28: “Would the police help you if you don’t pay a bribe?”							<i>(n=650)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes, of course	37%	17%	57%	19%	31%	50%	24%	35%
Yes, but would not give much effort	25%	24%	22%	19%	21%	20%	36%	24%
No, they would not help	13%	37%	17%	36%	19%	18%	15%	22%
Maybe, don’t know for sure	25%	21%	5%	25%	29%	12%	24%	20%

4. Community Survey – Round 2, Question #42

<i>Community Survey – Round 2</i>	Question #42: “Do you think the police are influenced by powerful people and groups?”							(n=676)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Strongly disagree	2%	4%	13%	3%	12%	3%	2%	6%
Disagree	18%	6%	10%	21%	25%	13%	16%	15%
Neither agree nor disagree	40%	22%	11%	24%	28%	57%	43%	33%
Agree	35%	49%	58%	40%	27%	19%	35%	37%
Strongly agree	5%	19%	8%	11%	8%	9%	4%	9%

5. Community Survey – Round 2, Question #46

<i>Community Survey – Round 2</i>	Question #46: “Do you think that prosecutors are influenced by powerful people and groups?”							(n=671)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Strongly disagree	6%	3%	9%	1%	8%	8%	2%	5%
Disagree	23%	5%	24%	17%	18%	21%	9%	17%
Neither agree nor disagree	23%	14%	10%	25%	29%	33%	51%	26%
Agree	42%	62%	45%	48%	42%	28%	34%	43%
Strongly agree	8%	16%	12%	10%	2%	10%	4%	9%

Theme 3: Justice Sector

Chapter 3.1: Confidence in state justice institutions is improved

1. Community Survey – Round 1, Question #E5

<i>Community Survey – Round 1</i>	Question #E5: “Where did you take the dispute? [based on narratives given by community members]”							(n=505)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Police	55%	14%	37%	47%	43%	56%	17%	39%
Court	9%	9%	37%	19%	12%	19%	28%	20%
Shura/Jirga	26%	43%	12%	30%	22%	25%	43%	28%
Arbakai	11%	34%	14%	5%	23%	0%	12%	14%

2. Community Survey – Round 1, Question #E10

<i>Community Survey – Round 1</i>	Question #E10: “What was the dispute about? [based on narratives given by community members]”							(n=460)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Land	30%	44%	27%	55%	36%	38%	39%	37%
Water	4%	27%	8%	0%	15%	8%	10%	10%
Crime	4%	3%	5%	10%	9%	14%	0%	6%
Traffic accident	17%	9%	9%	0%	9%	8%	10%	10%
Financial disputes	19%	6%	8%	7%	12%	3%	9%	10%
Family disputes	23%	9%	36%	17%	19%	19%	15%	21%

3. Community Survey – Round 1, Question #E8

<i>Community Survey – Round 1</i>	Question #E5: “Is the dispute resolved?”							<i>(n=343)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes	67%	75%	59%	45%	53%	68%	77%	63%
No	9%	13%	8%	28%	23%	11%	11%	14%
In progress	25%	13%	33%	28%	24%	21%	12%	23%

4. Community Survey – Round 2, Question #56

<i>Community Survey – Round 2</i>	Question #56: “If a crime was committed against you, which institution would be the most effective in helping you?”							<i>(n=651)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Formal court	25%	49%	61%	62%	55%	75%	49%	55%
Shura/Jirga	46%	39%	15%	24%	24%	15%	21%	25%
Taliban	1%	8%	10%	4%	9%	3%	0%	5%
A local strongman	12%	0%	3%	2%	8%	3%	4%	5%
Arbakai	13%	4%	4%	2%	4%	1%	26%	8%
Other	4%	0%	7%	5%	0%	9%	1%	3%

5. Community Survey – Round 2, Question #57

<i>Community Survey – Round 2</i>	Question #57: “If a crime was committed against you, which institution is the least effective in helping you?”							(n=664)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
A formal court	7%	25%	20%	4%	13%	11%	18%	14%
Shura/jirga	24%	7%	20%	16%	16%	10%	21%	16%
Taliban	10%	24%	5%	17%	13%	28%	29%	18%
A local strongman	47%	10%	32%	10%	21%	27%	19%	24%
Arbakai	12%	31%	21%	49%	33%	23%	25%	24%

6. Community Survey – Round 2, Questions #58

<i>Community Survey – Round 2</i>	Question #58: “If you had a dispute over land, which institution would be the <u>most</u> effective in helping you?”							(n=664)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
A formal court	57%	47%	51%	64%	50%	67%	49%	55%
Shura/jirga	14%	38%	27%	26%	26%	21%	20%	24%
Taliban	1%	8%	7%	1%	7%	3%	3%	4%
A local strongman	12%	1%	6%	1%	9%	1%	4%	5%
Arbakai	0%	4%	2%	2%	1%	0%	10%	3%
Huqooq	14%	2%	7%	4%	6%	8%	13%	8%

7. Community Survey – Round 2, Questions #59

<i>Community Survey – Round 2</i>	Question #59: “If you had a dispute over land, which institution would be the <u>least</u> effective in helping you?”							(n=659)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
A formal court	8%	18%	28%	8%	11%	10%	11%	14%
Shura/Jirga	16%	8%	17%	19%	15%	7%	24%	15%
Taliban	12%	23%	2%	14%	13%	24%	27%	17%
A local strongman	37%	17%	23%	6%	21%	36%	20%	23%
Arbakai	20%	24%	15%	46%	31%	20%	5%	23%
Huqooq	6%	9%	15%	2%	6%	2%	7%	7%

Chapter 3.2: Cases are referred to and dealt with by the appropriate institutions

No applicable survey questions.

Chapter 3.3: Human rights are better protected

8. Community Survey – Round 2, Question #62

<i>Community Survey – Round 2</i>	Question #62: “Do you know anyone in your community who has been treated unfairly by the formal courts in the last year?”							(n=657)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes, lots of people (more than 5)	6%	12%	15%	9%	1%	5%	6%	8%
Yes, a few people (2-5)	8%	14%	14%	16%	12%	15%	3%	12%
Yes, one person	25%	12%	22%	16%	21%	13%	13%	17%
No, none	61%	62%	48%	59%	66%	67%	78%	63%

9. Community Survey – Round 2, Question #64-65

<i>Community Survey – Round 2</i>	Question #64-65: “Have you been treated unfairly by the courts in the last year? If so, how?”							<i>(n=657)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
No / Don't need to answer	93%	74%	81%	82%	66%	90%	82%	82%
Yes, bribery	5%	17%	7%	6%	10%	4%	7%	8%
Yes, didn't take my case seriously	0%	2%	6%	8%	9%	4%	4%	5%
Yes, powerful people influenced the judge	0%	1%	3%	2%	6%	3%	3%	3%
Yes, powerful people influenced the prosecutor	0%	0%	2%	1%	2%	0%	0%	8%
Yes, powerful people influenced my lawyer	1%	0%	0%	0%	1%	0%	2%	6%
Yes, they sided with people from their own group	0%	0%	1%	0%	0%	0%	2%	5%
Yes, the case took too long	0%	1%	0%	0%	3%	0%	0%	6%
Yes, evidence presented in the case was fake or tampered with	1%	0%	0%	0%	2%	0%	0%	5%
Yes, other reasons	0%	5%	0%	0%	0%	0%	0%	8%

10. Community Survey – Round 2, Question #66

<i>Community Survey – Round 2</i>	Question #66: “Do you know anyone in your community who has been treated unfairly by a <i>shura</i> or <i>jirga</i> in the last year?”							(n=657)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes, lots of people (more than 5)	15%	1%	24%	2%	11%	9%	5%	8%
Yes, a few people (2-5)	9%	5%	6%	2%	19%	5%	5%	7%
Yes, one person	10%	10%	15%	6%	4%	10%	17%	10%
No, none	66%	84%	55%	89%	68%	82%	73%	74%

11. Community Survey – Round 2, Questions #68-69

<i>Community Survey – Round 2</i>	Question #68-69: “Have you been treated unfairly by a <i>shura</i> or <i>jirga</i> in the last year? If so, how?”							(n=657)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
No / Don't need to answer	84%	67%	84%	97%	69%	94%	76%	83%
Yes, bribery	1%	0%	1%	1%	7%	3%	3%	3%
Yes, didn't take my case seriously	6%	0%	5%	0%	5%	4%	9%	4%
Yes, powerful people influenced the judge	1%	11%	5%	0%	6%	0%	9%	4%
Yes, powerful people influenced the prosecutor	1%	0%	1%	0%	7%	0%	0%	1%
Yes, powerful people influenced my lawyer	0%	2%	0%	0%	0%	0%	0%	2%
Yes, they sided with people from their own group	5%	3%	3%	1%	4%	0%	1%	2%

Yes, the case took too long	1%	17%	0%	0%	1%	0%	1%	2%
Yes, evidence presented in the case was fake or tampered with	1%	0%	1%	1%	7%	3%	3%	3%
Yes, other reasons	6%	0%	5%	0%	5%	4%	9%	4%

12. Community Survey – Round 2, Questions #70

<i>Community Survey – Round 2</i>	Question #70: “Do you feel that courts respect the basic rights of you and people like you?”							<i>(n=658)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes	33%	21%	77%	41%	42%	56%	39%	45%
No	39%	45%	8%	39%	21%	20%	20%	30%
Don't know	28%	34%	15%	20%	37%	25%	41%	28%

13. Community Survey – Round 1, Question #A1

<i>Community Survey – Round 1</i>	Question #A1: “Do you think men or women are more likely to win a case in the <u>formal</u> justice system in your district?”		<i>(n=1012)</i>
	Male (n=514)	Female (n=498)	Province Total
Men	52%	44%	48%
Women	11%	6%	8%
Equal Chance	24%	35%	29%
Don't Know	12%	13%	13%

14. Community Survey – Round 1, Question #A2

Community Survey – Round 1	Question #A2: “Do you think men or women are more likely to win a case in the <u>informal</u> justice system (e.g. <i>shura</i> or <i>jirga</i>) in your district?”		(n=1012)
	Male (n=514)	Female (n=498)	Province Total
Men	62%	55%	59%
Women	6%	5%	5%
Equal Chance	23%	27%	25%
Don’t Know	7%	11%	9%

15. Community Survey – Round 2, Question #81

Community Survey – Round 2	Question #81: “Do you think that the formal courts treat each ethnic group equally?”							(n=660)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Strongly agree	1%	23%	6%	8%	6%	9%	1%	8%
Somewhat agree	44%	22%	14%	43%	30%	13%	30%	27%
Neither agree or disagree	21%	24%	13%	13%	30%	27%	40%	24%
Somewhat disagree	23%	18%	44%	28%	31%	41%	26%	31%
Strongly disagree	11%	14%	22%	8%	2%	10%	3%	10%

16. Community Survey – Round 2, Question #85

Community Survey – Round 2	Question #85: “Do you think that the <i>shuras</i> and <i>jirgas</i> treat each ethnic group equally?”							(n=668)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Strongly agree	6%	2%	5%	4%	1%	0%	2%	3%
Somewhat agree	34%	13%	17%	29%	18%	3%	16%	18%

Neither agree or disagree	17%	14%	9%	22%	20%	16%	45%	20%
Somewhat disagree	26%	37%	40%	42%	48%	53%	33%	40%
Strongly disagree	18%	35%	29%	4%	13%	28%	4%	19%

17. Community Survey – Round 1, Questions #A11

<i>Community Survey – Round 1</i>	Question #A12: “Do you think a Kuchi or a non-Kuchi is more likely to win a case in a formal court?”							(n=1021)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Kuchi	17%	5%	8%	6%	6%	6%	2%	7%
Non-Kuchi	28%	32%	51%	41%	29%	23%	73%	39%
Equal Chance	38%	21%	32%	2%	54%	46%	20%	31%
Don’t Know	17%	41%	9%	50%	16%	25%	5%	22%

18. Community Survey – Round 1, Questions #A12

<i>Community Survey – Round 1</i>	Question #A12: “Do you think a Kuchi or a non-Kuchi is more likely to win a case in a <i>shura</i> or <i>jirga</i> ?”							(n=1021)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Kuchi	17%	7%	8%	6%	2%	17%	4%	9%
Non-Kuchi	28%	35%	50%	42%	51%	26%	74%	43%
Equal Chance	39%	15%	34%	3%	35%	31%	15%	26%
Don’t Know	15%	42%	8%	49%	12%	26%	7%	22%

Chapter 3.4: State justice institutions act effectively and efficiently

19. Community Survey – Round 2, Questions #87

Community Survey – Round 2	Question #87: “If you were to bring a criminal case to a formal court, do you think the process will happen without any administrative or legal mistakes or problems?”							(n=673)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Strongly agree (=no mistakes)	20%	28%	19%	55%	4%	23%	3%	22%
Somewhat agree	37%	34%	10%	21%	40%	12%	30%	26%
Neither agree or disagree	32%	20%	12%	12%	38%	21%	44%	25%
Somewhat disagree	10%	13%	41%	7%	17%	32%	16	20%
Strongly disagree (=lots of mistakes)	1%	5%	17%	5%	1%	12%	7%	7%

20. Community Survey – Round 2, Questions #88

Community Survey – Round 2	Question #88: “Do you think the courts act effectively/efficiently?”							(n=673)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Strongly agree	16%	24%	4%	17%	5%	12%	0%	11%
Somewhat agree	42%	31%	22%	37%	27%	17%	32%	29%
Neither agree or disagree	20%	16%	12%	24%	41%	21%	44%	25%
Somewhat disagree	17%	25%	46%	16%	27%	45%	16%	28%
Strongly disagree	6%	5%	15%	6%	1%	5%	8%	7%

21. Community Survey – Round 1, Question #J2

<i>Community Survey – Round 1</i>	Question #J2: “If you were to bring a dispute to the courts, how likely do you think it is that you would have to pay a bribe?”							<i>(n=1027)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Never	58%	17%	33%	35%	66%	54%	36%	45%
Less than half the time	20%	12%	33%	14%	23%	21%	38%	23%
Half the time	13%	15%	16%	8%	5%	14%	18%	12%
Most of the time	4%	32%	13%	25%	2%	7%	5%	11%
Always	4%	24%	6%	18%	4%	4%	3%	8%

22. Community Survey – Round 1, Question #J3

<i>Community Survey – Round 1</i>	Question #J3: “A strongman or commander in a nearby area had illegally taken a piece of property. If you were to take a case to court, could you win?”							<i>(n=998)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes	20%	30%	57%	22%	56%	57%	15%	36%
No	80%	70%	43%	78%	44%	43%	85%	64%

Theme 4: Awareness and Accessibility

Chapter 4.1: Access to justice institutions

1. Community Survey – Round 1, Question #E14

<i>Community Survey – Round 1</i>	Question #E14: “If you wanted to, is there a police station that you could get to?”							(n=1006)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes, easily accessible	73%	39%	67%	63%	53%	81%	12%	58%
Not easily, but can access if necessary	21%	35%	25%	32%	29%	15%	46%	29%
Not accessible	5%	25%	7%	4%	18%	3%	42%	14%

2. Community Survey – Round 1, Question #E18

<i>Community Survey – Round 1</i>	Question #E18: “If you wanted to, is there a court that you could get to?”							(n=1027)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes, easily accessible	73%	38%	58%	54%	47%	72%	10%	52%
Not easily, but can access if necessary	24%	37%	31%	37%	32%	24%	28%	30%
Not accessible	3%	25%	10%	8%	20%	3%	61%	17%

3. Community Survey – Round 1, Question #E15

<i>Community Survey – Round 1</i>	Question #E15: “If you wanted to, is there a <i>shura</i> or <i>jirga</i> that you could get to?”							(n=1020)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes, easily accessible	81%	56%	55%	79%	71%	61%	54%	67%

Not easily, but can access if necessary	14%	32%	38%	15%	21%	31%	9%	22%
Not accessible	5%	11%	5%	6%	8%	7%	36%	10%

4. Community Survey – Round 1, Question #E16

<i>Community Survey – Round 1</i>	Question #E16: “If you wanted to, is there a <i>huqooq</i> office that you could get to?”							(n=1020)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes, easily accessible	62%	29%	47%	31%	48%	56%	6%	42%
Not easily, but can access if necessary	29%	35%	28%	34%	29%	28%	24%	30%
Not accessible	8%	36%	24%	35%	22%	15%	69%	28%

5. Community Survey – Round 1, Question #E13

<i>Community Survey – Round 1</i>	Question #E13: “Is it too expensive for you to take a dispute to the courts? If so, why?”							(n=1032)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
No	22%	12%	28%	23%	47%	28%	6%	25%
Yes, because of corruption	43%	72%	51%	60%	29%	46%	47%	48%
Yes, because of travel costs	6%	36%	11%	2%	8%	8%	21%	9%
Yes, because of administrative costs (non-corruption)	6%	4%	7%	11%	8%	18%	14%	10%

Yes, because I can't take time off of work	21%	1%	2%	1%	8%	0%	9%	7%
Yes, other reasons	1%	1%	0%	3%	0%	0%	2%	1%

