Assessment of the Dutch Integrated Police Training Mission in Kunduz, Afghanistan

2012 Progress Report
Working for a Sustainable Culture of Peace
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 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.
Acknowledgements

CPAU would like to acknowledge the efforts of our research staff that made this publication possible. The primary research team consisted of senior research officers Tamim Sharifzai, Samiullah Sabauoon, and Rafi Yousafzai, who were assisted by research officers Akbar Ludin, Qudratullah Ayoubi, Shakila Ashrafi, and translator Zamir Zaki. The Kabul-based research team was involved in all phases of the research including the initial methods development, training surveyors, implementing field research, coding data, data entry and translation. CPAU would also like to recognize the staff of our Kunduz office for their assistance in organizing the field research in Kunduz Province. It is important to recognize the hard work of the local surveyors who conducted the surveys and structured interviews in all seven districts of Kunduz province. Thanks to Laura Payne for assistance in writing and editing the final report. CPAU wants to thank Peter Tamas for his constructive guidance and advice throughout the methods development, and to Katja Starc for her assistance in managing the research process.

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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
ISAF: International Security Assistance Force
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 progress report is the first in a series of three annual assessments monitoring the impact of the Dutch Integrated Police Training Mission (IPM) in Kunduz, Afghanistan. It is delivered by Cooperation for Peace and Unity (CPAU), an Afghan organisation working to promote peace, social justice and human rights, at the request of the Dutch government. CPAU was privileged to deliver the initial 2011 baseline report on which this assessment builds.

The report is designed to identify changes in community perceptions of the justice system in Kunduz province within the context of the ongoing Dutch mission to build the capacity of rule of law (RoL) institutions. It measures confidence in institutions charged with protecting and delivering justice, including the Afghan Uniform Police (AUP) and the judiciary, against the baseline study conducted in 2011. In doing so, it draws primarily from community perception surveys and interviews with the police, government officials, community elders and prisoners, and relies on additional primary and secondary data provided by key institutions.

As with the 2011 baseline study, the report reflects upon four thematic areas tied to the aims of the Dutch Integrated Police Training Mission: (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. CPAU has continued to receive vital guidance and academic input from Wageningen University, and a review board at Utrecht University has provided oversight with regards to research methodology, data collection and report-writing processes.

Over the past decade the need to reform the justice sector has been at the forefront of international efforts to rebuild Afghanistan. The police force has been widely criticized on the grounds of 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). Meanwhile, decades of war have left the judiciary struggling to assert itself as a viable mechanism for seeking readdress, with heavy damage to material infrastructure, low levels of human resource and perceptions of corruption and unfairness. Concerns over the failings of these two key justice institutions have prompted a significant drive on the part of international community to support police development through targeted training and capacity building.

In contrast to the baseline study, this year's report presents us with the first opportunity to begin monitoring developments in access to justice and rule of law provision in Kunduz against a fixed reference point. Yet, attempting to measure observable social change over such a short period of time is very difficult, particularly when a key indicator is taken to be a quantifiable difference in community perceptions (shaped, as they are, over the course of lifetimes). This presents us with a set of problems and caveats in drawing conclusions from the findings of the report with certainty, and we outline these. The impact of interventions towards building rule of law capacity is likely to be felt incrementally and over a longer period of time, and it is on this basis that we urge care in the
application of this first set of monitoring data. With this in mind, we present the following findings in summary form:

**Theme 1: Civilian Police**

- **Size of AUP:** The 2012 Ministry of Interior's *Tashkil* (organizational chart identifying numbers of ANP personnel) shows evidence of significant growth when compared with the 2011 baseline report (2012 – 2301 personnel; 2011 - 1691 personnel).

- **AUP Ability to Provide Security:** A strong majority of people continue to perceive the number of police personnel in their communities as inadequate to ensure security. For example, perceptions of residents in Imam Sahib and Qala-e-Zal districts were significantly less favourable in 2012 regarding police abilities. However, residents of Char Dara district evidenced much more positive perceptions regarding the abilities of the civil police.

- **Gender Composition:** There was an increase in the number of female officers in Kunduz province in 2012 (2011 – 23; 2012 – 30). However, females remain largely unrepresented in most areas of the province. Further, approximately one-half of the population believes that women cannot get a job with the police.

- **Police Training:** Police management, personnel and new recruits remain very positive regarding the training provided by the international community in Kunduz. While emphasizing that the training curriculum corresponded with their duties, police respondents did provide suggestions for areas requiring additional attention.

- **Education and Literacy:** AUP respondents and their managing officers expressed a desire for increased attention on literacy. Literacy rates amongst AUP recruits remained very low in 2012, and one third of police respondents acknowledge they have not completed any formal schooling.

- **Perceptions of Drug Use:** A significant percentage (45%) of Kunduz province residents believe that at least a few of the police are engaged in drug use. Perceptions of drug use were highest in Kunduz district.

- **Unfair Treatment and Corruption:** A reduced number of residents (approximately 1 in 5) are reporting unfair treatment at the hands of the police in 2012 (2011 circa 25%; 2012 – 20.3%). However, Kunduz district appears to have deteriorated significantly in that a strong majority of residents are reporting unfair treatment. About 13% of all participants reported having to pay a bribe to the police during 2012 (compared to 16% in 2011). Again, Kunduz district evidenced the highest reporting of bribe requests from the police.