6. Community Survey – Round 2, Question #102

<i>Community Survey – Round 2</i>	Question #102: “Is it too expensive for you to take a dispute to the police? If so, why?”							<i>(n=673)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
No	37%	21%	46%	38%	31%	45%	25%	34%
Yes, because of corruption/ bribes	27%	69%	37%	54%	48%	43%	34%	44%
Yes, because of travel costs	1%	6%	10%	4%	9%	4%	12%	7%
Yes, because of administrative costs (non-corruption)	26%	3%	5%	2%	8%	3%	13%	8%
Yes, because I can't take time off of work	9%	1%	2%	7%	4%	5%	16%	6%

7. Community Survey – Round 2, Question #103

<i>Community Survey – Round 2</i>	Question #103: “Is it too expensive for you to take a dispute to a shura/jirga? If so, why?”							<i>(n=670)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
No	37%	71%	71%	46%	41%	53%	37%	52%
Yes, because of corruption/ bribes	11%	16%	14%	25%	27%	7%	18%	17%
Yes, because of travel costs	0%	1%	5%	0%	14%	3%	8%	5%
Yes, because of administrative costs (non-corruption)	46%	5%	7%	12%	15%	28%	16%	19%

Yes, because I can't take time off of work	6%	6%	3%	17%	4%	9%	20%	9%
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Chapter 4.2: Women and vulnerable groups enjoy better protection within the legal system

8. Community Survey – Round 2, Question #76

<i>Community Survey – Round 2</i>	Question #76: “Are women able to represent themselves when bringing a case to a formal court?”							<i>(n=656)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
No, women should not have court cases	15%	42%	16%	12%	19%	20%	37%	23%
No, but a man can represent her	37%	31%	26%	11%	21%	12%	29%	24%
Yes, but only with family's consent	47%	24%	45%	47%	44%	43%	32%	40%
Yes, even without family's consent	1%	3%	13%	30%	16%	25%	2%	13%

9. Community Survey – Round 1, Question #A13

<i>Community Survey – Round 1</i>	Question #A13: “Do you think that officials of the judicial system are more likely to make decisions in favor of their own tribe or sub-tribe?”							<i>(n=1028)</i>
	Pashtun	Tajik	Uzbek	Hazara	Turkmen	Arab	Other	Province Total
Yes	47%	48%	41%	32%	45%	34%	25%	43%
No	20%	21%	21%	28%	6%	24%	31%	20%
Don't Know	32%	31%	38%	39%	48%	42%	43%	37%

Annex 3: Police Survey Results

The Police Survey was used to address Theme One (Civilian Police), Theme Two (Police Prosecutor Cooperation), and Theme Three (Justice Sector). The results from the police survey are listed here according to the theme and chapter in which they have cited in the main text.

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Theme 1 – Civilian Police

Chapter 1.1: Police Capability to Uphold Security, Law and Order

22. Police Survey, Question #1

<i>Police Survey</i>	Question #1: “Do you think there are enough police in this district to provide security, law and order?”							<i>(n=224)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes	93%	68%	45%	64%	7%	87%	93%	64%
No	7%	32%	55%	36%	93%	13%	7%	36%

23. Police Survey, Question #3

<i>Police Survey</i>	Question #3: "Why did you join the Afghan Uniform Police?"							(n=245)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Salary/employment	7%	21%	32%	8%	19%	23%	33%	20%
To serve country	94%	53%	49%	46%	64%	61%	47%	59%
To protect family	0%	0%	0%	4%	8%	12%	0%	5%
To protect my community	0%	16%	20%	39%	8%	4%	20%	16%
Religious Reasons	0%	0%	0%	0%	0%	0%	0%	0%
Family members wanted them to join	0%	0%	0%	0%	0%	0%	0%	0%
For the uniform	0%	0%	0%	0%	0%	0%	0%	0%
Other	0%	11%	0%	2%	0%	0%	0%	1%

24. Police Survey, Question #8

<i>Police Survey</i>	Question #8: "Do you feel that what you have learned during police training is useful for the tasks you currently have to perform?"							(n=240)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Very useful	97%	79%	80%	88%	63%	64%	27%	74%
Somewhat useful	3%	21%	20%	13%	20%	34%	73%	23%
Neither useful nor not useful	0%	0%	0%	0%	6%	2%	0%	1%
Somewhat not useful	0%	0%	0%	0%	6%	0%	0%	1%
Not useful at all	0%	0%	0%	0%	6%	0%	0%	1%

Chapter 1.2: Respect for Individual Rights of Citizens

No applicable survey questions.

Chapter 1.3: Trust and Respect between Police and Population

25. Police Survey, Question #15

<i>Police survey</i>	Question #15: ""Do you feel that the police get respect from the population?"							(n=235)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
A lot of respect	59%	68%	80%	91%	47%	64%	20%	67%
Some respect	35%	21%	18%	7%	27%	20%	73%	23%
No respect, but also no disrespect	7%	11%	0%	2%	7%	9%	7%	6%
Some disrespect	0%	0%	3%	0%	13%	5%	0%	3%
A lot of disrespect	0%	0%	0%	0%	7%	2%	0%	1%

26. Police Survey, Question #16

<i>Police survey</i>	Question #16: "Do you feel that the population trusts the police?"							(n=235)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
A lot of trust	72%	58%	78%	92%	36%	68%	40%	68%
Some trust	24%	21%	22%	9%	39%	27%	53%	25%
Nether trust nor distrust	0%	21%	0%	0%	11%	4%	7%	5%
Some distrust	0%	0%	0%	0%	6%	2%	0%	1%
A lot of distrust	3%	0%	0%	0%	8%	0%	0%	2%

27. Police Survey, Question #17

<i>Police survey</i>	Question #17: ""Do you feel that the police treat the population with respect?"							(n=243)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
A lot of respect	86%	68%	66%	89%	44%	59%	27%	66%
Some respect	7%	32%	34%	11%	17%	36%	73%	26%
Nether respect nor disrespect	3%	0%	0%	0%	19%	4%	0%	4%
Some disrespect	0%	0%	0%	0%	14%	2%	0%	3%
A lot of disrespect	3%	0%	0%	0%	6%	0%	0%	1%

Chapter 1.4: Police orientation toward needs as identified by communities

28. Police Survey, Question #12

<i>Police survey</i>	Question #12: "What issues do you think communities see as their biggest problems that police can help them with?" [Select top three choices]							(n=210)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Insurgency	81%	68%	83%	60%	44%	75%	40%	67%
Smuggling and narcotics	30%	32%	27%	46%	33%	45%	69%	39%
Rape	9%	12%	56%	33%	50%	61%	39%	43%
Theft	40%	51%	63%	66%	86%	68%	8%	62%
Fighting	95%	68%	27%	47%	50%	21%	53%	43%
Bad driving /traffic accidents	12%	19%	17%	20%	24%	4%	46%	17%
Kidnapping	30%	50%	24%	22%	9%	27%	46%	26%
Corruption	3%	0%	2%	6%	3%	0%	0%	3%

Theme 2: Police-Prosecutor Cooperation

Chapter 2.1: The level of trust in police and prosecutors

1. Police Survey, Question #18

<i>Police survey</i>	Question #18: "Do you think that the actions of police are influenced by powerful people outside of the police (e.g. warlords, politicians, etc)?"							(n=238)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes	93%	68%	61%	38%	56%	13%	27%	47%
No	3%	16%	18%	57%	9%	67%	0%	33%
Sometimes	3%	16%	18%	4%	18%	20%	67%	17%
Don't know	0%	0%	3%	0%	18%	0%	7%	3%

2. Police Survey, Question #19

<i>Police survey</i>	Question #19: "Do you think that powerful people prevent the police from doing their jobs properly?"							(n=239)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes	69%	58%	44%	37%	42%	16%	20%	39%
No	14%	21%	32%	63%	9%	71%	7%	39%
Sometimes	17%	21%	20%	0%	30%	13%	67%	18%
Don't Know	0%	0%	5%	0%	18%	0%	7%	4%

3. Police Survey, Question #20

<i>Police survey</i>	Question #20: "Do you think that the actions of prosecutors are influenced by powerful people (e.g. warlords, politicians, etc)?"							(n=238)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes	83%	74%	58%	38%	44%	13%	20%	43%
No	0%	21%	13%	53%	9%	64%	0%	31%
Sometimes	17%	5%	25%	4%	25%	16%	73%	19%

Don't Know	0%	0%	5%	4%	22%	7%	7%	7%
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4. Police Survey, Question #22

<i>Police survey</i>	Question #22: "Do you think that prosecutors are capable of performing their jobs?"							(n=241)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Very capable	31%	47%	34%	47%	6%	55%	7%	36%
Somewhat capable	55%	37%	56%	32%	69%	33%	73%	47%
Neither capable nor incapable	10%	16%	10%	13%	9%	13%	13%	12%
Somewhat incapable	0%	0%	0%	4%	9%	0%	0%	2%
Very incapable	3%	0%	0%	4%	9%	0%	7%	3%

5. Police Survey, Question #23

<i>Police survey</i>	Question #23: "If somebody committed a crime against you, would you trust a prosecutor to present the case in court?"							(n=242)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Fully trust	86%	68%	51%	62%	26%	70%	33%	58%
Somewhat trust	10%	16%	42%	28%	40%	16%	27%	26%
Somewhat distrust	0%	5%	2%	4%	14%	13%	33%	9%
Fully distrust	3%	11%	0%	6%	9%	0%	7%	4%
Don't Know	0%	0%	5%	0%	11%	2%	0%	3%

6. Police Survey, Question #24

<i>Police survey</i>	Question #24: "How would you describe cooperation between police and prosecutors?"							(n=238)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Very good	82%	42%	49%	40%	51%	34%	7%	45%

Good	14%	58%	46%	40%	30%	61%	64%	45%
Neither good nor bad	0%	0%	5%	19%	6%	3%	29%	8%
Bad	0%	0%	0%	0%	3%	2%	0%	>1%
Very bad	4%	0%	0%	0%	9%	0%	0%	2%

Chapter 2.2: Timely and effective handling of cases

7. Police Survey, Question #28

<i>Police survey</i>	Question #28: "How often is a suspect kept in police station longer than three days?" <i>(n=233)</i>							
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Never	97%	100%	30%	77%	34%	84.3%	0%	64%
Only in a few cases	0%	0%	45%	11%	40%	15.7%	67%	24%
Half of the cases	0%	0%	3%	0%	3%	0%	27%	3%
Most cases	3.4%	0%	2%	0%	6%	0%	7%	2%
All cases	0%	0%	20%	11%	17%	0%	0%	8%

Theme 3: Justice Sector

Chapter 3.2: Cases are referred and dealt with by appropriate institutions

1. Police Survey, Question #33

<i>Police survey</i>	Question #33: "Would you refer a case or recommend that two individuals who are having a dispute over land or water should go to a huqooq?" <i>(n=210)</i>							
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes	86%	84%	80%	87%	74%	77%	79%	81%
No	4%	11%	8%	11%	6%	0%	0%	6%

Sometimes	0%	0%	5%	0%	3%	15%	21%	6%
Don't Know	11%	5%	8%	2%	17%	8%	0%	8%

2. Police Survey, Question #34

<i>Police survey</i>	Question #34: "If yes, why would you refer a case or recommend that two individuals who are having a dispute go to a huqooq?"							(n=238)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Lack of corruption	3%	0%	7%	2%	0%	13%	0%	5%
Distance/ Lack of travel costs	0%	0%	17%	0%	3%	2%	0%	4%
Lack of other financial costs (non-corruption)	0%	0%	2%	2%	0%	2%	29%	3%
Effectiveness	3%	0%	24%	16%	22%	23%	43%	19%
Knowledge/ intelligence	40%	42%	27%	51%	14%	15%	21%	29%
Time	0%	5.3%	2.4%	2.3%	0%	1.8%	0%	2%
Fairness & Equality	33%	21%	2%	5%	28%	35%	7%	20%
Empathy	0%	0%	2%	9%	6%	0%	0%	3%
Safety (lack of danger/ violence)	0%	0%	2%	0%	3%	0%	0%	<1%
Other	3%	5%	0%	9%	3%	2%	0%	3%
Don't Know	7%	11%	0%	0%	22%	2%	0%	6%
Don't Need to Answer	10%	16%	12%	2%	0%	6%	0%	6%

3. Police Survey, Question #35

<i>Police survey</i>	Question #35: "If no, why would you <u>not</u> refer a case or recommend that two individuals who are having a dispute go to a huqooq?"							(n=200)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Corruption	4%	0%	8%	6.3%	3%	6%	0%	5%

Distance/ travel costs	0%	0%	8%	0%	11%	2%	0%	4%
Other financial cost (non- corruption)	0%	0%	0%	0%	11%	2%	0%	3%
Ineffectiveness	0%	22%	17%	0%	11%	2%	0%	7%
Lack of knowledge or intelligence	0%	17%	4%	0%	0%	0%	0%	2%
Time	4%	0%	0%	0%	6%	2%	0%	2%
Lack of empathy	0%	0%	0%	3.1%	0%	0%	0%	<1%
Other	8.0%	0%	0%	15.6%	0%	0%	0%	4%
Danger/ Violence	0%	0%	0%	0%	0%	0%	0%	0%
Don't know	4%	11%	4%	6%	14%	4%	0%	7%
Don't need to answer	80%	50%	58%	69%	44%	83%	100%	69%

4. Police Survey, Question #36

<i>Police survey</i>	Question #36: "Would you refer a case or recommend that two individuals who are having a dispute over land or water should go to a formal court?"							(n=240)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes	80%	84%	88%	96%	83%	71%	86%	84%
No	0%	0%	0%	0%	0%	11%	0%	3%
Sometimes	0%	0%	0%	0%	17%	18%	0%	7%
Don't Know	20%	16%	12%	0%	0%	0%	14%	7%

5. Police Survey, Question #37

<i>Police survey</i>	Question #37: "If yes, why would you refer a case or recommend that two individuals who are having a dispute go to a court?"							(n=238)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Lack of corruption	7%	0%	5%	0%	11%	2%	0%	4%
Distance/ Lack of travel costs	0%	0%	10%	0%	0%	4%	7%	3%

Lack of other financial costs (non-corruption)	0%	0%	8%	0%	0%	2%	7%	2%
Effectiveness	10%	0%	25%	26%	22%	9%	43%	18%
Knowledge/ intelligence	38%	47%	13%	49%	14%	16%	14%	26%
Time	0%	11%	3%	0%	3%	6%	21%	4%
Fairness & Equality	24%	16%	10%	2%	28%	42%	7%	21%
Empathy	7%	0%	10%	5%	8%	2%	0%	5%
Safety (lack of danger/ violence)	0%	0%	3%	0%	6%	2%	0%	2%
Other	0%	5%	5%	16%	2%	4%	0%	6%
Don't Know	7%	10%	0%	2%	5%	2%	0%	4%
Don't Need to Answer	7%	10%	10%	0%	0%	11%	0%	4%

6. Police Survey, Question #38

<i>Police survey</i>	Question #38: "If no, why would you <u>not</u> refer a case or recommend that two individuals who are having a dispute go to a court?"							<i>(n=206)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Corruption	0%	0%	0%	3%	8%	0%	0%	2%
Distance/ travel costs	0%	0%	5%	11%	0%	6%	0%	4%
Other financial cost (non-corruption)	0%	0%	0%	3%	0%	2%	0%	1%
Ineffectiveness	0%	0%	18%	3%	8%	0%	0%	4%
Lack of knowledge or intelligence	0%	16%	0%	3%	6%	0%	0%	3%
Time	0%	11%	5%	0%	3%	13%	0%	5%
Lack of empathy	4%	0%	0%	3%	6%	2%	0%	3%
Danger/ Violence	0%	0%	5%	0%	11%	0%	0%	3%
Other	4%	16%	0%	6%	6%	0%	0%	4%
Don't know	8%	5%	0%	0%	6%	2%	0%	3%

Don't need to answer	84%	53%	68%	68%	47%	76%	100%	69%
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7. Police Survey, Question #39

<i>Police survey</i>	Question #39: "Would you refer a case or recommend that two individuals who are having a dispute over land or water should go to a shura or jirga?"							(n=236)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes	83%	52%	59%	76%	44%	6%	93%	52%
No	14%	37%	20%	24%	50%	65%	7%	35%
Sometimes	3%	11%	15%	0%	3%	23%	0%	9%
Don't Know	0%	0%	7%	0%	3%	8%	0%	3%

8. Police Survey, Question #42

<i>Police survey</i>	Question #42: "Would you refer a criminal case to a formal court?"							(n=242)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes	57%	79%	58%	91%	75%	80%	71%	74%
No	17%	11%	17%	2%	6%	2%	0%	7%
Sometimes	7%	0%	12%	2%	8%	9%	28%	8%
Don't Know	17%	10%	12%	4%	11%	2%	0%	8%

9. Police Survey, Questions #43

<i>Police survey</i>	Question #43: "If yes, why would you refer a criminal case to a court?"							(n=233)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Lack of corruption	3%	5%	8%	2%	6%	5%	0%	5%
Distance/ Lack of travel costs	0%	6%	11%	0%	3%	2%	21%	4%
Lack of other financial costs (non-	0%	0%	8.3%	0%	17%	0%	0%	4%

corruption)								
Effectiveness	27%	35%	25%	50%	28%	21%	21%	30%
Knowledge/ intelligence	20%	18%	22%	41%	14%	23%	57%	26%
Time	0%	0%	0%	0%	0%	2%	0%	>1%
Fairness & Equality	10%	0%	3%	0%	19%	23%	0%	10%
Empathy	3%	0%	3%	0%	3%	4%	0%	2%
Safety (lack of danger/ violence)	0%	6%	0%	0%	3%	2%	0%	1%
Other	13%	18%	0%	5%	3%	2%	0%	5%
Don't Know	10%	0%	0%	2%	6%	0%	0%	3%
Don't Need to Answer	13%	12%	19%	0%	0%	16%	0%	9%

10. Police Survey, Questions #44

<i>Police survey</i>	Question #44: "If no, why would you <u>not</u> refer a criminal case go to a court?"							<i>(n=203)</i>
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e- Zal	Province Total
Corruption	0%	0%	4%	0%	6%	0%	0%	2%
Distance/ travel costs	4%	0%	7%	7%	3%	0%	0%	3%
Other financial cost (non- corruption)	0%	0%	0%	0%	3%	2%	0%	1%
Ineffectiveness	0%	0%	15%	3%	3%	2%	0%	3%
Lack of knowledge or intelligence	0%	5%	4%	3%	0%	0%	0%	2%
Time	0%	0%	0%	3%	3%	0%	0%	1%
Lack of empathy	0%	0%	3%	0%	8%	9%	0%	4%
Danger/ Violence	0%	0%	0%	0%	17%	4%	0%	4%
Other	20%	32%	15%	7%	3%	2%	0%	9%
Don't know	4%	16%	0%	3%	6%	4%	0%	4%
Don't need to answer	72%	47%	52%	73%	47%	77%	100%	66%

11. Police Survey, Questions #45

<i>Police survey</i>	Question #45: "Would you refer a criminal case to a shura or jirga?"							(n=233)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Yes	18%	26%	50%	41%	22%	0%	71%	28%
No	64%	68%	20%	52%	62%	82%	7%	55%
Sometimes	4%	5%	20%	7%	6%	14%	21%	11%
Don't Know	14%	0%	10%	0%	9%	4%	0%	6%

12. Police Survey, Questions #46

<i>Police survey</i>	Question #46: "If yes, why would you refer a criminal case to a shura or jirga?"							(n=233)
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Lack of corruption	8%	5%	6%	0%	0%	2%	0%	3%
Distance/ Lack of travel costs	0%	5%	12%	3%	3%	2%	14%	5%
Lack of other financial costs (non-corruption)	0%	0%	12%	6%	6%	0%	14%	5%
Effectiveness	4%	0%	12%	3%	9%	0%	7%	5%
Knowledge/ intelligence	0%	0%	0%	6%	9%	0%	0%	2%
Time	0%	11%	3%	0%	3%	0%	0%	2%
Fairness & Equality	0%	11%	6%	12%	3%	8%	7%	7%
Empathy	8%	0%	21%	6%	9%	8%	0%	8%
Safety (lack of danger/ violence)	0%	0%	6%	6%	0%	4%	50%	6%
Other	17%	32%	3%	27%	3%	0%	0%	10%
Don't Know	13%	0%	0%	6%	9%	4%	0%	5%
Don't Need to Answer	50%	37%	21%	27%	49%	73%	7%	43%

13. Police Survey, Questions #47

<i>Police survey</i> Question #47: "If no, why would you <u>not</u> refer a criminal case go to a court?" (n=203)								
	Ali Abad	Char Dara	Dasht Arche	Imam Sahib	Khan Abad	Kunduz District	Qala-e-Zal	Province Total
Corruption	0%	12%	4%	0%	0%	0%	0%	1%
Distance/ travel costs	0%	0%	0%	0%	0%	0%	7%	.5%
Other financial cost (non-corruption)	3%	0%	0%	3%	6%	0%	0%	2%
Ineffectiveness	0%	0%	0%	5%	0%	0%	0%	.9%
Lack of knowledge or intelligence	3%	0%	0%	0%	6%	0%	0%	1%
Time	0%	6%	0%	3%	0%	0%	0%	.9%
Lack of empathy	0%	0%	4%	0%	3%	0%	0%	.9%
Danger/ Violence	0%	6%	0%	0%	14%	2%	0%	3%
Other	0%	0%	0%	0%	6%	82%	0%	1%
Don't know	62%	47%	33%	40%	46%	0%	0%	52%
Don't need to answer	10%	24%	0%	13%	20%	16%	93%	9%

Annex 4: Background Information

This section will provide background information on current situation in Afghanistan in general and on Kunduz specifically. Next, there is a description of Afghanistan's justice system, which is comprised of state and non-state institutions that function together to provide rule of law and access to justice to the citizens of Afghanistan. The final section addresses the Afghan National Police (ANP), with a particular focus on recent efforts to provide training and mentoring and to improve the ability of the Afghan Uniform Police (AUP) to provide community policing.

Part 1: Afghanistan

Afghanistan is a mountainous, land-locked country in South-Central Asia. Afghanistan has an estimated population of 29,835,392 (CIA 2011). The population remains disproportionately young and rural. The median age is currently 18.2, and more than two-fifths of the population is between the ages of zero and 14 (ibid). Only 23 percent of the population currently lives in urban areas. Because of its geographical location, Afghanistan has functioned as a boundary and cross-roads for numerous civilizations, including the Mesopotamians, the Persians, Alexander the Great, the Arabs, Genghis Khan, the Safawids and the Mughals. This has led to significant cultural, ethnic and linguistic diversity within the country. There are currently 55 recognized ethnic groups, of which the four largest are Pashtun, Tajik, Uzbek and Hazara. The official languages are Dari and Pashto, spoken by 50 percent and 35 percent of the population respectively (ibid). There are also 33 other languages, which are spoken mainly by various minority groups, including Hazaragi, Turkmen, Uzbek, Balochi, and Nuristani.

Part 2: Kunduz Province

Located in northern Afghanistan, Kunduz is an ethnically diverse and economically important province that is traditionally known as "the bread basket of Afghanistan." Kunduz is located along the national border with Tajikistan and also shares a border with the provinces of Takhar, Baghlan, Samangan and Balkh. The province covers an area of 8,040 km², of which 12 percent is mountainous or semi-mountainous (WFP 2009). The province is dominated by the Kunduz River Valley. The Kunduz River flows north into the Amu Darya, which forms part of the border between Afghanistan and Tajikistan. To the south, the province brushes against the northern fringes of the Hindu Kush. The capital and largest city is Kunduz. With a population of a quarter million, Kunduz City is also one of the larger urban areas in the country. The province has seven districts: Ali Abad, Dasht Arche, Char Dara, Imam Sahib, Khan Abad, Kunduz and Qala-e-Zal.

As of 2009, the province had an estimated population of 900,300 (CSO 2011). The major ethnic groups are Pashtuns, Uzbeks, and Tajiks, with significant minorities of Hazara, Turkmen and other

groups. Pashtuns are the largest ethnic group in a majority of the districts. However, Uzbeks form a plurality of 45 percent in Imam Sahib, while Turkmen account for about 90 percent of the district population in Qala-e-Zal (AIMS 2002). Within the Pashtun community, the largest tribe is the Ghilzai. There is also a small population of Kuchi nomads, whose numbers range from approximately 45,000 in summer to 88,000 in winter (NPS 2009). The major languages are Pashto and Dari, but Uzbeki and Turkmeni are also commonly spoken by those respective ethnic groups. The overall literacy rate is relatively high at 33 percent (WFP 2009). However, only about one quarter of women are literate, compared to two-fifths of men (ibid).

The Kunduz Provincial Council consists of 15 members: five Tajiks, four Uzbeks, two Pashtuns, two Turkmen and two Hazara, of whom 11 are male and four are female. Meanwhile, as of March 2011, there were four Pashtun district governors, one Uzbek district governor, and one district governor from the Aimaq minority (MPIL, 2011). The provincial governor since January 2011 is Muhammad Anwar Jegdalek, an ethnic Tajik. His predecessor Muhammad Omar, an ethnic Pashtun and former Northern Alliance leader from neighboring Takhar Province, was assassinated by a bomb in October 2011.

Part 3: Afghanistan's Justice System

When the Taliban regime fell in 2001, the formal Afghan justice institutions that had been gradually established in the early and mid-20th century were now largely non-existent. Reestablishing justice and rule of law was a major focus of the Bonn Conference in December 2001 that established the transitional government (Katzman 2011). The conference, which was convened under the auspices of the United Nations, sought to establish legitimacy for a new government and system of justice that would be both Islamic and respectful of global human rights (Lau 2003).

The Bonn Agreement and the subsequent 2004 constitution would define the structure and lay the foundation of the country's current justice system. The constitution cemented the creation a multi-tier court system comprised of a Supreme Court, High Courts, provincial-level Appeals Courts, and local and district courts. The Supreme Court, which is the court of last resort, consists of nine members who are appointed for 10-year terms by the president. The constitution and Civil and Criminal Law Codes are largely based on *sharia* law, particularly the *hanafi* Sunni school of Islamic jurisprudence. Judges may be educated in either civil or *sharia* law. *Hanafi* jurisprudence is often applied in cases where there clear provision in the constitution or law codes, although Shia law may be utilized if the involved individuals are Shiite. As in other modern court systems, there are prosecutors who bring criminal cases to trial and other lawyers who defend accused individuals as well as argue civil cases.

The other major actors in the formal justice system would include the police, which will be discussed further in the next section, and the *huqooq* offices. *Huqooq* literally means 'rights' and refers to a department within the Ministry of Justice that deals with civil law. *Huqooq* offices exist in each district government, where their staff is tasked with mediating and resolving civil cases. Cases that they are unable to mediate are often referred by the *huqooq* officers to either the court system

or to informal institutions. This makes them an important linkage mechanism within the formal system and between the formal and informal systems. As with judges, *huqooq* officers may be educated in either civil or *sharia* law.

Establishing a functioning and legitimate justice system, however, would prove to be no easy task. The previous quarter century of violence and political instability had severely undermined the capacity of the central government to provide justice. The years of upheaval resulted in a patchwork of overlapping and contradictory laws from traditional, Islamic, secular and Marxist sources as well as various justice and law enforcement mechanism from those respective legal systems (USIP 2004). On top of that, the new formal justice system and law enforcement agencies were severely handicapped by low human resources and limited physical infrastructure beyond the major urban areas (ibid). Ten years later, the national government is widely seen as corrupt, inefficient and incapable of providing effective rule of law in most areas of the country (TAF 2010)(TLO 2010).

Therefore, despite efforts by Western donors to strengthen the capacity of the formal justice sector, the vast majority of Afghans continue to look to informal, community-based institutions for access to justice. Even today, large segments of the population, particularly in the rural areas, have either no access to formal institutions or choose not to utilize them because of perceptions of corruption, bias and inefficiency (Scheye 2009). As a result, it is estimated between 80 and 90 percent of all civil disputes and criminal cases continue to be dealt with by informal justice institutions (Scheye 2009b)(TLO 2010).

These informal institutions include *shuras* and *jirgas*, among other entities. *Shura* refers to a group of elders or recognized leaders who make decisions on behalf of the community they represent. A *jirga*, meanwhile, is a community-based process for collective decision-making that originates from traditional Pashtun culture but is also utilized by other ethnic groups (Sharma and Sen 2009). Whereas a *shura* is a permanent body that meets on a regular basis, a *jirga* is temporarily convened when needed to deal with a particular issue or dispute. These informal justice institutions have historically relied on a mixture of tradition, Islamic law, and current power relations to resolve cases and mediate conflicts (USIP 2006). The *shura* and *jirga* structures both continue to be utilized by many diverse communities throughout Kunduz.

Within Kunduz, a provincial needs assessment carried out in March 2011 by the Max Planck Institute for Comparative Public Law and International Law (MPIL) identified the three biggest problems facing the provincial justice system as: (1) the poor education of law professionals, (2) widespread corruption, and (3) insufficient infrastructure and equipment of judicial institutions, especially on the district level (MPIL, 2011).

Part 4: The Afghan National Police

Origins of the ANP

At the 2001 Bonn Conference, the establishment of a new police force was seen as a particularly urgent priority for the new transitional government. The resulting Bonn Agreement paved the way for the creation of the Afghanistan National Police (ANP), which would be overseen by the Ministry of Interior (MoI). The newly created ANP would eventually come to consist of the Afghan Uniform Police (AUP) and four other specialized branches: the Afghan National Civil Order Police, the Afghan Border Police, the Counter Narcotics Police of Afghanistan, and the Counter Terrorism Police (Perito 2009). The AUP is the largest force within the ANP and is responsible for day-to-day police activities at the provincial and district levels. The duties of the AUP include maintaining public order and security, preventing and discovering crime, arresting suspects, protecting public and private property, and regulating road traffic (Wilder 2007).

When the ANP was first created in 2002, it consisted of some 50,000 to 70,000 police recruits, some of whom were professional police trained before the civil war (Perito 2009). However, the vast majority were untrained and mostly illiterate mujahedeen and conscripted soldiers who lacked discipline, formal training, facilities, equipment, uniforms and public trust (Murray 2007). A 2002 assessment by the German government estimated that less than 10 percent of Afghan police had adequate equipment, and that roughly 80 percent of the country's infrastructure had been destroyed (Wilder 2007).

There was also a considerable ethnic imbalance with most of the senior posts coming to be held by Tajik Afghans (Murray 2007). This was due in large part to the fact that the Northern Alliance, which had led the fight against the Taliban, was comprised disproportionately of Tajiks and other non-Pashtun minorities. Those commanders and warlords had moved quickly to entrench themselves within the upper ranks of the ANP, unilaterally assigning themselves titles such as police commander, general and colonel, which then came to be formalized by the central government (FPRI and RUSI 2009). The new police recruits typically owed their allegiance not to the government or to the Ministry of Interior but to these commanders that they had fought with during the war (Amnesty International 2003).

For these police to be able to effectively perform their duties, they required extensive training and support from the Afghan government and international donors.

ANP Training Efforts, 2002 to 2004

At a 2002 Group of Eight (G8) conference in Geneva, the G8 countries decided to adopt a "lead nation" donor support framework for rebuilding Afghanistan's security sector (Perito 2009). Germany, which had worked with the Afghan police in the 1960s, 1970s and briefly again in 1989, was designated as the lead nation for the police. Germany's initial plan called for creating a

European-style police academy that would provide university-level education for 1,500 cadets and a shorter academic program for non-commissioned officers. The Germans initially committed a \$70 million toward renovating the police academy in Kabul, provided eleven police instructors, refurbished Kabul police stations, and donated fifty police vehicles (ibid).

The German plan, however, would have taken decades to meet the target goal of 70,000 police recruits. Therefore, in 2003, the United States moved forward with a separate program to provide “in-service training” to those who were currently serving in police roles. The U.S. State Department established a police-training center in Kabul to provide in-service training, which then served as a prototype for seven regional training centers to be built around the country (ibid). The Virginia-based defense contractor DynCorp International, which had previously been contracted to train police in Haiti and Kosovo, was hired to implement the training programs (Hosenball, Moreau and Miller 2010).

Funding for the ANP, however, would remain a problem throughout the early years of the Afghan government. In May 2002, the United Nations established a Law and Order Trust Fund for Afghanistan to enable donors to contribute funds for police salaries. As of 2004, however, only \$11.2 million of the \$65 million requested had been contributed (Perito 2009). The failure to collect these funds meant that the Afghan government was unable to support the deployment of the ANP outside of Kabul. Even in the capital, however, the police often went unpaid for months, which encouraged them to engage in petty corruption (ibid). That same year, the MoI acknowledged that the ANP training was well behind schedule. The issues cited for the significant delays were a lack of coordination among donor states and the Afghan government, shortfalls in donor contributions, corruption at all levels in the ministry and the police, and deteriorating security conditions (Murray 2007).

ANP Training Efforts, Post-2005

By 2005, there was a growing recognition by international donors that greater resources were needed to support the security sector. That year, U.S. government shifted responsibility for the ANP from the U.S. State Department to the U.S. Department of Defense. This led to a significant infusion of manpower and financial resources. However, this prompted squabbles between State and Defense over whether the training should focus more on traditional police work or on counterinsurgency efforts (Perito 2009). The influx of resources also failed to noticeably improve the effectiveness of the training. A U.S. government report in December 2006 found that Afghan police were incapable of conducting routine law enforcement activities and that American program managers could not account for a majority of the ANP officers on duty or for the whereabouts of much of the vehicles, equipment and weapons provided to the Afghan government (ibid).