- **Ethnic Representation in the AUP:** A strong majority of people once again reported that their ethnic group was sufficiently represented in the AUP. In general, respondents did not
report significant levels of unfairness due to their ethnicity. However, certain ethnic groups continue to perceive unfairness.

- **Choosing Appropriate Institutions**: The police and local shuras and jirgas remain the primary avenues of acquiring assistance for dispute resolution. This report gives evidence that an increased number of community residents are approaching a shura/jirga after dealing with other formal justice counterparts. Thus, it remains clear that the traditional shura/jirga structures must be carefully linked with formal actors such as the civil police and the courts.

- **Community Needs**: A general sense of lawlessness and insecurity in many of the districts remained a key concern for Kunduz province residents in 2012. Exacerbating the situation are the lingering local perceptions that the government and police are prone to corruption and bribery.

### Theme 2: Police-Prosecutor Cooperation

- **Police – Prosecutor Relations**: Prosecutors were perceived by a majority of Kunduz residents, AUP personnel, and judges/court officials as capable of performing their jobs. However, prosecutors continue to experience significant barriers to their work – primarily in regards to general lawlessness throughout the province and their personal security.

- **Independence of the AUP and Prosecutors**: A significant percentage of community respondents continue to believe that they will not receive justice support from prosecutors or the police unless they pay a bribe. Further, the activities of both the police and prosecution are perceived as influenced by powerful groups and individuals. Police respondents also agreed with this diagnosis. In addition, both the police and prosecution viewed each other as negatively influenced by outside groups.

- **Timely Handling of Criminal Cases**: A significant number of AUP (39%) continue to claim that suspects are held for longer than the 72 hour constitutional limit before their case is formally handed to a prosecutor. This percentage is slighter higher than reported in the 2011 baseline report (36%), and is an area of concern that needs to be investigated and corrected.

### Theme 3: Justice Sector

- **Confidence in Justice Actors**: The two primary institutions that respondents claimed they would approach in a dispute were the police and community shuras and jirgas. This study documents the increasing role of informal actors alongside the formal system – particularly in conflicts such as land disputes. However, many respondents did not perceive the informal system as appropriate for criminal cases.
**Effective and Appropriate Referrals:** Perceptions of effective referrals between justice actors (formal and informal) seems to have been slightly improved during the 2012 assessment period. The AUP, shuras and jirgas, and the courts claimed to have actively referred cases between each other. However, it needs to be investigated why the role of the *huqooq* appears to be diminishing in the eyes of local residents in the overall justice provision in Kunduz province.

**Gender Equality in Justice Processes:** There appears to be improved perceptions of gender equality in the formal justice system in 2012. However, there remain lingering perceptions that males are more likely to win a case in the courts. A higher percentage of people perceived gender equality within the informal system. However, many respondents perceived a definite male bias here also. It can be concluded that Kunduz women still face significant challenges before they will achieve equal chances inside of both formal and informal justice systems.

**Effectiveness of the Courts and Lawyers:** Perceptions of the court’s ability to act effectively and efficiently were slightly improved in 2012. However, it remains a real struggle for residents to access lawyers in Kunduz province. In most cases it is believed that people must represent themselves in the formal justice system, or be represented by tribal elders, shura members, mullahs, or family members. Women continue to rely on support from male family members or male community leaders.

**Timely Processing of Cases:** Interviews with prisoners have revealed that incarcerations and court processes often drag on for illegal amounts of time. Likewise, appeals processes often extend beyond mandated timelines.

### Theme 4: Awareness and Accessibility

**Access to Justice:** A significant majority of Kunduz residents claim that they have access to a police station, the courts, the *huqooq*, and a *shura/jirga*. However, a significant percentage of these positive respondents condition their response by saying that access is not easy, but can be done if necessary. *Shuras* and *jirgas* were perceived as the easiest to access, while the *huqooq* was rated as the most difficult.

**High Cost of Access to Justice:** A major barrier to accessing justice in Kunduz province is the prohibitive costs associated with approaching the courts or the civil police. In this regard, corruption and bribery were cited as major reasons driving up expenses to an unaffordable level for many people.

**Gender and Access to Justice:** While a majority of respondents believed that a woman could represent herself in front of the courts, a significant percentage of the population still state that women should not bring a case to the court or, if they do, have a male represent her. Similar results were gathered in response to *shura/jirga* processes. These sorts of socio-cultural perceptions will likely take a significant amount of time to transform.
Independent Quality Assurance Team's (IQAT) Evaluation Report

Forthcoming.
Introduction

This progress report is the first of a series of three annual assessments monitoring the impact of the Dutch Integrated Police Training Mission (IPM) in Kunduz, Afghanistan. It is designed to identify changes in community perceptions of the justice system within the context of the ongoing Dutch mission to build the capacity of rule of law (RoL) institutions across the province, and measures confidence in institutions charged with protecting and delivering justice, including the Afghan Uniform Police (AUP) and the judiciary, against a baseline study conducted in 2011.