Meanwhile, also starting in 2005, the international community began to put more scrutiny on reforming the MoI itself, which until then had been largely neglected. A later North Atlantic Treaty Organization (NATO) report found ministry lacked a clear organizational structure, was unable to provide basic management functions, and suffered from endemic corruption, low accountability

and reduced institutional capacity at all levels (Murray 2007). In 2006, however, the MoI in coordination with the Germans and the Americans did succeed in implementing a reform of the ANP's rank and pay structure in order to reduce the impractically high number of generals, colonels and other high level officers and to introduce a merit-based promotion system and improved pay-scale and salary distribution system. By 2009, the reform program succeeded in reducing the ANP officer corps from 17,796 to 9,018 (ibid). Further efforts to reform the ministry, however, have been regularly resisted or thwarted by political interference, often from the upper levels of the Afghan government (ibid).

Since 2005, there has also been a growing focus on mentoring efforts. The initial police training courses were increasingly acknowledged as insufficient and too brief in time and limited in scope to fully prepare recruits to perform their necessary policing duties. This led to a greater emphasis by the United States and European donors on providing on-the-job mentoring for the recruits who were already on active duty. This had already begun to some degree in 2003 with the U.S. government's hiring of DynCorp to provide in-service training. DynCorp would continue to operate the largest mentoring program, deploying 500 international police trainers and mentors by the end of 2006 (Wilder 2007).

At the cost of \$100,000 per each Dyncorp police trainer¹³⁰, these initial efforts were expensive and demonstrated mixed success (Wilder 2007). In 2007, the Combined Security Transition Command – Afghanistan (CSTC-A) sought to correct for some of the deficiencies of earlier U.S. police training efforts by launching a training initiative called Focused District Development (FDD), which aimed to boost ANP capacity in a more systematic way by training all uniformed police in a single district at one time as a unit (Perito 2009). According to this program, advance teams of military and civilian police advisors would conduct pre-training assessments on issues such as the level of police performance and the police-community relationships. The entire force would then be brought to a regional training center to receive education based on their previous skill levels, ranging from basic training for new recruits to management and leadership training for officers. The unit would then be redeployed to its district where it would return to its normal policing duties under the supervision of a U.S. police mentoring team (ibid). By early 2009, FDD programs were ongoing in 52 of the country's 365 police districts. This type of program continues to be replicated in police training efforts throughout Afghanistan.

Meanwhile, the European Union Police Mission to Afghanistan (EUPOL) would come to formally replace Germany as the "key partner" for police assistance in June 2007. EUPOL's mission would be to monitor, mentor, and advise the Afghans on establishing a civilian law enforcement organization rather than to directly train Afghan police personnel (Perito 2009). The strategic goals of the EUPOL would be to (1) develop police command, control and communications for the Ministry of Interior and ANP, (2) develop intelligence-led policing, (3) build the capabilities of the Criminal Investigations Department (CID), (4) develop anti-corruption capacities, (5) improve cooperation and coordination between the police and judiciary with a particular focus on prosecutors, and (6) to

¹³⁰In 2006, the salaries of the 500 Dyncorp police trainers amounted to more than the entire combined annual wages of all 63,000 ANP recruits in the country. At the time, the average police salary was \$70 per month. (Wilder 2007)

mainstream gender and human rights aspects within the Ministry of Interior and Afghan National Police (EUPOL 2011).

Differing opinions among member states about these goals, however, as well as the hesitancy of some members to commit personnel led to a slower than planned deployment. Although EUPOL's authorized strength was 400 members, it had only 218 police officers on the ground by May 2009 (ibid). By June 2011, this had risen to international staff and 175 local staff 300(EUPOL 2011) .The EUPOL Afghanistan mandate was extended in May 2010 for a further three years until May 2013.The Dutch Mission in Kunduz represents part of this larger EUPOL mission to improve the capacity of the Afghan police force and justice system through training, mentoring, monitoring and advising efforts.

Meanwhile, in June 2009, the NATO Training Mission Afghanistan (NTM-A) was formally established by the North Atlantic Council, replacing the Combined Security Transition Command-Afghanistan (CSTC-A) as the primary organization for facilitating the delivery coalition training, professional development and mentoring support to Afghanistan's government and national security forces, including the ANP. CSTC-A, however, continued to exist as a mentoring organization for the Afghan government, sharing its headquarters and commanding general with NTM-A (CEFCOM, 2011). As of 2011, NTM-A's key task was the training and mentoring the Afghan national security forces (ibid).

Meanwhile, however, the significant time involved in properly training and strengthening the capacity of ANP to uphold security has led the Afghan government and members of ISAF to support the creation of controversial local defense forces as a temporary solution for insecurity in rural and outlying areas (Jones & Munoz, 2010)(MPIL, 2011). Since 2010, there has been a US-supported initiative to allow local *shuras* to create and deploy officially sanctioned Afghan Local Police (ALP) in a number of provinces throughout Afghanistan, including Kunduz. These local security forces are based on similar informal groups, known as *arbakai*, that have existed in many areas of Afghanistan, particularly in the Pashtun-dominated southeast, for centuries (Tariq, 2008). The *arbakai*, which are traditionally overseen by a local *jirga* or *shura*, are meant to serve as a defensive force but often tend to function as *de facto* tribal militia in the areas where they operate. Initiatives to officially support or recognize these militias have been controversial and led to mixed results, with some Afghans accusing the *arbakai* of engaging in criminal activity and undermining the rule of law (Oxfam, 2011).

According to a MPIL provincial needs assessment of Kunduz conducted in early 2011, there are roughly 1,500 militias deployed throughout the province. Only a minority of these groups are officially recognized as ALP. These militias have sometimes been used to fight the Taliban, but MPIL also found that these groups have developed into a serious threat to the rule of law in Kunduz Province (MPIL, 2011).

Current Challenges facing the ANP

Going forward, a number of challenges remain before the ANP, and specifically the AUP, are capable of fully performing their duties to protect and serve the Afghan population. In 2009, U.S. special envoy Richard Holbrooke characterized the ANP as “inadequate,” “riddled with corruption,” and the “weak link in the security chain” (Perito 2009). A decade after the creation of the ANP, much of the Afghan population has also come to view the ANP as corrupt, inefficient and illegitimate. Many of the same issues that plagued the ANP at its inception in 2002 continue to hinder their capacity to provide effective law enforcement and community policing.

Until the last couple of years, ISAF’s standard model for the development of the police force was to ‘recruit a new policeman, then assign him to a police district with the intention to train him at some future point’ – a strategy referred to as ‘recruit-assign-intend to train’ (Oxfam, 2011). These led to tens of thousands of police who still have not received even the most basic training (ibid). Meanwhile, most training was heavily focused on military skills, with typically just one out of eight weeks dedicated to civilian policing functions, such as investigating crimes and upholding the law (ibid).

Questions remain over the representativeness of the police force. The ethnic and tribal composition has remained skewed in recent years, with Tajiks over-represented and Pashtuns under-represented in the highest ranks nationally (Murray 2007). Women also remain highly under-represented. Of the 63,000 police receiving salaries in 2006, only 180 were women and many those were in practice relegated to menial labor, such as cleaning, cooking and preparing tea for male officers (Wilder 2007). As of September 2011, there were still only 1,150 women employed in the police force, approximately one percent of the overall force (Gutcher 2011). This lack of female officers is highly problematic given that powerful cultural barriers prevent women from interacting with non-related males. Therefore, many women are either restricted or highly reluctant to see assistance at all-male police states, especially if their problems relate to sensitive issues such as forced marriage, domestic violence and rape (Wilder 2007).

The quality of recruits also remains poor. Drug use is widespread, and between 70 and 90 percent of the recruits are illiterate (Hosenball, Moreau and Miller 2010)(Perito 2009). The inability of the recruits to read and write negatively affects their ability to absorb information and learn basic police skills in the classroom, and it also prevents them from performing necessary tasks such as taking statements from witnesses, writing incident reports and maintaining records (ibid).

Tracking and retaining the recruits also remains an issue. Many recruits leave the force during or after training. Of the 170,000 Afghan police who were trained between 2002 and 2009, only 30,000 were still part of the force as of 2009 (Hosenball, Moreau and Miller 2010). Furthermore, inefficiency, corruption and poor management and oversight in the MoI mean that the ANP personnel files remain outdated and plagued with ‘ghost policemen. A survey carried out by the U.S. government in 2009 found “only 1,200 officers at work in an area where Afghan commanders claimed 3,300 officers serving” (FPRI and RUSI 2009). Many of these extra salaries are pocketed by commanders and other senior officials in the MoI (ibid).

Police equipment and infrastructure is often poor condition if it exists at all. In 2009, it was estimated that 95 percent of the equipment, ranging from firearms to automobiles, donated to the ANP was substandard (FPRI and RUSI 2009). Missing and damaged equipment can undermine police effectiveness and morale and also place the individual police recruits in greater danger (ibid). This lack of proper equipment, along with a lack of proper training and their over-use of the ANP in counter-insurgency operations, has contributed to the police suffering almost three times as many casualties as the ANA (Perito 2009). Half of these casualties are caused by firearm accidents and traffic collisions (Hosenball, Moreau and Miller 2010).

Other challenges include poor communication and cooperation with other formal justice actors, limited understanding of their own duties and responsibilities, and a lack of awareness of the rights of Afghan citizens, including the rights of women and other vulnerable groups.

All of these shortcomings make it more difficult for the ANP to perform their duties and to gain the trust and respect of the population. In particular, continuing perceptions of ineptitude, ineffectiveness and corruption undermine the legitimacy of the institution. As a result, citizens are discouraged from approaching police officers and providing information about the problems in their villages and communities. Without this cooperation, the ANP in general and the AUP in specific are less able to serve the Afghan population. Ensuring effective community policing in Afghanistan therefore depends on restoring trust and building stronger linkages between the police and the public. This is a core focus of the Dutch IPM mission in Kunduz.

Annex 5: Research Instruments

This section includes the community and police surveys and other research instruments utilized by CPAU during the data collection period from October to December 2011. These instruments were developed in Kabul and Kunduz with input from CPAU's research staff. They were informed by program information provided by the Dutch Embassy as well as by the local knowledge of CPAU's Afghan researchers and interactions with community members outside of Kabul City. Please note that the actual versions of these survey instruments were implemented, as well as partially developed, in Dari (Farsi) by CPAU's local staff. The questionnaires included in this section are therefore English translations of the original instruments.

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Community Members – First Round Survey (n= 1047)

Part 1

R1. Do you think your ethnic group is sufficiently represented in the police?

1. Strongly Disagree
2. Disagree
3. Neither agree or disagree
4. Agree
5. Strongly Agree

R2. Do you think the balance of the ethnic groups in the police is representative of the area as a whole?

1. Strongly Disagree
2. Disagree
3. Neither agree or disagree
4. Agree
5. Strongly Agree

R3. If you were 18, would you join the police? [Circle Yes or No]. Why? [Listen to what the respondent says. Check each category IF it is mentioned]:

1. Pay
2. Trust
3. Safety
4. Power
5. Service to country
6. Family history
7. Female encouragement

R4. If you were 18, would you be able to get a job with the police?

1. Strongly Disagree
2. Disagree
3. Neither agree or disagree
4. Agree
5. Strongly Agree

R5. Do think you and people like you are able to get job in the Afghan police?

1. Strongly Disagree
2. Disagree

3. Neither agree or disagree

4. Agree

5. Strongly Agree

R6. Would people like you be able to get a high-level position in the police?

1. Strongly Disagree

2. Disagree

3. Neither agree or disagree

4. Agree

5. Strongly Agree

R7. Can a woman in your community to get a job in the police? Should she?

CAN

SHOULD

- | | |
|------------------------------|---|
| 1. Strongly Disagree | 1 |
| 2. Disagree | 2 |
| 3. Neither agree or disagree | 3 |
| 4. Agree | 4 |
| 5. Strongly Agree. | 5 |

R8. Can police provide security in this district? (YES /NO)

R9. Do you think any of the police in this district are engaged in drug use? (YES / NO) If YES, how much?

1. None

2. Some

3. Half

4. Most

R10. Do you think any of the police in this district are engaged in criminal activities? If so, how many?

1. None

2. Some

3. Half

4. Most

Part 2

L1. Have the police treated anyone in your community unfairly in the last year?

1. Yes

2. No

3. Don't Know

Part 3

C1. What do police spend most time doing: (circle 3) What do they spend least time doing (cross out three)

1. ____ Resolving disputes in your community
2. ____ Solving crime (theft, domestic violence, kidnapping, etc)
3. ____ Directing traffic
4. ____ Fighting Insurgents
5. ____ Operating checkpoints
6. ____ Napping or sitting around
7. ____ Taking bribes
8. ____ Committing crimes
9. (None of the Above) [Do not say this answer]

C2. What should police spend most time doing? (circle 3)

1. ____ Resolving disputes in your community
2. ____ Solving crime (theft, domestic violence, kidnapping, etc)
3. ____ Directing traffic
4. ____ Fighting Insurgents
5. ____ Operating checkpoints
6. (None of the Above) [Do not say this answer]

C3. How often do you see police in your neighborhood?

1. Always
2. Daily
3. Weekly
4. Monthly
5. Never

C4. Can police solve big crimes? (Yes / No)

Part 4

E1. How many of the police can read and write?

1. none
2. some
3. half
4. most
5. all

Part 5

J1. Are courts effective? (don't know / yes / no)

J2. If you were to bring a dispute to the courts, how likely do you think it is that you would have to pay a bribe?

1. -never pay bribe
2. pay bribe less than half the time
3. half of the time
4. pay bribe most of the time
5. always pay bribe

J3. A strongman or commander in a nearby area has illegally taken a piece of your property. If you were to take a case to a court, could you win? (yes / no)

Part 6

A1. Do you think men or women are more likely to win a case in the formal system in your district?

1. Men
2. Women
3. Equal chance
4. Don't Know

A2. Do you think men or women are more likely to win a case in the informal system (shura, Jirga, etc) in your village?

1. Men
2. Women
3. Equal chance
4. Don't Know

A3. Do you think elders or young people are more likely to win a case in the formal system in your district?

1. Elders

2. Young People
3. Equal Chance
4. Don't Know

A4. Do you think elders or young people are more likely to win a case in the informal system (shura, Jirga, etc) in your village?

1. Elders
2. Young People
3. Equal Chance
4. Don't Know

A5. Do you think warlords or common people are more likely to win a case in the formal system in your district?

1. Warlords
2. Common People
3. Equal Chance
4. Don't Know

A6. Do you think warlords or common people are more likely to win a case in the informal system (shura, Jirga, etc) in your village?

1. Warlords
2. Common People
3. Equal Chance
4. Don't Know

A7. Who do you think is the most likely to win a case in the formal system in this district? [If they say more than one answer, circle each answer. Do not say the options equal chance or don't know.]

1. ____ Tajik
2. ____ Uzbek
3. ____ Pashtun
4. ____ Hazara
5. ____ Turkmen
6. ____ Arab
7. Other: _____
8. (Equal Chance)
9. (Don't Know)

A8. Who do you think is least likely to win a case in the formal system in this district? [If they say more than one answer, circle each answer. Do not say the options equal chance or don't know.]

1. ____ Tajik
2. ____ Uzbek
3. ____ Pashtun
4. ____ Hazara
5. ____ Turkmen
6. ____ Arab
7. ____ Other: _____
8. (Equal Chance)
9. (Don't Know)

A9. Who do you think is most likely to win a case in the informal system (shura, Jirga, etc.) in your village? [If they say more than one answer, circle each answer. Do not say the options equal chance or don't know.]

1. ____ Tajik
2. ____ Uzbek
3. ____ Pashtun
4. ____ Hazara
5. ____ Turkmen
6. ____ Arab
7. ____ Other: _____
8. (Equal Chance)
9. (Don't Know)

A10. Who do you think is less likely to win a case in the informal system (shura, Jirga, etc.) in your village? [If they say more than one answer, circle each answer. Do not say the options equal chance or don't know.]

1. ____ Tajik
2. ____ Uzbek
3. ____ Pashtun
4. ____ Hazara
5. ____ Turkmen
6. ____ Arab
7. ____ Other: _____
8. (Equal Chance)
9. (Don't Know)

A11. Do you think a Kuchi or other (non-Kuchi) person is more likely to win a case in the formal system in this district?

1. Kuchi
2. Other (non-Kuchi) person
3. Equal Chance
4. Don't Know

A12. Do you think a Kuchi or other (non-Kuchi) person is more likely to win a case in the informal system (shura, jirga, etc.) in your village?

1. Kuchi
2. Other (non-Kuchi) person
3. Equal Chance
4. Don't Know

A13. Do you think that officials of the judicial system are more likely to make decisions in favor of their own tribe or sub-tribe?

1. Yes
2. No
3. Don't Know

A14. Who are the exploited groups in your community? [Do not read answers. Circle all that they mention.]

1. Men
2. Women
3. Children or young people
4. Old people
5. Poor people
6. Refugees
7. Ethnic minorities
8. Tribal Minorities
9. Religious Minorities (non-Sunni)
10. Other _____
11. None of these

Part 7

E1. Have you or someone you know had a dispute or disputes that you tried to solve in the last two years.
Yes/ No

E2. If so, tell the story of the most recent one of dispute:

E3. If the police were mentioned in the story, please record the details:

E4. In dealing with the dispute, did you use anyone as proxy?

1. Family members
2. Powerful friends
3. Powerful people
4. Others

E5. Which institution respondent approached in his story? (Surveyor must select an option)

1. Police
2. Courts
3. Shura/Jirga
4. Arbakais
5. Other: _____

E6. Whose dispute was it?

1. Interviewee
2. Close relatives
3. Close friends
4. A person from the area
5. Others_____

E7. When the case was started?

Yesterday <_____>two years ago

E8. Has the dispute been solved?

1. Yes
2. No
3. It is continued.

E9. About the institutions

Institutions	Sequences	Cost	Fairness	Respect
Police				
Court				
Shura/ Jirga				
Arbakai				
Family				

E10. Which type of problem respondent faced? (Surveyor must select an option)

1. Land Dispute
2. Water Dispute
3. Criminal Case
4. Traffic incidence
5. Financial Dispute
6. Family Dispute
7. Other: _____

E11. Where would you approach if you face the same problem today?

1. Police
2. Courts
3. Shura/Jirga
4. Arbakai
5. Other: _____

E12. When you have a dispute, or someone committed a crime against you, where you would go?

1. Police
2. Shura/ Jirga
3. Huqooq
4. Powerful people

5. Taliban / other

E13. Is it too expensive for you to take a dispute to the courts? If so, why?

1. No
2. Yes, because of corruption
3. Yes, because of travel costs
4. Yes, because of court fees (non-corruption)
5. Yes, because I can't afford to take time from my job
6. Other ____

E14. If you wanted to, is there a police office that you could get to?

1. Yes, easy to access
2. Yes, not easy, but can access if necessary
3. Not accessible

E15. If you wanted to, is there a shura or jirga that you could get to?

1. Yes, easy to access
2. Yes, not easy, but can access if necessary
3. Not accessible

E16. If you wanted to, is there a huqooq that you could get to?

1. Yes, easy to access
2. Yes, not easy, but can access if necessary
3. Not accessible

E17. How often is someone from the huqooq in your community?

1. Always
2. Frequently
3. Rarely
4. Never
5. Don't Know

E18. If you wanted to, is there a court that you could get to?

1. Yes, easy to access
2. Yes, not easy, but can access if necessary
3. Not accessible

E19. What groups have control in your community (rank order):

1. Government?
2. Taliban or other Anti-Government groups?
3. Warlords or strongmen?
4. Arbakai?

Part 8

P1. Which political groups present in Kunduz?

1. Hizb e Jamiyat
2. Hizb e Islami
3. Itihad (Dawat)
4. Hizb e Khalis
5. Tagheer e Umed
6. Other: _____

P2. Which was the most powerful Political group in Mujahedeen era?

1. Hizb e Jamiyat
2. Hizb e Islami
3. Itihad (Dawat)
4. Hizb e Khalis
5. Tagheer e Umed
6. Other: _____

P3. Which is the most powerful Political group now?

1. Hizb e Jamiyat
2. Hizb e Islami
3. Itihad (Dawat)
4. Hizb e Khalis
5. Tagheer e Umed
6. Other: _____

P4. Does the political group you mentioned most powerful have key post in government?

1. Yes

2. No
3. I don't know
4. Other: _____

P5. Which of the political group you think is in interest of the community?

1. Hizb e Jamiyat
2. Hizb e Islami
3. Itihad (Dawat)
4. Hizb e Khalis
5. Tagheer e Umed
6. Other: _____

Concluding Questions

D1. What ethnic group or groups do you belong to? [Circle all that apply]

1. Tajik
2. Uzbek
3. Pashtun
4. Hazara
5. Turkmen
6. Arab
7. Other

D2. What tribal group or groups do you belong to?

D3. How big a deal is ethnicity in your daily life?

1. Not important
2. Somewhat important
3. Very important

D5. How big a deal is tribalism in your daily life?

1. Not important
2. Somewhat important
3. Very important

D5b. Please rank the following ethnic groups in the order that you think has the most power in your district?

1. ____ Tajik
2. ____ Uzbek
3. ____ Pashtun
4. ____ Hazara
5. ____ Turkmen
6. ____ Arab
7. _____

D6. What is the respondent's sex/gender?

1. Male
2. Female

D7. How old are you?

_____ years old

D8. What level of education have you obtained? (Don't tell them answers. Please circle all that apply.)

1. No school
2. Some primary school
3. Completed primary school
4. Some secondary school
5. Completed secondary school
6. Some high school
7. Completed high school
8. University
9. Trade School
10. Madrassa/Religious school

D9. Are you the oldest in your family?

1. Yes.
2. No.
3. No answer
4. I don't know.

D10. Do you work anywhere?

1. I have private business.

2. I work with a private company.
3. I work with police.
4. I have governmental job.
5. No need to answer.
6. I don't know.

D11. How much you work in a week?

1. Do you work 5-6 days a week?
2. Do you work less than 5 days a week?
3. I don't have job and don't try to have.
4. I am house wife.
5. I am student.
6. I am disabled / I am retired.
7. Other _____
8. I don't know.

D12. Does your household own land?

1. Yes
2. No

D13. If yes, is it irrigated or rain-fed?

1. Not irrigated
2. Limited irrigation
3. Half irrigated
4. Mostly irrigated
5. Fully irrigated

D14. How many people work on the land?

1. 1-5
2. 6-10
3. 11-20
4. 21-50
5. 51 or more

D15. How much of your needs as foods comes from your land?

1. All
2. A lot
3. Some
4. Nothing

D16. How much is your family income in month?

1. 2000 Afs or less
2. 2000 – 10000afs
3. 10000 – 20000 Afs
4. 20000 – 30000 Afs
5. 30000afs – more
6. Other
7. I don't know.

Community Members – Second Round Survey (n=684)

Introductory questions

1. What ethnic group or groups do you belong to? [Circle all that apply]
 - a) Tajik
 - b) Uzbek
 - c) Pashtun
 - d) Hazara
 - e) Turkmen
 - f) Arab
 - g) Other
2. What tribal group or groups do you belong to?

3. How big a deal is ethnicity in your daily life?
 - a) Not important
 - b) Somewhat important
 - c) Very important
4. How big a deal is tribalism in your daily life?
 - a) Not important
 - b) Somewhat important
 - c) Very important
5. Please rank the following ethnic groups in the order that you think has the most power in your district?
 - a) ____ Tajik
 - b) ____ Uzbek
 - c) ____ Pashtun
 - d) ____ Hazara
 - e) ____ Turkmen
 - f) ____ Arab
6. What is the respondent's sex/gender?
 - a) Male
 - b) Female
7. How old are you?
_____ years old
8. What level of education have you obtained? (Don't tell them answers. Please circle all that apply.)
 - a) No school
 - b) Some primary school
 - c) Completed primary school
 - d) Some secondary school
 - e) Completed secondary school
 - f) Some high school
 - g) Completed high school
 - h) University
 - i) Trade School
 - j) Madrassa/Religious school
9. Does your household own land?

- a) Yes
- b) No

10. If yes, is it irrigated or rain-fed?

- a) Not irrigated
- b) Limited irrigation
- c) Half irrigated
- d) Mostly irrigated
- e) Fully irrigated

11. How many people work on the land?

- a) 1-5
- b) 6-10
- c) 11-20
- d) 21-50
- e) 51 or more

Main questionnaire

- 1) Do you think there are enough police in this district to provide security? YES / NO
- 2) Is the number of police in this district enough to provide security, law and order?
 - a. Yes, more than enough
 - b. Yes, the right amount of police
 - c. No, we need some more police
 - d. No, we need many more police
 - e. No, but more police won't be able to uphold security, law and order anyways
- 3) Do you think the civil police are capable to uphold security law and order?
 - a. Strongly disagree
 - b. Disagree
 - c. Neither agree nor disagree [NEUTRAL]
 - d. Agree
 - e. Strongly agree
 - f. No comment [DON'T MENTION THIS AS AN OPTION TO THE INTERVIEWEE]
- 4) If somebody would commit a crime against you, would you go to the police? YES / NO
- 5) If you would find out that somebody is planning to commit a crime, would you go to the police to report this? YES / NO
- 6) Do you think that any of the police in this district are engaged in drug use? YES / NO
- 7) If police in this district are engaged in drug use, how many?
 - a. Only a few
 - b. Some
 - c. Half
 - d. Most
 - e. All
- 8) Do you think that any of the police in this district are engaged in alcohol consumption while working? YES / NO

- 9) If police in this district are engaged in alcohol consumption during work, how many?
- Only a few
 - Some
 - Half
 - Most
 - All
- 10) What effects does drug use have on the job performance of the police?
- _____
- _____
- _____
- _____
- 11) What effects does alcohol consumption have on the job performance of the police?
- _____
- _____
- _____
- _____
- 12) If the police treat you unfairly, where can you go to complain and get help? [LIST ALL THE OPTIONS GIVEN BY THE INTERVIEWEE]
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- 13) How effective do you think it is when you complain and try to get help? [ASK THIS QUESTION FOR EACH ANSWER GIVEN IN THE PREVIOUS QUESTION]
- Not effective at all
 - Somewhat effective
 - Very effective
- 14) Do you think that is necessary to have the option to complain about unfair treatment by the civil police?
- Yes, very important
 - Yes, somewhat important
 - Not important, but not unimportant
 - No, somewhat unimportant
 - No, not important at all
- 15) Do you think that there should be more options for you to complain about unfair treatment by the civil police?
- Yes
 - No, we have enough options
 - It does not matter, it has no effect anyways
- 16) Do you know anyone in your community who has been treated unfairly by the civil police in the last year?
- Yes, I know lots of people
 - Yes, I know more than one person
 - Yes, I know one person

d. No, I know no one

17) Have you been treated unfairly by the civil police in the last year? YES / NO

18) How many times have you been treated unfairly by the police in the last year?

- a. 0
- b. 1 time
- c. Between 2 and 5 times
- d. More than 5 times

19) How have you been treated unfairly?

- a. Bribery
- b. Theft or damage to property
- c. Beating/violence
- d. Did not take my case seriously
- e. Rape
- f. Police driving recklessly and causing accident
- g. Other, namely _____

20) Do you think your ethnic group is sufficiently represented in the police?

- a. Strongly disagree
- b. Disagree
- c. Neither agree nor disagree
- d. Agree
- e. Strongly agree

21) Do you think the balance of the ethnic groups in the police is representative of the area as a whole?

- a. Strongly disagree
- b. Disagree
- c. Neither agree nor disagree
- d. Agree
- e. Strongly agree

22) If you were 18, would you be able to get a job with the police?

- a. Strongly disagree
- b. Disagree
- c. Neither agree nor disagree
- d. Agree
- e. Strongly agree

23) Do you think you and people like you are able to get a job with the police?

- a. Strongly disagree
- b. Disagree
- c. Neither agree nor disagree
- d. Agree
- e. Strongly agree

24) Would people like you be able to get a high-level position in the police?

- a. Strongly disagree
- b. Disagree
- c. Neither agree nor disagree
- d. Agree
- e. Strongly agree

25) Do you feel that your ethnic group is excluded from joining the police?

- a. Strongly disagree
- b. Disagree
- c. Neither agree nor disagree
- d. Agree
- e. Strongly agree

26) Did you have to pay a bribe to the police in the last year?

- a. No
- b. Yes, once
- c. Yes, a few times
- d. Yes, more than five times

27) Do you know people who had to pay a bribe to the police in the last year?

- a. No, no one
- b. Yes, I know ... [FILL IN THE NUMBER OF PEOPLE THE INTERVIEWEE KNOWS] people who had to pay a bribe to the police in the last year
- c. I don't know if they had to pay a bribe

28) Would the police help you if you would not pay a bribe?

- a. Yes, of course
- b. Yes, but they will not put too much effort in solving my case
- c. No, they would not help
- d. Maybe, but I don't know for sure

29) Do you think that police are more likely to help people of their own ethnic group rather than people of other ethnic groups?

- a. Strongly disagree
- b. Disagree
- c. Neither agree nor disagree
- d. Agree
- e. Strongly agree

30) Do you think that a certain ethnic group is or certain ethnic groups are treated better than others by the police? YES / NO

31) If so, which ethnic group(s):

- a. Tajik
- b. Uzbek
- c. Pashtun
- d. Hazara
- e. Turkmen
- f. Arab
- g. Other, namely _____

32) Do you think that a certain ethnic group is or groups are treated worse than others by the police? YES / NO

33) If so, which ethnic group(s):

- a. Tajik
- b. Uzbek
- c. Pashtun
- d. Hazara
- e. Turkmen
- f. Arab
- g. Other, namely _____

- 34) How much respect do you have for civil police?
- A lot of respect
 - Some respect
 - No respect, but also no disrespect
 - Some disrespect
 - A lot of disrespect
- 35) Do you trust the civil police?
- I trust them a lot
 - I trust them somewhat
 - I do not trust them nor distrust them
 - I distrust them somewhat
 - I do not trust them at all
- 36) Do you feel that the civil police treat you and people like you with respect?
- Yes, with a lot of respect
 - Yes, with somewhat respect
 - Neither with respect or disrespect
 - No, with somewhat disrespect
 - No, with no respect at all
- 37) Did you need the help of a justice official who is responsible for prosecuting a criminal case in court in the last year? YES / NO
- 38) If so, did you have to pay a bribe to such a justice official in the last year?
- No
 - Yes, once
 - Yes, a few times
 - Yes, more than five times
- 39) Do you know anyone who needed the help of such a justice official in the last year?
- No, no one
 - Yes, I know ... [FILL IN THE NUMBER OF PEOPLE THE INTERVIEWEE KNOWS] people who needed the help of a prosecutor in the last year
- 40) If so, do you know people who had to pay a bribe to such a justice official in the last year?
- No, no one
 - Yes, I know ... [FILL IN THE NUMBER OF PEOPLE THE INTERVIEWEE KNOWS] people who had to pay a bribe to a prosecutor in the last year
 - I don't know if they had to pay a bribe
- 41) Would this justice official help you if you would not pay a bribe?
- Yes, of course
 - Yes, but they will not put too much effort in solving my case
 - No, they would not help
 - Maybe, but I don't know for sure
- 42) Do you think that the actions of police are influenced by powerful groups?
- Strongly disagree
 - Disagree
 - Neither agree nor disagree
 - Agree
 - Strongly agree

- 43) If you went to the police in the last year, did you experience a powerful individual blocking or influencing your case?
- No
 - Yes, once
 - Yes, a few times (2 – 5 times)
 - Yes, more than 5 times
- 44) How many people do you know who went to the police in the last year?
- None
 - One person
 - A few people (2 – 5 people)
 - More than 5 people
- 45) Do you know a person who went to the police in the last year and experienced a powerful individual blocking or influencing his case?
- No
 - Yes, one person
 - Yes, a few people (2 – 5 people)
 - Yes, more than 5 people
- 46) Do you think that the actions of the justice officials who are responsible for prosecuting a case in court are influenced by powerful groups?
- Strongly disagree
 - Disagree
 - Neither agree nor disagree
 - Agree
 - Strongly agree
- 47) If you went to this justice official in the last year, did you experience a powerful individual blocking or influencing your case?
- No
 - Yes, once
 - Yes, a few times (2 – 5 times)
 - Yes, more than 5 times
- 48) How many people do you know who went to such a justice official in the last year?
- None
 - One person
 - A few people (2 – 5 people)
 - More than 5 people
- 49) Do you know a person who went to such a justice official in the last year and experienced a powerful individual blocking or influencing his case?
- No
 - Yes, one person
 - Yes, a few people (2 – 5 people)
 - Yes, more than 5 people
- 50) Who is responsible for presenting a case in a criminal trial against a person who is accused of breaking the law?
- The police
 - A judge
 - A prosecutor
 - The director of a prison

- 51) Do you think the persons who perform this task in Afghanistan are capable of doing so?
- Very capable
 - Somewhat capable
 - Not capable, but also not incapable
 - Somewhat incapable
 - Very incapable
- 52) If somebody committed a crime against you, would you trust this justice official to present your case at a court?
- I fully trust him
 - I somewhat trust him
 - I somewhat distrust him
 - I distrust him
 - I don't know whether I trust him or not
- 53) If someone commits a crime against you, do you think the police will be able to work together with the people in the courts to try to bring that person to justice?
- Yes, I think their cooperation is very good
 - Yes, I think their cooperation is somewhat good
 - No, I think their cooperation is somewhat bad
 - No, I think their cooperation is very bad
 - I don't know if their cooperation is good or bad
- 54) If you were to bring a case to the courts, how likely do you think it is that you would have to pay a bribe?
- Never pay a bribe
 - Pay bribe less than half the time
 - Half of the time
 - Pay bribe most of the time
 - Always pay bribe
- 55) A strongman or commander in a nearby area has illegally taken a piece of your property. If you were to take a complaint to the courts, could you win? YES / NO
- 56) If a crime was committed against you, which institution is the most effective in helping you?
- A formal court
 - A shura/jirga
 - Taliban
 - A local strongman
 - Arbakai
 - Other, namely _____
- 57) If a crime was committed against you, which institution is the least effective in helping you?
- A formal court
 - A shura/jirga
 - Taliban
 - A local strongman
 - Arbakai
 - Other, namely _____
- 58) If you had a dispute over landownership, which institution is the most effective in helping you?
- A formal court
 - A shura/jirga
 - Taliban
 - A local strongman

- e. Arbakai
- f. Huqooq
- g. Other, namely _____

59) If you had a dispute over landownership, which institution is the least effective in helping you?