The 2012 monitoring report builds on the key findings of last year’s baseline study, which produced an initial set of observations on a range of rule of law and access to justice issues in Kunduz. The baseline study made use of a variety of research instruments, including community surveys, police surveys, structured interviews, focus groups, literacy tests and desk research, to reflect upon four thematic areas connected to the overall aims of the Dutch Integrated Police Training Mission: (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 were linked with fifteen outputs identified as outputs of the IPM. Within theme one, the outputs were (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 were (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.

In the first thematic area, focused on the capacity of the civilian police, the baseline report presented a mixed bag of findings with significant variation by district. The AUP were perceived as most capable in Kunduz District and least so in Char Dara, where perceptions of drug use among the police were also high. In terms of composition, the police were perceived to be broadly ethnically inclusive but with marginal female representation. Low levels of literacy posed a significant challenge to police activities, with the majority (about two thirds) of police officers unable to read and write. In the second thematic area on cooperation, the report found that communities generally perceived prosecutors as capable but occasionally corrupt. Justice functionaries noted that outside actors and local power-holders sometimes tried to interfere with their work, but that the relationship between the police and prosecutors was positive. On the third theme of improving capacity, recent experiences of local people presented a sobering picture: less than half who had recently taken a dispute to court would choose to do so again and three quarters claimed they had been treated unfairly. And finally, in the fourth area of boosting public awareness and accessibility, the report found that slightly over half the community members surveyed had access to state justice institutions, with significant barriers being physical insecurity, a lack of financial means and cultural norms around gender.
This year we have continued to use the same research framework and report structure, with the four primary themes linked to fifteen outputs, in an effort to ensure continuity and facilitate comparison. In managing the research process, the Center for Peace and Unity has continued to receive vital guidance and academic input from Wageningen University. A review board at Utrecht University has also provided oversight with regards to the research method, data collection and report-writing processes.

It is necessary to clarify the manner in which data is presented in this report. In the majority of cases 2011 data tables are not included alongside counterpart 2012 data tables but, rather, relevant data from the 2011 baseline report is included in the text in a manner that should be self-explanatory. Readers wanting to access a broader understanding of the data can refer to the 2011 baseline report which can be downloaded on CPAU’s website.

This year’s report presents us with the first opportunity to assess community perceptions of state justice institutions against a fixed reference point in order to measure the ongoing impact of the Integrated Police Training Mission in Kunduz, Afghanistan. Yet, attempting to measure observable social change over such a short period of time is an enormously difficult task, particularly when a key indicator is taken to be a quantifiable difference in community perceptions (shaped, as they are, over the course of lifetimes). It also assumes that underlying conditions remain broadly the same, whereas in times and places of extreme insecurity these can change quickly and dramatically. We discuss both of these issues in more details in the limitations section of the report. Given the scale of the challenges that Afghanistan’s state justice system faces and the realities of measuring social change, it is reasonable to expect that much of the data will hold constant and that many important developments will not yet emerge in this first yearly report. Where there are areas of change we cannot yet assume that these indicate a long-term trend or development. The full impact of interventions towards building rule of law capacity is likely to be felt incrementally and over a longer period of time, and it is on this basis that we urge care in the application of this first set of monitoring data, which come such a short time after the baseline study.
Methodology

Overview

This 2012 preliminary progress report is based upon an extensive research process conducted by CPAU in all seven districts of Kunduz Province, Afghanistan. The overall methodology incorporated a variety of surveys with community members and civilian police (including new recruits), structured interviews with police management, justice officials (informal and formal), citizens, prisoners, and focus groups with a variety of community members. Other data was gathered from literacy tests, as well as from a review of primary and secondary data including documents.

A majority of the data presented in this preliminary progress report is drawn from two surveys – one accessing 930 community members from all seven districts of Kunduz province, and a second survey of 200 AUP personnel working across the province. Both surveys were designed to cover a wide variety of topics, whereas the focus groups and structured interview sessions were designed to access perceptions of a more limited range of topics that proved difficult to access through surveys.

The research instruments were heavily influenced by the 2011 baseline report instruments, and were developed by CPAU's Research Department in Kabul. While some survey instruments remained unchanged from the 2011 baseline, some questions on some instruments (e.g. the community survey in particular) were refined, expanded, or were revised to incorporate more than one question from the 2011 baseline survey. Further, revisions were conducted in a manner that facilitated the comparison of 2012 results with 2011 baseline results in order to observe progress or deterioration. There are, however, some items where the 2012 survey will now serve as a baseline for future progress reports. CPAU's bilingual staff developed identical Dari and English versions of all instruments.

Data collection was managed and supervised by two Senior Researchers at CPAU's Kunduz City office during the data collection period. Three Research Officers also assisted the research management. The entire process was overseen by a Kabul-based Research Manager. Twenty-eight locally hired surveyors (14 male, 14 female) were trained in survey methods by CPAU's Senior Researchers, and conducted the bulk of data collection for the community survey as well as the community focus groups. By locally hiring surveyors, CPAU was able to collect data from villages across all seven districts, including areas considered to be insecure. Senior Researchers and Research Officers collected the data from the civilian police, a majority of the justice officials, and from prisoners.

In similar fashion to the 2011 baseline survey, CPAU's researchers were constrained by a list of factors that are elaborated in the 'limitations' section that follows. Of particular concern is the continuing difficulty that CPAU has in accessing official documents from government, police, and international actors. In many cases the documents probably do not exist. The police trainers in Kunduz were forthright that a number of items requested by CPAU were not tracked, or were
currently being tracked with information being available at a later date. As a result, CPAU had to once again rely on interviews and secondary research by other organisations.

**Method 1: Surveys**

A large survey of community members (n = 930) and a survey of AUP personnel were conducted in October and November 2012. The community survey was conducted in all seven districts of Kunduz province, and accessed roughly equal numbers of male and female participants. The survey sample size was slightly reduced from 1047 in ‘Round 1’ of the 2011 Baseline survey. During the 2011 Baseline survey two rounds of the community survey were implemented. The contents of the 2012 community survey were primarily based on the 2011 baseline report surveys (in particular the ‘Round 2’ instrument), and can be viewed in the Annexes to this report. This survey is primarily constructed of short-answer questions, but also included a narrative section that had the participant tell a story of a recent dispute resolution experience.

CPAU research management is confident that the overall rigor of the research process is improved as compared to the 2011 baseline. Inspection of the actual surveys lends credence to this judgment. This is likely a result of careful vetting of last year’s surveyors and the re-hiring of competent individuals. Also, research management ensured an increasingly safe research atmosphere where research staff and surveyors felt welcome to problem solve with their supervisors, and strict consequences for malpractice were clearly communicated and discussed. Also, training was intentional in addressing a wide variety of potentialities in the field. Surveyors believed they were prepared to face a variety of scenarios and challenges.

One of the consequences of creating a research atmosphere where surveyors are able to conduct their duties in a conflict-affected and precarious research site is a relaxing of requirements of random sampling. This is a difficult balance that must be continually addressed by CPAU as it conducts research in insecure districts. Further, cultural and social expectations are also constantly competing with the requirements of random sampling. This is evident in the methods used in selecting villages, houses, and sometimes individuals.

Regarding village selection, a mixture of purposeful and random sampling was used. Selection was purposeful in the sense that surveyors were instructed to avoid villages that were quite homogenous in terms of ethnicity. This instruction was given to reduce the chances that surveyors would circumvent random selection to enjoy the comfort of only visiting communities of a particular ethnicity – perhaps their own. Also, it was somewhat purposeful in that surveyors were instructed to make sure to access villages from each of the four quadrants of the district, one from north, east, west, south areas of district. This was done to better avoid convenience sampling (i.e. surveying a couple villages that are close together), and because, in some cases, particular ethnicities will dominate a cluster of villages in a particular region of the district. After these initial restrictions, village selection was conducted randomly.

Upon entering a village, gatekeepers such as community elders and mullahs were sought out and met with. Working with gatekeepers in villages remains a necessity in doing research in rural Afghanistan. Ignoring this cultural requirement will put the surveyors in danger. However,
approaching community gatekeepers does compromise randomness. Surveyors would first describe to community gatekeepers the survey they wanted to conduct in the village. The gatekeeper would sometimes be directive in the areas of the village the surveyor was allowed to survey. The gatekeeper did not direct the surveyors to specific households but, rather, would occasionally direct away from ‘insecure’ areas. In this way, the gatekeepers would occasionally direct surveyors away from parts of the village that were controlled by the Taliban, or by violent militias - if areas such as this existed. Excluding Taliban controlled areas of villages might bias the results away from accessing the voice of Pashtuns in some cases. This is also a concern for other ethnic groups since Uzbek or Hazara based militias were occasionally present in villages. In this way, community gatekeepers may prove to be suppressive of the voice of one or more vulnerable and/or ethnic groups in a community.

Regarding house selection, CPAU surveyors utilized a mixture of purposeful and semi-random sampling. Upon entering a street, the surveyor chose a starting household at the beginning of the street, and then would skip at least two houses and select another house. They did not select the house adjoining a surveyed house at the rear, or the one directly across the street. The reasoning behind this methodology is to avoid a potential bias since adjoined houses may hold similar viewpoints, have related occupants or even family members. Random sampling according to house number is very difficult since the majority of village houses are not visibly numbered. However, it is recommended that subsequent reports incorporate strategies that increasingly randomise both street and house selection procedures.

Participant selection inside chosen houses was randomly conducted. Surveyors had the participants draw lots. The surveyors gathered all the men together in one room, and women in a separate room, and would draw lots (e.g. a broken matchstick). The male and female who chose the matchstick were surveyed. In this manner, one male and one female from the house were surveyed - if both genders were present and agreed to it. Surveyors were also instructed to record who was in attendance during the survey session or interview. The presence of additional people during an interview can certainly affect question responses.

The 2012 police survey was based largely on the 2011 baseline report police survey, and was carried out by a combination of local surveyors and CPAU’s Research Officers and Senior Researchers. In total, 200 members of the AUP were surveyed across Kunduz province. Between 28 and 32 police personnel were surveyed in each district.