- a. A formal court
- b. A shura/jirga
- c. Taliban
- d. A local strongman
- e. Arbakai
- f. Huqooq
- g. Other, namely _____

60) Can you rank (1 is the best and 6 is the worst) the institution you think is the most capable of dealing with criminal cases?

- a. A formal court _____
- b. A shura/Jirga _____
- c. Taliban _____
- d. A local strongman _____
- e. Arbakai _____
- f. Huqooq _____

61) Can you rank (1 is the best and 6 is the worst) the institution you think is the most capable of dealing with civil cases (for example: disputes about land inheritance [READ THE EXAMPLE TO THE INTERVIEWEE])?

- a. A formal court _____
- b. A shura/Jirga _____
- c. Taliban _____
- d. A local strongman _____
- e. Arbakai _____
- f. Huqooq _____

62) Do you know anyone in your community who has been treated unfairly by the formal courts in the last year?

- a. Yes, I know lots of people (more than 5 people)
- b. Yes, I know a few people (2-5 persons)
- c. Yes, I know one person
- d. No, I know no one

63) Did you have a case in last year which you brought to a formal court? YES / NO

64) If so, have you been treated unfairly by the formal courts in the last year? YES / NO

65) How have you been treated unfairly?

- a. Bribes
- b. Not taking my case seriously
- c. Powerful people influenced the judge
- d. Powerful people influenced the prosecutor
- e. Powerful people influenced my lawyer
- f. They sided with people from their own group
- g. The case took too long, namely ___ weeks [WRITE DOWN NUMBER OF WEEKS THE CASE TOOK]
- h. Evidence presented in the case was fake or was messed with
- i. Other, namely _____

- 66) Do you know anyone in your community who has been treated unfairly by a shura/jirga in the last year?
- Yes, I know lots of people (more than 5 people)
 - Yes, I know a few people (2-5 persons)
 - Yes, I know one person
 - No, I know no one
- 67) Did you have a case in last year which you brought to a shura/jirga? YES / NO
- 68) If so, have you been treated unfairly by a shura/jirga in the last year? YES / NO
- 69) If so, how have you been treated unfairly?
- Bribes
 - Not taking my case seriously
 - Powerful people influenced my case
 - The case took too long, namely ___ weeks [WRITE DOWN NUMBER OF WEEKS THE CASE TOOK]
 - Evidence presented in the case was fake or was messed with
 - They sided with people from their own group
 - Other, namely _____
- 70) Do you feel that courts respect the (basic) rights of you and people like you? YES/ NO / Don't know
- 71) Do you feel that courts treat you and people like you in a fair way? YES / NO / Don/t know
- 72) Do you feel that shuras/jirgas respect the (basic) rights of you and people like you? YES/ NO / Don't know
- 73) Do you feel that shuras/jirgas treat you and people like you in a fair way? YES / NO / Don/t know
- 74) Do you think men or women are more likely to win a case in the formal system in your district?
- Men
 - Women
 - Equal chance
 - Don't Know
- 75) Do you think men or women are more likely to win a case in the informal system in your district?
- Men
 - Women
 - Equal chance
 - Don't Know
- 76) Are women able to represent themselves when bringing a case to a formal court?
- No, a woman should not bring a case to a court
 - No, a man should represent a woman
 - Yes, a woman can bring cases and represent themselves, but only with the consent of her family
 - Yes, a woman can bring cases and represent themselves even without the consent of her family
- 77) Do you think men or women are more likely to win a case in a shura/jirga in your district?
- Men
 - Women
 - Equal chance
 - Don't Know

- 78)** Are women able to represent themselves when bringing a case to a shura/jirga?
- No, a woman should not bring a case to a court
 - No, a man should represent a woman
 - Yes, a woman can bring cases and represent themselves, but only with the consent of her family
 - Yes, a woman can bring cases and represent themselves even without the consent of her family
- 79)** Who do you think is the most likely to win a case at a formal court?
- Tajik
 - Uzbek
 - Pashtun
 - Hazara
 - Turkmen
 - Arab
 - Other, namely _____
 - Equal chance [DON'T MENTION THIS ANSWER TO THE INTERVIEWEE, ONLY CIRCLE IT WHEN THE INTERVIEWEE GIVES THE ANSWER HIMSELF]
 - Don't know [DON'T MENTION THIS ANSWER TO THE INTERVIEWEE, ONLY CIRCLE IT WHEN THE INTERVIEWEE GIVES THE ANSWER HIMSELF]
- 80)** Who do you think is the least likely to win a case at a formal court?
- Tajik
 - Uzbek
 - Pashtun
 - Hazara
 - Turkmen
 - Arab
 - Other, namely _____
 - Equal chance [DON'T MENTION THIS ANSWER TO THE INTERVIEWEE, ONLY CIRCLE IT WHEN THE INTERVIEWEE GIVES THE ANSWER HIMSELF]
 - Don't know [DON'T MENTION THIS ANSWER TO THE INTERVIEWEE, ONLY CIRCLE IT WHEN THE INTERVIEWEE GIVES THE ANSWER HIMSELF]
- 81)** Do you think that the formal courts treat each ethnic group equally?
- Strongly agree
 - Agree
 - Neither agree or disagree
 - Disagree
 - Strongly disagree
- 82)** Do you think that judges are more likely to favor people from their own ethnic group or tribe over people from other ethnic groups or tribes?
- Strongly agree
 - Agree
 - Neither agree or disagree
 - Disagree
 - Strongly disagree
- 83)** Who do you think is the most likely to win a case at a shura/jirga?
- Tajik
 - Uzbek
 - Pashtun
 - Hazara
 - Turkmen

- f. Arab
- g. Other, namely _____
- h. Equal chance [DON'T MENTION THIS ANSWER TO THE INTERVIEWEE, ONLY CIRCLE IT WHEN THE INTERVIEWEE GIVES THE ANSWER HIMSELF]
- i. Don't know [DON'T MENTION THIS ANSWER TO THE INTERVIEWEE, ONLY CIRCLE IT WHEN THE INTERVIEWEE GIVES THE ANSWER HIMSELF]

84) Who do you think is the least likely to win a case at a shura/jirga?

- a. Tajik
- b. Uzbek
- c. Pashtun
- d. Hazara
- e. Turkmen
- f. Arab
- g. Other, namely _____
- h. Equal chance [DON'T MENTION THIS ANSWER TO THE INTERVIEWEE, ONLY CIRCLE IT WHEN THE INTERVIEWEE GIVES THE ANSWER HIMSELF]
- i. Don't know [DON'T MENTION THIS ANSWER TO THE INTERVIEWEE, ONLY CIRCLE IT WHEN THE INTERVIEWEE GIVES THE ANSWER HIMSELF]

85) Do you think that shuras/jirgas treat each ethnic group equally?

- a. Strongly agree
- b. Agree
- c. Neither agree or disagree
- d. Disagree
- e. Strongly disagree

86) Do you think that members of a shura/jirga are more likely to favor people from their own ethnic group or tribe over people from other ethnic groups or tribes?

- a. Strongly agree
- b. Agree
- c. Neither agree or disagree
- d. Disagree
- e. Strongly disagree

87) If you would bring a criminal case to a formal court, do you think the process will happen without any administrative or legal mistakes or problems?

- a. Strongly agree [= no mistakes or problems at all]
- b. Agree
- c. Neither agree or disagree
- d. Disagree
- e. Strongly disagree [= a lot of mistakes and problems]

88) Do you think that courts act effectively/efficiently?

- a. Strongly agree
- b. Agree
- c. Neither agree or disagree
- d. Disagree
- e. Strongly disagree

89) Did you have a case you brought to a formal court in the last year? YES / NO

90) If so, did you have to pay a bribe to a person who works for the court in the last year?

- e. No
- f. Yes, once

- g. Yes, a few times
- h. Yes, more than five times

91) Do you know anybody who brought a case to a formal court in the last year?

- a. No, no one
- b. Yes, I know ... [FILL IN THE NUMBER OF PEOPLE THE INTERVIEWEE KNOWS] people went to a formal court in the last year

92) If so, do you know people who had to pay a bribe to the courts in the last year?

- a. No, no one
- b. Yes, I know ... [FILL IN THE NUMBER OF PEOPLE THE INTERVIEWEE KNOWS] people who had to pay a bribe to a person working for a court in the last year
- c. I don't know if they had to pay a bribe

93) Would a court deal with your case if you would not pay a bribe?

- a. Yes, of course
- b. Yes, but they will not put too much effort in solving my case
- c. No, they would not help
- d. Maybe, but I don't know for sure

94) If you wanted to, is there a police office that you could get to?

- a. Yes, easy to access
- b. Yes, not easy to access, but can access if necessary
- c. Not accessible

95) If you wanted to, is there a shura/jirga that you could get to?

- a. Yes, easy to access
- b. Yes, not easy to access, but can access if necessary
- c. Not accessible

96) If you wanted to, is there a huqooq that you could get to?

- a. Yes, easy to access
- b. Yes, not easy to access, but can access if necessary
- c. Not accessible

97) If you wanted to, is there a court that you could get to?

- d. Yes, easy to access
- e. Yes, not easy to access, but can access if necessary
- f. Not accessible

98) How often is someone from the huqooq in your community?

- a. Always
- b. Frequently
- c. Rarely
- d. Never
- e. Don't know

99) How often is someone from the police in your community?

- a. Always
- b. Frequently
- c. Rarely
- d. Never
- e. Don't know

100) Rank-order the groups that have control in your community (1 = most control...4 = least control):

- a. Government
- b. Taliban or other anti-government groups
- c. Warlords or strongmen
- d. Arbakai

101) Is it too expensive for you to take a dispute to the courts? If so, why? [Circle all that apply]

- a. No
- b. Yes, because of corruption
- c. Yes, because of travel costs
- d. Yes, because of court fees (non-corruption)
- e. Yes, because I can't afford to take time from my job

102) Is it too expensive for you to take a dispute to the police? If so, why? [Circle all that apply]

- a. No
- b. Yes, because of corruption
- c. Yes, because of travel costs
- d. Yes, because of administrative fees (non-corruption)
- e. Yes, because I can't afford to take time from my job

103) Is it too expensive for you to take a dispute to a shura/jirga? If so, why? [Circle all that apply]

- a. No
- b. Yes, because of corruption
- c. Yes, because of travel costs
- d. Yes, because of fees (non-corruption)
- e. Yes, because I can't afford to take time from my job

Afghan Uniform Police (AUP) Survey (n=245)**Introductory questions**

1. What ethnic group or groups do you belong to? [Circle all that apply]
 - a) Tajik
 - b) Uzbek
 - c) Pashtun
 - d) Hazara
 - e) Turkmen
 - f) Arab
 - g) Other
2. What tribal group or groups do you belong to?

3. How big a deal is ethnicity in your daily life?
 - a) Not important
 - b) Somewhat important
 - c) Very important
4. How big a deal is tribalism in your daily life?
 - a) Not important
 - b) Somewhat important
 - c) Very important
5. Please rank the following ethnic groups in the order that you think has the most power in your district?
 - a) ____ Tajik
 - b) ____ Uzbek
 - c) ____ Pashtun
 - d) ____ Hazara
 - e) ____ Turkmen
 - f) ____ Arab
6. What is the respondent's sex/gender?
 - a) Male
 - b) Female
7. How old are you?
_____ years old
8. What level of education have you obtained? (Don't tell them answers. Please circle all that apply.)
 - a) No school
 - b) Some primary school
 - c) Completed primary school
 - d) Some secondary school
 - e) Completed secondary school
 - f) Some high school
 - g) Completed high school
 - h) University
 - i) Trade School
 - j) Madrassa/Religious school
9. Does your household own land?

- a) Yes
 - b) No
10. If yes, is it irrigated or rain-fed?
- a) Not irrigated
 - b) Limited irrigation
 - c) Half irrigated
 - d) Mostly irrigated
 - e) Fully irrigated
11. How many people work on the land?
- a) 1-5
 - b) 6-10
 - c) 11-20
 - d) 21-50
 - e) 51 or more

Main questionnaire

- 1) Do you think there are enough police in this district to provide security? YES / NO
- 2) Is the number of police in this district enough to provide security, law and order?
 - f. Yes, more than enough
 - g. Yes, the right amount of police
 - h. No, we need some more police
 - i. No, we need many more police
 - j. No, but more police won't be able to uphold security, law and order anyways
- 3) Why did you join the AUP?
 - a. Salary/employment
 - b. To serve the country
 - c. To protect the family
 - d. To protect the community
 - e. Religious reasons
 - f. Family members wanted them to join
 - g. For the uniform
 - h. Other, namely _____
- 4) Do you know people who left the AUP tashkil, and if so, what were their reasons for leaving?

- 5) Do you think the civil police are capable to uphold security law and order?
 - g. Strongly disagree
 - h. Disagree
 - i. Neither agree nor disagree [NEUTRAL]
 - j. Agree
 - k. Strongly agree
 - l. No comment [DON'T MENTION THIS AS AN OPTION TO THE INTERVIEWEE]

- 6) If somebody would commit a crime against a friend, would you advise him to go to the police? YES / NO
- 7) If a friend would find out that somebody is planning to commit a crime, would you advise him to go to the police to report this? YES / NO
- 8) Do you feel that what you have learned during police training is useful for the tasks you currently have to perform?
- Very useful
 - Somewhat useful
 - Neither useful nor not useful
 - Somewhat not useful
 - Not useful at all
- 9) What things you've learned during police training should be paid more attention to?
- _____
- _____
- _____
- _____
- 10) What things you've learned during police training should be improved?
- _____
- _____
- _____
- _____
- 11) What things you've learned during police training are irrelevant for your current police tasks?
- _____
- _____
- _____
- _____
- 12) What issues do you think communities see as their biggest problems that police can help them with? (CHOOSE THE THREE MOST IMPORTANT ANSWERS)
- Insurgency
 - Smuggling and narcotics
 - Rape
 - Theft
 - Fights
 - Bad driving and traffic accidents
 - Kidnapping
 - Corruption
 - Other, namely _____
- 13) Do you think that the police are making a positive difference in addressing these problems?
- Strongly agree
 - Somewhat agree
 - Neither agree nor disagree
 - Somewhat disagree
 - Strongly disagree
- 14) Do you think that communities are thankful for the police helping them with their problems?

- a. Strongly agree
- b. Somewhat agree
- c. Neither agree nor disagree
- d. Somewhat disagree
- e. Strongly disagree

15) Do you feel that the police get respect from the population?

- a. A lot of respect
- b. Some respect
- c. No respect, but also no disrespect
- d. Some disrespect
- e. A lot of disrespect

16) Do you feel that the population trusts the police?

- a. A lot of trust
- b. Some trust
- c. Neither trust nor distrust
- d. Some distrust
- e. A lot of distrust

17) Do you feel that the police treat the population with respect?

- a. Yes, with a lot of respect
- b. Yes, with somewhat respect
- c. Neither with respect or disrespect
- d. No, with somewhat disrespect
- e. No, with no respect at all

18) Do you think that the actions of police are influenced by powerful people outside of the police (e.g. warlords, politicians, etc.)?

- a. Yes
- b. No
- c. Sometimes
- d. I don't know

19) Do you think that powerful people (from outside the police: e.g. warlords, politicians, etc.) prevent the police from doing their jobs properly?

- a. Yes
- b. No
- c. Sometimes
- d. I don't know

20) Do you think that the actions of prosecutors are influenced by powerful people (e.g. warlords, politicians, etc.)?

- a. Yes
- b. No
- c. Sometimes
- d. I don't know

21) Do you think that powerful people (e.g. warlords, politicians, etc.) prevent prosecutors from doing their jobs properly?