Data analysis for the community and police surveys was conducted by CPAU’s Kabul-based research staff using SPSS statistical analysis software. In most cases, survey responses were pre-coded and inputted into a database. When open-ended questions were required in which the full range of likely answers was not known in advance, coding frameworks were developed by research staff after reviewing the range of the written answers. CPAU’s expatriate and Afghan research staff then conducted analyses of the full datasets.
Method 2: Focus Groups

To gain a broader understanding of community needs and concerns regarding justice processes, policing, and local security, CPAU conducted fourteen focus groups with male and female community members – two in each district in Kunduz province. In each district one male and one female focus group were conducted. These focus groups aimed to expand on key areas touched on in the community surveys, and access perceptions of police action in the community. It should be noted that it has proven challenging to access the desired numbers of female participants for the focus groups – particularly in outlying districts. Social expectations and stigmas continue suppress the public voice of many women. For subsequent reporting years CPAU will need to proactively address this issue, and perhaps adapt the manner in which female focus groups are conducted including their location, carefully adapt the questionnaires used, and provide expanded training to surveyors in approaching female focus group candidates and conducting focus group discussions with women.

For each focus group approximately six to ten individuals (uniform gender) were gathered. Focus groups were conducted in safe common areas within the community where the group members lived. Locations such as mosques or schools were often chosen since gatherings of groups of people would not seem out of place. The focus group questions remained the same as those used in the 2011 baseline report survey.

Two surveyors, one taking the role of moderator, and one as a discussion note-taker facilitated each focus group. All surveyors received specialized training from CPAU’s Senior Researchers on conducting effective focus groups. Target communities were randomly selected by CPAU’s Senior Researchers. Regarding participant selection, community elders were consulted in each selected community about potential community representatives who would form a sample representative of the demographic features of the community including age, education, ethnicity, profession, etc.

Data from the focus group discussions were translated by CPAU’s research staff and analysed by CPAU’s expatriate and Afghan research staff. Key themes were identified and summarized and reported in the narrative of this report. The focus group questions can be found in the Annexes of this report.

Method 3: Structured Interviews

CPAU conducted numerous structured interviews with a variety of groups within the police system and formal and informal justice structures in Kunduz province. Interviews were conducted with members of key groups including prisoners in Kunduz, informal justice practitioners (primarily from local village shuras and peace shuras), police management, judges and court officials, and Huqooq officials (civil law specialists). In addition, community members who had previous dealt with the local police or other justice officials were interviewed. The local village shura and/or Huqooq office assisted the researchers in identifying appropriate candidates for these interviews. The researchers and surveyors were largely successful in accessing the targeted population for the overall study. The only shortfall was that justice officials granted access for the researchers to only 30 prisoners as opposed to the targeted 50.
Structured interviews aimed to access narrative responses and data through semi-structured open-ended questions. These narrative responses were analysed by CPAU’s researchers using coding frameworks developed in advance and adapted as responses were read.

CPAU’s Research Officers conducted prisoner interviews at the Kunduz City main prison. The majority of participants were male (25 out of 30 participants).

Locally hired surveyors from each district conducted most of the interviews across the seven districts. Data from all interviews was recorded in Dari and then subsequently translated into English by CPAU’s translators.

**Method 4: Other Instruments**

Other avenues for data collection included a review of primary and secondary research related to the development of police services and justice provision in Afghanistan. This review was used to understand the context in which police development is occurring in Kunduz province, and to situate CPAU’s findings within the broader investigation of policing in Afghanistan.

Literacy testing was also conducted for new police recruits in Kunduz. This test utilized ten increasingly more complex questions ranging from a request for the participant’s name to questions that required multi-sentence long answers. In this way, CPAU's researchers were able to identify the basic reading and writing skills of police recruits.

Last, CPAU attempted to procure numerous and relevant documents about the AUP and training activities in Kunduz province. As discussed in the next ‘limitations’ section, this remained a large challenge during 2012. CPAU was not able to access the required documents necessary to expand its evaluation beyond the boundaries of the baseline study. In some cases various actors were unwilling to provide the documents and, in other cases, the documents simply do not appear to exist or are very difficult to locate. Therefore, it is strongly recommended that in future years the process of gathering documents begin much earlier in the year, in order to provide the time necessary to convince various actors to release documents for inspection by CPAU.

**Limitations**

Many of the difficulties experienced during data collection during the 2011 baseline report study stayed consistent over the research period for 2012, including the significant security, political, cultural and logistical obstacles that created barriers to access for researchers. Many of the limitations stem from this lack of access, either to people, areas or documents. Once again, the security situation in many of the districts in Kunduz province complicated the operations of the research staff and made the data collection process more difficult, particularly when compounded by the remoteness of the areas in question and the lack of a reliable communications infrastructure. Cultural barriers continued to pose a problem for researchers, particularly for the female members of the research team and on questions where social norms would usually discourage open and frank discussion. On a brighter note, some natural gains were made this year in managing these constraints on account of this being the second cycle of data collection, with researchers treading a more familiar path and building on the foundations laid during the initial data collection cycle. The
research team were also able to secure access to prosecutors and court officials in the district of Char Dara, a notable development which we attribute to improvements in security within the area.

CPAU relied on many of the same locally hired temporary surveyors for this year’s date collection cycle rather than the organisation’s permanent Kabul and Kunduz City based staff. All of the surveyors were educated and many had previously held professional positions in their local districts. They also had the benefit of their research experience the previous year to draw from. Once again, the surveyors were asked to collect the phone numbers of interviewees and were made aware that the existence and identities of their respondents would be cross-checked by CPAU’s regular research staff at a later stage. The research team did not register any serious difficulties during the course of their survey activities.

Access problems, as we have noted, stemmed partly from the ongoing security situation, which limited opportunities to travel and circumscribed the activities of the research team, and partly from cultural or political and institutional barriers. Once again, female surveyors faced particular difficulties in gaining access to communities and households and had to steer a path through significant cultural obstacles, exercising caution when travelling between communities. At the political and institutional level, CPAU experienced difficulties in accessing formal documents from central ministries and the police and some of our requests for information are still outstanding in this respect. In the absence of any explanation to the contrary, CPAU concludes that this obstruction may indicate reluctance on behalf of some state actors to open themselves up to significant scrutiny. It also proved difficult to access the full set of documents and data that were requested from the police training team working under the auspices of the IPM, particularly within the timeframes that the data collection process was working to.

Although many of the original limitations continue to be salient, CPAU believes that the 2012 data collection process has benefited from the foundations laid by the baseline study. As the research project beds down, channels for communication have become more established and systems have emerged for managing some of the logistical aspects of the date collection process. This year, the local research team had the benefit of an additional year’s research experience, were already familiar with the aims and objectives of the research project and had pre-existing relationships with local stakeholders in their roles as researchers. We can reasonably expect this trend towards increasing proficiency to continue over the coming years, extraneous factors permitting.

As with many research projects which are based on self-reported and survey data, we have to be mindful of the difference between rhetoric and action. For a range of reasons, there may be a discrepancy between what people say they would do in a given situation and what they actually do if and when they find themselves in that set of circumstances. This is partly because people navigate within social boundaries that may discourage them from recognising certain forms of behaviour, and partly because pressures may be more acute in lived experience than respondents anticipate when they are presented with a hypothetical scenario. Within the context of this study, for instance, that there may be a reluctance to overtly criticise the police, regardless of private opinion, or a tendency to keep one’s own counsel over contentious political or social issues. There may also be a tendency to respond positively to questions where the respondent knows that theoretically this is the proper course of action, for instance questions which ask whether respondents would seek
redress for harms perpetrated against them, even though in reality the prudent option might be to settle matters privately or let them drop.

As we move into the monitoring phase of the research project a new set of concerns arises which were not prescient during the baseline phase, and these are around the complexities of measuring progress over time, and particularly over the very short timeframe of one year. First, we cannot assume that the underlying conditions of the baseline study remain static: in fact, the precarious security and political situation in Kunduz is such that this is very unlikely to be the case. In interpreting the data, it will be important to identify these exogenous factors where they are at play. Secondly, we have to recognise that one of the key indicators of the study – public perception of state justice institutions – is highly likely to be affected by these changing political winds. Expectations regarding the impact of international engagement in Afghanistan have historically been very high among Afghans, and their evaluative comments may reflect either this optimism or, conversely, the disappointment of hopes dashed. Moreover, while local people may not yet have perceived substantial enough change to significantly alter their survey responses, they may still have registered some level of change. As an example, a recent study for the World Bank measuring the impact of development projects on security noted that projects did improve villagers’ perceptions of the local security situation eventually but – crucially – not in the first year. It also noted that when levels of violence were particularly high, ‘even projects that deliver perceptible benefits are insufficient to sway attitudes’ hinting at a possible dissonance between perception and reality (Beath et al, 2012). In sum, we reiterate our conviction that it is only after sets of data have been scrutinised over several years that we can expect to see them reliably support one or another hypotheses regarding the impact of the IPM in Kunduz. Meanwhile these initial findings, taken in isolation, should be utilised with utmost care.

Keeping in mind the difficulty in observing change over a brief timeline as discussed above, it is important to clarify the framework within which this report will discuss perceived changes in 2012 from the 2011 Baseline. While these are not rigid parameters, variances of ± 1-10% will generally be considered insignificant (but may be conditionally mentioned as pointing to potential change), variances of ± 11-25% indicate evidence of a potential and tentative small change, and a variance of ± 25-100% represents a potential and tentative medium to large change.
Theme 1: Civilian Police

Theme 1 for this progress report concerns the civilian police in Kunduz province and surveys the perceptions of the local populations regarding police performance in their communities. As such, four key goals are addressed - Is there evidence that civilian police are: (1) better capable to uphold civil security, law and order; (2) have evidenced a greater respect for individual rights of civilians; (3) are enjoying strengthened trust and respect from the district populations; and (4) proving to better meet the needs of local communities.

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

This first chapter looks into the relationship between the current size and capacity of the AUP in Kunduz province and the actual and perceived levels of security in the province. Key indictors under consideration in this report are the size of AUP Tashkil, levels of confidence in the abilities of the AUP to ensure security across the districts of Kunduz province, motivations of police personnel and new recruits, training, education, and literacy levels, and drug-use and criminal activity.

While each of the aforementioned indicators produces only a narrow view of police capabilities, taken together the set of indicators provides a broader view of the challenges faced by the police training mission in Kunduz. It is crucial to mention at this early stage that it remains a real challenge to directly measure police capabilities through first-hand accounts. Instead, much of our analysis has relied upon perceptions of both the community and other justice actors including the police. While certainly important in that perceptions can serve as a vital window into the effectiveness of an intervention such as the IPM training mission, they provide only a partial picture of the actual capabilities and capacity of the AUP.