- a. Yes
- b. No
- c. Sometimes
- d. I don't know

- 22) Do you think that prosecutors are capable of performing their jobs?
- Very capable
 - Somewhat capable
 - Not capable, but also not incapable
 - Somewhat incapable
 - Very incapable
- 23) If somebody committed a crime against you, would you trust a prosecutor to present your case at a court?
- I fully trust him
 - I somewhat trust him
 - I somewhat distrust him
 - I distrust him
 - I don't know whether I trust him or not
- 24) How would you describe the cooperation between the police and prosecutors?
- Very good
 - Good
 - Neither good nor bad
 - Bad
 - Very bad
- 25) Do you think that cases are not being prosecuted correctly because of bad cooperation between the police and the prosecutors/courts?
- A lot
 - Some
 - None
 - I don't know
- 26) Have you ever interacted with a prosecutor within your job as a policeman? YES / NO / I don't know
- 27) If so, how would you describe this cooperation?
- Very good
 - Somewhat good
 - Neither good nor bad
 - Somewhat bad
 - Very bad
- 28) How often is a suspect held in a police station longer than 3 days?
- Never
 - Only in a few cases
 - Half of the cases
 - Most cases
 - All cases
- 29) What are reasons for holding a suspect longer than 3 days in a police station?
- _____
- _____
- _____
- _____
- _____
- 30) How often per day does a suspect receive a meal at a police station?
- Never
 - Once

- c. Twice
 - d. More than twice
 - e. Don't know
- 31) How often per day does a suspect receive something to drink at a police station?
- a. Never
 - b. Once
 - c. Twice
 - d. Thrice
 - e. Suspects can drink whenever they want
 - f. Don't know
- 32) If a suspect needs medicine will he be allowed to get it?
- a. Yes
 - b. No
 - c. Sometimes
 - d. Don't know
- 33) Would you refer a case or recommend that two individuals who are having a dispute over land or water should go to a huqooq?
- a. Yes
 - b. No
 - c. Sometimes
 - d. Don't Know
- 34) If yes, why would you refer a case to a huqooq or why would you recommend that people go to the huqooq? (Don't tell the interviewee the answers, circle the answers that are closest)
- a. Lack of corruption
 - b. Distance / Lack of travel costs
 - c. Limited or no other financial costs (non-corruption)
 - d. Effectiveness (they are able to solve cases)
 - e. They have the knowledge or intelligence
 - f. Time (it is quicker than other options)
 - g. Fairness & Equality (they would treat people fairly and equally)
 - h. Empathy (they care about people)
 - i. Safety (lack of danger/violence)
 - j. Other, namely _____
 - k. Don't Know
- 35) If no, why would you not refer a case to a huqooq or why would you not recommend people the huqooq? (Don't tell the interviewee the answers, circle the answers that are closest)
- a. Corruption
 - b. Distance / Travel Costs
 - c. Other financial costs (non-corruption)
 - d. Ineffectiveness (they are unable to solve cases)
 - e. They lack the knowledge or intelligence
 - f. Time (it is slower than other options)
 - g. Unfairness & Inequality (they would not treat people fairly and equally)
 - h. Lack of empathy (they do not care about people)
 - i. Danger/violence
 - j. Other, namely _____
 - k. Don't know
- 36) Would you refer a case or recommend that two individuals who are having a dispute over land or water should go to the formal court system?

- a. Yes
- b. No
- c. Sometimes
- d. Don't Know

37) If yes, why would you refer a case to the formal court system or why would you recommend that people go to the formal court system? (Don't tell the interviewee the answers, circle the answers that are closest)

- a. Lack of corruption
- b. Distance / Lack of travel costs
- c. Limited or no other financial costs (non-corruption)
- d. Effectiveness (they are able to solve cases)
- e. They have the knowledge or intelligence
- f. Time (it is quicker than other options)
- g. Fairness & Equality (they would treat people fairly and equally)
- h. Empathy (they care about people)
- i. Safety (lack of danger/violence)
- j. Other, namely _____
- k. Don't Know

38) If no, why would you not refer a case to the formal court system or why would you not recommend people the formal court system? (Don't tell the interviewee the answers, circle the answers that are closest)

- a. Corruption
- b. Distance / Travel Costs
- c. Other financial costs (non-corruption)
- d. Ineffectiveness (they are unable to solve cases)
- e. They lack the knowledge or intelligence
- f. Time (it is slower than other options)
- g. Unfairness & Inequality (they would not treat people fairly and equally)
- h. Lack of empathy (they do not care about people)
- i. Danger/violence
- j. Other, namely _____
- k. Don't know

39) Would you refer a case or recommend that two individuals who are having a dispute over land or water should go to a shura/jirga?

- a. Yes
- b. No
- c. Sometimes
- d. Don't Know

40) If yes, why would you refer a case to a shura/jirga or why would you recommend that people should go to shuras/jirgas? (Don't tell the interviewee the answers, circle the answers that are closest)

- a. Lack of corruption
- b. Distance / Lack of travel costs
- c. Limited or no other financial costs (non-corruption)
- d. Effectiveness (they are able to solve cases)
- e. They have the knowledge or intelligence
- f. Time (it is quicker than other options)
- g. Fairness & Equality (they would treat people fairly and equally)
- h. Empathy (they care about people)
- i. Safety (lack of danger/violence)
- j. Other, namely _____
- k. Don't Know

- 41) If no, why would you not refer a case to a shura/jirga or why would you not recommend people should go to shuras/jirgas? (Don't tell the interviewee the answers, circle the answers that are closest)
- a. Corruption
 - b. Distance / Travel Costs
 - c. Other financial costs (non-corruption)
 - d. Ineffectiveness (they are unable to solve cases)
 - e. They lack the knowledge or intelligence
 - f. Time (it is slower than other options)
 - g. Unfairness & Inequality (they would not treat people fairly and equally)
 - h. Lack of empathy (they do not care about people)
 - i. Danger/violence
 - j. Other, namely _____
 - k. Don't know
- 42) Would you refer a case or recommend a person who has a criminal case to go to the formal court system?
- a. Yes
 - b. No
 - c. Sometimes
 - d. Don't Know
- 43) If yes, why would you refer a case to the formal court system or why would you recommend that people go to the formal court system? (Don't tell the interviewee the answers, circle the answers that are closest)
- a. Lack of corruption
 - b. Distance / Lack of travel costs
 - c. Limited or no other financial costs (non-corruption)
 - d. Effectiveness (they are able to solve cases)
 - e. They have the knowledge or intelligence
 - f. Time (it is quicker than other options)
 - g. Fairness & Equality (they would treat people fairly and equally)
 - h. Empathy (they care about people)
 - i. Safety (lack of danger/violence)
 - j. Other, namely _____
 - k. Don't Know
- 44) If no, why would you not refer a case to the formal court system or why would you not recommend people the formal court system? (Don't tell the interviewee the answers, circle the answers that are closest)
- a. Corruption
 - b. Distance / Travel Costs
 - c. Other financial costs (non-corruption)
 - d. Ineffectiveness (they are unable to solve cases)
 - e. They lack the knowledge or intelligence
 - f. Time (it is slower than other options)
 - g. Unfairness & Inequality (they would not treat people fairly and equally)
 - h. Lack of empathy (they do not care about people)
 - i. Danger/violence
 - j. Other, namely _____
 - k. Don't know
- 45) Would you refer a case or recommend a person who has a criminal case to go to a shura/jirga?
- a. Yes

- b. No
- c. Sometimes
- d. Don't Know

46) If yes, why would you refer a case to a shura/jirga or why would you recommend that people should go to shuras/jirgas? (Don't tell the interviewee the answers, circle the answers that are closest)

- a. Lack of corruption
- b. Distance / Lack of travel costs
- c. Limited or no other financial costs (non-corruption)
- d. Effectiveness (they are able to solve cases)
- e. They have the knowledge or intelligence
- f. Time (it is quicker than other options)
- g. Fairness & Equality (they would treat people fairly and equally)
- h. Empathy (they care about people)
- i. Safety (lack of danger/violence)
- j. Other, namely _____
- k. Don't Know

47) If no, why would you not refer a case to a shura/jirga or why would you not recommend people should go to shuras/jirgas? (Don't tell the interviewee the answers, circle the answers that are closest)

- a. Corruption
- b. Distance / Travel Costs
- c. Other financial costs (non-corruption)
- d. Ineffectiveness (they are unable to solve cases)
- e. They lack the knowledge or intelligence
- f. Time (it is slower than other options)
- g. Unfairness & Inequality (they would not treat people fairly and equally)
- h. Lack of empathy (they do not care about people)
- i. Danger/violence
- j. Other, namely _____
- k. Don't know

Structured Interview – AUP recruits (n=22)

Introductory questions

1. What ethnic group or groups do you belong to? [Circle all that apply]
 - a) Tajik
 - b) Uzbek
 - c) Pashtun
 - d) Hazara
 - e) Turkmen
 - f) Arab
 - g) Other
2. What tribal group or groups do you belong to?

3. How big a deal is ethnicity in your daily life?
 - d) Not important
 - e) Somewhat important
 - f) Very important
4. How big a deal is tribalism in your daily life?
 - d) Not important
 - e) Somewhat important
 - f) Very important
5. Please rank the following ethnic groups in the order that you think has the most power in your district?
 - g) ____ Tajik
 - h) ____ Uzbek
 - i) ____ Pashtun
 - j) ____ Hazara
 - k) ____ Turkmen
 - l) ____ Arab
6. What is the respondent's sex/gender?
 - a) Male
 - b) Female
7. How old are you?
_____ years old
8. What level of education have you obtained? (Don't tell them answers. Please circle all that apply.)
 - a) No school
 - b) Some primary school
 - c) Completed primary school
 - d) Some secondary school
 - e) Completed secondary school
 - f) Some high school
 - g) Completed high school
 - h) University
 - i) Trade School
 - j) Madrassa/Religious school
9. Does your household own land?

- a) Yes
 - b) No
10. If yes, is it irrigated or rain-fed?
- a) Not irrigated
 - b) Limited irrigation
 - c) Half irrigated
 - d) Mostly irrigated
 - e) Fully irrigated
11. How many people work on the land?
- a) 1-5
 - b) 6-10
 - c) 11-20
 - d) 21-50
 - e) 51 or more

Main questionnaire

- 1) Do you think there are enough police in this district to provide security? YES / NO
- 2) Is the number of police in this district enough to provide security, law and order?
 - a. Yes, more than enough
 - b. Yes, the right amount of police
 - c. No, we need some more police
 - d. No, we need many more police
 - e. No, but more police won't be able to uphold security, law and order anyways
- 3) Why did you join the AUP?
 - a. Salary/employment
 - b. To serve the country
 - c. To protect the family
 - d. To protect the community
 - e. Religious reasons
 - f. Family members wanted them to join
 - g. For the uniform
 - h. Other, namely _____
- 4) Do you know recruits who left the AUP tashkil, and if so, what were their reasons for leaving?

- 5) What was the number of recruits you know who left voluntarily [for reasons other than being expelled by the police trainers or police management]? ____
- 6) What was the ethnicity of the recruits who left?
 - a. Tajik

- b. Uzbek
 - c. Pashtun
 - d. Hazara
 - e. Turkmen
 - f. Arab
 - g. Other
- 7) Do you think the civil police are capable to uphold security law and order?
- a. Strongly disagree
 - b. Disagree
 - c. Neither agree nor disagree [NEUTRAL]
 - d. Agree
 - e. Strongly agree
 - f. No comment [DON'T MENTION THIS AS AN OPTION TO THE INTERVIEWEE]
- 8) If somebody would commit a crime against a friend, would you advise him to go to the police? YES / NO
- 9) If a friend would find out that somebody is planning to commit a crime, would you advise him to go to the police to report this? YES / NO

Structured Interviews – Judges and Court Officials (n=22)

Introductory questions

1. What ethnic group or groups do you belong to? [Circle all that apply]
 - a) Tajik
 - b) Uzbek
 - c) Pashtun
 - d) Hazara
 - e) Turkmen
 - f) Arab
 - g) Other
2. What tribal group or groups do you belong to?

Main Questionnaire

- 1) Do you think the civil police are capable of performing their jobs? Why or why not?
- 2) Have there been any positive aspects or improvements that you have noticed in the performance of the police during the past year?
- 3) How independent, in your opinion, are the civil police? In other words, do you think that the actions of police are influenced by powerful people outside of the police (e.g. warlords, politicians, etc.)? And if so, how often does this happen?
- 4) Do you think that prosecutors are capable of performing their jobs? Why or why not?
- 5) How independent, in your opinion, are the prosecutors in district? In other words, do you think that the actions of police are influenced by powerful people outside of the police (e.g. warlords, politicians, etc.)? And if so, how often does this happen?
- 6) How would you describe the working relationship between the civil police and the prosecutors?
- 7) Have you experienced that powerful people (warlords, politicians, etc) have tried to influence or obstruct cases that you have been involved in or known about?

- a. Yes
 - b. No
 - c. Don't know
- 8) If so, please describe how those powerful people attempted to influence or obstruct a case.
- 9) How capable do you think lawyers in your district are to provide legal aid to individuals who want to take a case to the formal courts?
- 10) How would describe any interactions you have had with lawyers in this district?
- 11) In the last year, have you ever referred a case or recommended that two individuals who are having a civil dispute should go to the huqooq? If so, how often?
- 12) Why would you refer a case to the huqooq or recommend that people who are having a civil dispute go to the huqooq?
- 13) Why would you not refer a case to the huqooq or recommend people who are having a civil dispute should go to the huqooq? (Don't tell the interviewee the answers, circle the answers that are closest)
- a. Corruption
 - b. Distance / Travel costs
 - c. Other financial costs (non-corruption)
 - d. Ineffectiveness (they are not able to solve cases)
 - e. Lack of knowledge/intelligence
 - f. Time (it is slower than other options)
 - g. Unfairness & Inequality
 - h. Apathy (they do not care about people)
 - i. Danger/Violence
 - j. Other, namely _____
 - k. Don't Know
- 14) In the last year, have you ever referred a case or recommended that two individuals who are having a civil or criminal dispute should go to a shura, jirga or group of local elders? If so, how often?
- 15) Why would you refer a case or recommend that people who are having a dispute go to a shura, jirga or group of local elders?
- 16) Why would you not refer a case or recommend people who are having a dispute should go to shura, jirga or group of local elders? (Don't tell the interviewee the answers, circle the answers that are closest)
- a. Corruption
 - b. Distance / Travel costs

- c. Other financial costs (non-corruption)
- d. Ineffectiveness (they are not able to solve cases)
- e. Lack of knowledge/intelligence
- f. Time (it is slower than other options)
- g. Unfairness & Inequality
- h. Apathy (they do not care about people)
- i. Danger/Violence
- j. Other, namely _____
- k. Don't Know

17) Do you feel that people are treated equally in the courts? Why or why not?

18) Do you feel that people have respect for court officials?

19) Do you feel that people have respect for judgments issued by the court?

20) How long does it take an average case to be processed by the court in this district?

21) What are the reasons why time delays might occur?

22) What do you think are the basic rights of Afghan citizens?

23) How aware do you think your colleagues in the court system are of the basic rights of Afghan citizens?

24) How well protected are basic rights in the current justice system?

25) How do perceive the future of the protection of basic rights in Afghanistan? [In other words, are they hopeful that the justice system will be better in the future, or do they think that basic rights will be less protected or receive less attention.]

Structured Interviews – Prosecutors (n=10)**Introductory questions**

1. What ethnic group or groups do you belong to? [Circle all that apply]
 - a) Tajik
 - b) Uzbek
 - c) Pashtun
 - d) Hazara
 - e) Turkmen
 - f) Arab
 - g) Other
2. What tribal group or groups do you belong to?

3. How big a deal is ethnicity in your daily life?
 - a) Not important
 - b) Somewhat important
 - c) Very important
4. How big a deal is tribalism in your daily life?
 - a) Not important
 - b) Somewhat important
 - c) Very important
5. Please rank the following ethnic groups in the order that you think has the most power in your district?
 - a) ____ Tajik
 - b) ____ Uzbek
 - c) ____ Pashtun
 - d) ____ Hazara
 - e) ____ Turkmen
 - f) ____ Arab
6. What is the respondent's sex/gender?
 - a) Male
 - b) Female
7. How old are you?
_____ years old
8. What level of education have you obtained? (Don't tell them answers. Please circle all that apply.)
 - a) No school
 - b) Some primary school
 - c) Completed primary school
 - d) Some secondary school
 - e) Completed secondary school
 - f) Some high school
 - g) Completed high school
 - h) University
 - i) Trade School
 - j) Madrassa/Religious school
9. Does your household own land?

- a) Yes
 - b) No
10. If yes, is it irrigated or rain-fed?
- a) Not irrigated
 - b) Limited irrigation
 - c) Half irrigated
 - d) Mostly irrigated
 - e) Fully irrigated
11. How many people work on the land?
- a) 1-5
 - b) 6-10
 - c) 11-20
 - d) 21-50
 - e) 51 or more

Main Questionnaire

- 1) How independent, in your opinion, are the civil police? In other words, do you think that the actions of police are influenced by powerful people outside of the police (e.g. warlords, politicians, etc.)? And if so, how often does this happen?
- 2) How independent, in your opinion, are the prosecutors and attorney general's office? In other words, do you think that the actions of prosecutors and the attorney general's office are influenced by powerful people outside of the police (e.g. warlords, politicians, etc.)? And if so, how often does this happen?
- 3) Do you think the civil police are capable of performing their jobs? Why or why not?
- 4) Do you feel that the AUP have any role to perform in dealing with civil cases? YES / NO /Don't Know
- 5) How would you describe that role?
- 6) Do you think that prosecutors are capable of performing their jobs? Why or why not?
- 7) How would you describe the working relationship between the civil police and the prosecutors in the formal court system?