Size of AUP Tashkil

The Ministry of Interior (MoI) is responsible for developing and updating a master organizational chart that includes targeted and actual numbers of AUP performing in various locations across Afghanistan. This document can serve as an indication of MoI priority areas, and can be used as an indicator for recruitment and commissioning of police personnel. It must be noted, however, that numbers on the Tashkil do not always match with reality. Record keeping sometimes lags, and transfers are not properly recorded (FPRI and RUSI 2009).

The 2011 baseline assessment reported that the total Tashkil allocation for the AUP in Kunduz Province was 1691. The district breakdown is listed in Figure 1. The 2012 Tashkil is reported in Figure 2, and reveals moderate growth over the past year to a current authorized size of 2246 (assigned). This represents a growth of 25%, which is significant. The 2012 Tashkil also identifies a combined total of 131 assigned police personnel at the Police Training Center and the Kunduz PRT Training Center (117 and 14 respectively). It is not clear if the 2011 reporting included these figures. If levels of growth can be matched by appropriate training, improved security in the province should result.
All districts realized some growth in both authorized and assigned police numbers with the exception of Qala-e-Zal district which reported one less authorized person working in the district. Police management must ensure that such reductions in personnel do not negatively affect security gains.

In general, numbers of assigned personnel are almost keeping pace with targeted numbers – currently at 97.6% – which represents a shortage of 55 AUP. While not a significant percentage, the addition of these personnel will surely make a noticeable impact on security in key areas and should remain a high priority.

Records accessed in 2012 included a basic breakdown AUP into the categories of Officer, Non-Commissioned Officer (NCO), and Patrolman. However, it remains beyond the scope of this study to conduct a micro-analysis on these numbers to judge appropriate assignments of personnel to address district security needs.

**Figure 1** - 2011 Baseline - Size of AUP Tashkil

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

*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.
Figure 2 - 2012 - Size of AUP Tashkil (Mizan month, year 1391/Sept.-Oct. 2012)

<table>
<thead>
<tr>
<th>2012</th>
<th>Unit</th>
<th>Authorization</th>
<th>Assigned*</th>
<th>Shortage</th>
</tr>
</thead>
<tbody>
<tr>
<td>HQ/Kunduz</td>
<td></td>
<td>693</td>
<td>688</td>
<td>5</td>
</tr>
<tr>
<td>Imam Saheb</td>
<td></td>
<td>222</td>
<td>211</td>
<td>11</td>
</tr>
<tr>
<td>Khan Abad</td>
<td></td>
<td>193</td>
<td>190</td>
<td>3</td>
</tr>
<tr>
<td>Arche</td>
<td></td>
<td>94</td>
<td>94</td>
<td>0</td>
</tr>
<tr>
<td>Qala e Zal</td>
<td></td>
<td>49</td>
<td>46</td>
<td>3</td>
</tr>
<tr>
<td>Chehar Dara</td>
<td></td>
<td>195</td>
<td>192</td>
<td>3</td>
</tr>
<tr>
<td>Ali Abad</td>
<td></td>
<td>94</td>
<td>94</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total Districts</strong></td>
<td></td>
<td><strong>847</strong></td>
<td><strong>827</strong></td>
<td><strong>20</strong></td>
</tr>
<tr>
<td>Police Training Center</td>
<td></td>
<td>129</td>
<td>117</td>
<td>12</td>
</tr>
<tr>
<td>Kunduz PRT Training Center</td>
<td></td>
<td>18</td>
<td>14</td>
<td>4</td>
</tr>
<tr>
<td>Other company commands, etc.</td>
<td></td>
<td>593</td>
<td>581</td>
<td>12</td>
</tr>
<tr>
<td>Intelligence Directorate</td>
<td></td>
<td>21</td>
<td>19</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total for Police Chief Command</strong></td>
<td></td>
<td><strong>2301</strong></td>
<td><strong>2246</strong></td>
<td><strong>55</strong></td>
</tr>
</tbody>
</table>

* Male/female ratio is 2216/30.

In 2011 it was reported that the AUP employed 23 women in Kunduz province. The 2012 Tashkil did not report the number of female personnel; however, PRT officials informed CPAU that 30 women were now enlisted in the AUP. Keeping in mind that this number does not come from official sources, this would represent a 23% growth in the number of women. While the total of female AUP remains small, this growth is a positive sign. Continued efforts should focus on expanding the number of female recruits in the coming years. The majority of female AUP were stationed in the provincial capital during 2011. Data was not available in 2012 as to which districts female AUP are stationed. The gender composition of the AUP will again be explored in Chapter 3 in this section.

A discussion of tashkil numbers alone is inherently limited, since numbers are not necessarily indicative of security progress, and it is important to access the perceptions of local communities regarding whether current numbers of personnel are adequate to ensure security in each district. To this end, CPAU gathered perceptions of police numbers from local communities through the 2012 community survey. It should be noted that in similar fashion to the 2011 baseline, the 2012
study did not differentiate between AUP and other branches of the ANP such as the Afghan Border Police (ABP) and instead used the generic term ‘police’ in most survey questions. The AUP is by far the largest branch of the ANP and the branch that civilians normally interface with. However, two northern districts (Qala-e-Zal, Imam Sahib) do have significant contingents of ABP.