- 8) In the last year, how often have you referred a case or recommended that two individuals who are having a civil dispute should go to the formal court system? _____
- 9) Why would you refer a case to the formal court system or recommend that people who are having a civil dispute go to the formal court system?
- 10) Why would you not refer a case to the formal court system or recommend people who are having a civil dispute should go the formal court system? (Don't tell the interviewee the answers, circle the answers that are closest)
- a. Corruption
 - b. Distance / Travel costs
 - c. Other financial costs (non-corruption)
 - d. Ineffectiveness (they are not able to solve cases)
 - e. Lack of knowledge/intelligence
 - f. Time (it is slower than other options)
 - g. Unfairness & Inequality
 - h. Apathy (they do not care about people)
 - i. Danger/Violence
 - j. Other, namely _____
 - k. Don't Know
- 11) In the last year, how often have you referred a case or recommended a person who has a criminal case to go to the formal court system? _____
- 12) Why would you refer a case to the formal court system or recommend that people who have a criminal case go to the formal court system?
- 13) Why would you not refer a case to the formal court system or recommend people who have a criminal case go the formal court system? (Don't tell the interviewee the answers, circle the answers that are closest)
- a. Corruption
 - b. Distance / Travel costs
 - c. Other financial costs (non-corruption)
 - d. Ineffectiveness (they are not able to solve cases)
 - e. Lack of knowledge/intelligence
 - f. Time (it is slower than other options)
 - g. Unfairness & Inequality
 - h. Apathy (they do not care about people)
 - i. Danger/Violence
 - j. Other, namely _____
 - k. Don't Know
- 14) In the last year, how often have you referred a case or recommended that two individuals who are having a civil dispute should go to a shura, Jirga or group of local elders?
- 15) Why would you refer a case or recommend that people who are having a civil dispute go to a shura, Jirga or group of local elders?

- 16) Why would you not refer a case or recommend people who are having a civil dispute should go to shura, jirga or group of local elders? (Don't tell the interviewee the answers, circle the answers that are closest)
- Corruption
 - Distance / Travel costs
 - Other financial costs (non-corruption)
 - Ineffectiveness (they are not able to solve cases)
 - Lack of knowledge/intelligence
 - Time (it is slower than other options)
 - Unfairness & Inequality
 - Apathy (they do not care about people)
 - Danger/Violence
 - Other, namely _____
 - Don't Know
- 17) In the last year, how often have you referred a case or recommended a person who has a criminal case to go to a shura, jirga or group of local elders? _____
- 18) Why would you refer a case to the formal court system or recommend that people who have a criminal case go to a shura, jirga or group of local elders?
- 19) Why would you not refer a case or recommend people who have a criminal case go to a shura, jirga or group of local elders? (Don't tell the interviewee the answers, circle the answers that are closest)
- Corruption
 - Distance / Travel costs
 - Other financial costs (non-corruption)
 - Ineffectiveness (they are not able to solve cases)
 - Lack of knowledge/intelligence
 - Time (it is slower than other options)
 - Unfairness & Inequality
 - Apathy (they do not care about people)
 - Danger/Violence
 - Other, namely _____
 - Don't Know
- 20) How capable do you think lawyers in your district are to provide legal aid to individuals who want to take a case to the formal courts?
- 21) How would describe any interactions you have had with lawyers in this district?
- 22) How often and to what extent do time delays occur in the court in this district?
- 23) How long does it take an average case to be processed by the court in this district?

24) Why do time delays occur?

Structured Interviews – Informal Justice Members (n=50)

Introductory questions

1. What ethnic group or groups do you belong to? [Circle all that apply]
 - a) Tajik
 - b) Uzbek
 - c) Pashtun
 - d) Hazara
 - e) Turkmen
 - f) Arab
 - g) Other
2. What tribal group or groups do you belong to?

3. How big a deal is ethnicity in your daily life?
 - a) Not important
 - b) Somewhat important
 - c) Very important
4. How big a deal is tribalism in your daily life?
 - a) Not important
 - b) Somewhat important
 - c) Very important
5. Please rank the following ethnic groups in the order that you think has the most power in your district?
 - a) ____ Tajik
 - b) ____ Uzbek
 - c) ____ Pashtun
 - d) ____ Hazara
 - e) ____ Turkmen
 - f) ____ Arab
6. What is the respondent's sex/gender?
 - a) Male
 - b) Female
7. How old are you?
_____ years old
8. What level of education have you obtained? (Don't tell them answers. Please circle all that apply.)
 - a) No school
 - b) Some primary school
 - c) Completed primary school
 - d) Some secondary school
 - e) Completed secondary school
 - f) Some high school
 - g) Completed high school
 - h) University
 - i) Trade School
 - j) Madrassa/Religious school
9. Does your household own land?

- a) Yes
 - b) No
10. If yes, is it irrigated or rain-fed?
- a) Not irrigated
 - b) Limited irrigation
 - c) Half irrigated
 - d) Mostly irrigated
 - e) Fully irrigated
11. How many people work on the land?
- a) 1-5
 - b) 6-10
 - c) 11-20
 - d) 21-50
 - e) 51 or more

Main Questionnaire

- 1) How often do you recommend two individuals who are having a dispute over land or water should go to a huqooq? ____
- 2) If yes, why would you refer a case to a huqooq or why would you recommend that people go to the huqooq?
- 3) Why would you not refer a case to a huqooq or why would you not recommend people the huqooq? (Don't tell the interviewee the answers, circle the answers that are closest)
 - a. Corruption
 - b. Distance / Travel costs
 - c. Other financial costs (non-corruption)
 - d. Ineffectiveness (they are not able to solve cases)
 - e. Lack of knowledge/intelligence
 - f. Time (it is slower than other options)
 - g. Unfairness & Inequality
 - h. Apathy (they do not care about people)
 - i. Danger/Violence
 - j. Other, namely _____
 - k. Don't Know
- 4) How often would you refer a case or recommend that two individuals who are having a dispute over land or water should go to the formal court system? ____
- 5) If yes, why would you refer a case to the formal court system or why would you recommend that people go to the formal court system?
- 6) Why would you not refer a case to the formal court system or why would you not recommend people the formal court system? (Don't tell the interviewee the answers, circle the answers that are closest)

- a. Corruption
 - b. Distance / Travel costs
 - c. Other financial costs (non-corruption)
 - d. Ineffectiveness (they are not able to solve cases)
 - e. Lack of knowledge/intelligence
 - f. Time (it is slower than other options)
 - g. Unfairness & Inequality
 - h. Apathy (they do not care about people)
 - i. Danger/Violence
 - j. Other, namely _____
 - k. Don't Know
- 7) How often would you refer a case or recommend a person who has a criminal case to go to the formal court system? _____
- 8) If yes, why would you refer a case to the formal court system or why would you recommend that people go to the formal court system?
- 9) Why would you not refer a case to the formal court system or why would you not recommend people the formal court system? (Don't tell the interviewee the answers, circle the answers that are closest)
- a. Corruption
 - b. Distance / Travel costs
 - c. Other financial costs (non-corruption)
 - d. Ineffectiveness (they are not able to solve cases)
 - e. Lack of knowledge/intelligence
 - f. Time (it is slower than other options)
 - g. Unfairness & Inequality
 - h. Apathy (they do not care about people)
 - i. Danger/Violence
 - j. Other, namely _____
 - k. Don't Know
- 10) How much interaction is there between the shura and the civil police?
- 11) If so, how do the shura and civil police cooperate?
- 12) How would you describe your cooperation with the civil police?
- 13) How much interaction is there between the shura and the huqooq office?
- 14) If so, how do the shura and the huqooq office cooperate?

- 15) How would you describe your cooperation with the huqooq office?
- 16) How much interaction is there between the shura and the formal courts?
- 17) If so, how do the shura and the formal courts cooperate?
- 18) How would you describe your cooperation with the formal courts?

Structured Interviews – Prisoners (n=21)

Main Questionnaire

1. How long have you been in prison?
2. What crime were you accused of?
3. When the police arrested you, how many hours or days were you in the police station?
4. While you were in the police station, did the police interrogate you with force?
 - a. If yes, then how?
5. Were you provided with food while you were in the police station?
 - a. How many times per day did you get food?
6. Were you provided with water while you were in the police station?
 - a. How many times per day did you get water?
7. If you have any medicine that you need for your health, did you have access to it?
8. Were you allowed to meet with family members or relatives while you were in the police station?
9. When you were in the police station, were you kept in a solitary cell or with other prisoners?
10. Were you ever kept in a dark room for interrogation?

- a. If so, for how long?
-
- 11. After you were taken to prison, how long did it take until the primary court heard your case and issued a verdict?
 - 12. What was the verdict of the primary court?
 - 13. Did you appeal the verdict?
 - 14. If so, how long did it take for your case to be heard by the appeal court?
 - 15. What was the verdict of the appeals court?
 - 16. Did you appeal that verdict to the supreme court?
 - 17. How long have you been waiting or how long did you wait for the Supreme Court to offer a verdict?
 - 18. How old are you?
 - 19. What ethnicity are you?
 - 20. What village and district are you from?

9. Structured Interviews - Police Management (n=14)

Introductory questions

1. What ethnic group or groups do you belong to? [Circle all that apply]
 - a) Tajik
 - b) Uzbek
 - c) Pashtun
 - d) Hazara
 - e) Turkmen
 - f) Arab
 - g) Other
2. What tribal group or groups do you belong to?

3. How big a deal is ethnicity in your daily life?
 - a) Not important
 - b) Somewhat important
 - c) Very important
4. How big a deal is tribalism in your daily life?
 - a) Not important
 - b) Somewhat important
 - c) Very important
5. Please rank the following ethnic groups in the order that you think has the most power in your district?
 - a) ____ Tajik
 - b) ____ Uzbek
 - c) ____ Pashtun
 - d) ____ Hazara
 - e) ____ Turkmen
 - f) ____ Arab
6. What is the respondent's sex/gender?
 - a) Male
 - b) Female
7. How old are you?
_____ years old
8. What level of education have you obtained? (Don't tell them answers. Please circle all that apply.)
 - a) No school
 - b) Some primary school
 - c) Completed primary school
 - d) Some secondary school
 - e) Completed secondary school
 - f) Some high school
 - g) Completed high school
 - h) University
 - i) Trade School
 - j) Madrassa/Religious school
9. Does your household own land?

- a) Yes
 - b) No
10. If yes, is it irrigated or rain-fed?
- a) Not irrigated
 - b) Limited irrigation
 - c) Half irrigated
 - d) Mostly irrigated
 - e) Fully irrigated
11. How many people work on the land?
- a) 1-5
 - b) 6-10
 - c) 11-20
 - d) 21-50
 - e) 51 or more

Main Questionnaire

- 1) Do you think there are enough police in this district to provide security?
- 2) Is the number of police in this district enough to provide security, law and order?
- 3) How have you dealt with these threats? [WHAT KIND OF STRATEGIES]
- 4) Do you feel that the police have a meaningful impact in dealing with these threats?
- 5) Do you feel that these threats are still present?
- 6) Did anyone in your unit leave the AUP voluntarily within the last year? YES / NO / I don't know
- 7) If so, how many left in the last year? ____
- 8) What do you think their reasons were for leaving the AUP?
- 9) Do you feel that your unit received sufficient training to perform their basic policing tasks?
- 10) What parts of the training, in your opinion, should receive more attention?
- 11) What parts of the training, in your opinion, should receive less attention?
- 12) Do you have any additional comments on the training as the recruits received it in the last year?

- 13) How many men do you have under your command? ____
- 14) How many men under your command do you think can read and write at the most basic level [write their names]? ____
- 15) How many men under your command do you think can read and write on a level that they can take notes during the performance of their policing tasks? ____
- 16) How many men under your command do you think can read and write on a level that can make police reports? ____
- 17) How many of your men do you think actively use their literacy skills [reading and writing] during the course of their job? ____
- 18) How many of your men are responsible for writing police reports and other important documents? ____
- 19) How important do you think it is for most policemen to be able to read? And why or why not?
- 20) How important do you think it is for most policemen to be able to write? Why or why not?
- 21) What kind of options do people have to give feed-back on the performance of the civil police?
- 22) Do you know if people often make use of these options?
- 23) Are there any current programs or activities to promote police accountability?
- 24) What kind of means do you have to control and check the police under your command?
- 25) What activities has the AUP in this district undertaken to improve the relationship with communities?
- 26) To whom in specific are these activities directed? Who are the target groups and why?

- 27) What issues do you think communities see as their biggest problems that police can help them with?
- 28) How do the police learn about problems in communities?
- 29) In what way do the police try to address these problems?
- 30) How independent, in your opinion, are the civil police? In other words, do you think that the actions of police are influenced by powerful people outside of the police (e.g. warlords, politicians, etc.)? And if so, how often does this happen?
- 31) How independent, in your opinion, are the prosecutors and attorney general's office? In other words, do you think that the actions of prosecutors and the attorney general's office are influenced by powerful people outside of the police (e.g. warlords, politicians, etc.)? And if so, how often does this happen?
- 32) Do you think that prosecutors are capable of performing their jobs?
- 33) Can you describe the relationship between the civil police and the attorney general office over the last year?
- 34) Can you give us examples of the interaction between your department and the attorney general's office?
- 35) What points or moments of cooperation can be described as good or as very good?
- 36) What points or moments of cooperation were less constructive?

10. Structured Interviews - Community Narratives (n=122)

Introductory questions

1. What ethnic group or groups do you belong to? [Circle all that apply]
 - a) Tajik
 - b) Uzbek
 - c) Pashtun
 - d) Hazara
 - e) Turkmen
 - f) Arab
 - g) Other
2. What tribal group or groups do you belong to?

3. How big a deal is ethnicity in your daily life?
 - a) Not important
 - b) Somewhat important
 - c) Very important
4. How big a deal is tribalism in your daily life?
 - a) Not important
 - b) Somewhat important
 - c) Very important
5. Please rank the following ethnic groups in the order that you think has the most power in your district?
 - a) ____ Tajik
 - b) ____ Uzbek
 - c) ____ Pashtun
 - d) ____ Hazara
 - e) ____ Turkmen
 - f) ____ Arab
6. What is the respondent's sex/gender?
 - a) Male
 - b) Female
7. How old are you?
_____ years old
8. What level of education have you obtained? (Don't tell them answers. Please circle all that apply.)
 - a) No school
 - b) Some primary school
 - c) Completed primary school
 - d) Some secondary school
 - e) Completed secondary school
 - f) Some high school
 - g) Completed high school
 - h) University
 - i) Trade School
 - j) Madrassa/Religious school
9. Does your household own land?

- a) Yes
- b) No

10. If yes, is it irrigated or rain-fed?

- a) Not irrigated
- b) Limited irrigation
- c) Half irrigated
- d) Mostly irrigated
- e) Fully irrigated

11. How many people work on the land?

- a) 1-5
- b) 6-10
- c) 11-20
- d) 21-50
- e) 51 or more

Main Questionnaire

1. Did you or a close friend or relative take a case or dispute to a formal/informal institution (Example: police, court, huqooq, shura/Jirga)? If it was someone other than you, please describe your relationship.
 - a. You [the respondent]
 - b. Someone else (please specify): _____
2. What was that case or dispute about? If you (or your close friend or relative) have had more than one case or dispute, please just describe the most recent one.
3. Where was the case taken to?
4. Why did you (or your close friend or relative) take it there?
5. Why did you or they not take it anywhere else?
6. Did you (or your close friend/relative) represent yourself/themselves, or was a proxy, representative or advisor used? If so, who?
7. If so, how useful and satisfactory was their help?
8. Please describe your (or your close friend or relative's) interactions with the members of that institution. How helpful were they? How did they do their job?

9. Were any errors or mistakes made in the handling of the case? If so, what were the mistakes?
10. [ONLY FOR CRIMINAL CASE IN FORMAL SYSTEM]: How would you describe the cooperation between the police and prosecutors who dealt with the case?
11. Did you (or your close friend or relative) have to pay a bribe?
12. Did you (or your close friend or relative) have to pay any other costs (Example: transportation costs, legal fees, etc.)?
13. Were there any external actors (Example: warlords, politicians, local commanders, etc) who tried to influence or affect the outcome of the case or to obstruct the case? If so, how?
14. If you had another case or dispute in the future, would you go to the same institution? Why or why not?

Focus Groups – Community Members (36 groups)

** Each focus group consisted of six to 10 male or female members. Each discussion was organized at a mosque, school or other common area in the communities where the interviewees lived.

- 1) What are the problems in your community with regard to law, order and security (problems other than economic problems)?
- 2) How big are these problems?
- 3) How do these problems affect your community?
- 4) How have these problems affected the personal live(s) of the people in the focus group?
- 5) How do these problems arise?
- 6) What actions are currently being taken to deal with these problems?
- 7) Who is taking these actions?
- 8) What actions should be taken according to the focus group?
- 9) Who should be taking these actions?

Literacy Test – Police Recruits (n=22)

** A printed questionnaire in Dari with the following 10 questions was provided to the police recruits at the main AUP training center in Kunduz City.

Police Questionnaire

1. **Name**_____
2. **Father name**_____
3. **Position**_____
4. **Age**_____
5. **Sex**_____
6. **Hometown and District**_____
7. **When did you join the police?**
8. **Why did you join the police?**
9. **What do you think about the ability of the police take the responsibility of security of Afghanistan in 2014?**
10. **What are your hopes for the future of Afghanistan?**