As evident in Figure 4, 65% of respondents across the province expressed a need for more police personnel in their communities in 2012. Conversely, 33% expressed that there were adequate police in their communities. This is significantly different than 2011 year, where 47% of community members believed there were sufficient numbers, and 46% viewed numbers of insufficient (Figure 3).

It is interesting to explore these perceptions by district. Char-Dara has shown a massive improvement in perceptions, whereas opinions have regressed in Ali-Abad, Dasht Arche, Imam Sahib, Kunduz, Qala-e-Zal - in some cases showing significant and very concerning decreases. It should be immediately investigated why residents in Imam Sahib and Qala-e-Zal have shown significantly different opinions than 2011.

Figure 3– 2011 Baseline Community Survey – Round 2, Q#1

![Figure 4- 2012 Community Survey Q#7](image)

1 2012 Community survey, Q#7
Surveyors asked the AUP in each district a similar survey question to that posed in the community survey. The police were somewhat more likely to view the number of AUP in their respective districts as sufficient to provide security, law and order. A similarly positive response from the AUP was also noticeable in the 2012 study, as shown in Figure 5 (2011 approximately 59%; 2012 59%). Again, Imam Sahib, Qala-e-Zal, and Dasht Arche districts were perceived as severely underpoliced in 2012, with Char Dara receiving a positive response in terms of adequate personnel. These perceptions affirm a point of concern in the northern districts that police are struggling to ensure a sense of security for local populations, and that numbers need to be urgently increased.

Figure 5 - 2011 Baseline Police Survey Q#1

Figure 6 - 2012 Police Survey Q#1

3Police Survey, Question #1(n=224)
Confidence in AUP ability to uphold security

Police numbers alone do not ensure a sense of security for local populations. Confidence in police abilities and capacity to safeguard local people is a further prerequisite. Thus, district populations were also queried as to their perceptions of police abilities.

The 2012 version of the survey used slightly different wording and offered expanded options for responses when compared to the 2011 baseline survey. However, broad comparisons can be made. Figure 7 reports that 60% of residents agree or somewhat agree that the police are able to ensure security in the districts.\(^1\) This is broadly in line with 2011 baseline results of 67% province-wide. Figure 7 also reports that active police and police recruits remain very confident regarding their abilities.\(^4\)

Figure 7 - 2012 Community Survey Q#8; 2012 Police Survey Q#5; Police Recruits Survey Q#6

<table>
<thead>
<tr>
<th>2012</th>
<th>&quot;Do you think the civil police are capable and willing to uphold security, law and order?&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Community survey</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>7%</td>
</tr>
<tr>
<td>Disagree</td>
<td>19%</td>
</tr>
<tr>
<td>Neither agree nor disagree</td>
<td>15%</td>
</tr>
<tr>
<td>Agree</td>
<td>50%</td>
</tr>
<tr>
<td>Strongly agree</td>
<td>10%</td>
</tr>
</tbody>
</table>

\(^1\) 2012 Community Survey Q#8

\(^4\) 2012 Police Survey Q#5; 2012 Police Recruits Survey Q#6
**Motivation**

Motivations for recruitment serve as a window into on-the-job effectiveness of police personnel. When AUP officers and new police recruits were asked why they joined the police, responses in 2012 continue to indicate a strong and wide desire to serve the country of Afghanistan (Figure 8). 70% of police personnel claim to have been motivated to join the AUP out of a sense to serve their country, as compared to approximately 59% in 2011. Broadly speaking, the results in 2012 correspond quite closely to 2011 results (Figure 8). This same result was evident in a survey of police recruits.

Figure 8 – 2011 Baseline Police Survey Q#3

![Graph showing reasons for joining the AUP](image)

Figure 9 - 2012 Police Survey Q#3

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5 2012 Police survey, Q#3(n=200); 2012 Police Recruit Survey Q#2
by both police personnel and police management. A majority of police personnel continue to find personnel may be able to resist divisive forces as the country increasingly transitions to local training in terms of its perceived usefulness.

As in the 2011 baseline survey, AUP personnel once again were very positive regarding their training of AUP recruits in Kunduz.

Once again in 2012 CPAU did not access the training plans, curriculum, and other materials used in the training of AUP recruits in Kunduz. Instead, CPAU has reported on perceptions of the training by both police personnel and police management. A majority of police personnel continue to find the training ‘very useful’ across all districts.

As in the 2011 baseline survey, AUP personnel once again were very positive regarding their training in terms of its perceived usefulness. Ninety-nine percent of respondents believed the training to be ‘very useful’ or ‘somewhat useful’. Responses were predominantly very positive across all districts with slightly less enthusiastic responses in Dashti-Arche and Qala-e-Zal. These results indicate slightly elevated positivity regarding training when compared to 2011, which is a positive sign.

Police were questioned as to what areas of training should be given more time and attention. The dominant responses were as follows:

- Apprehension and arresting
- Weapons usage
- Literacy
- Patrolling and night patrolling

The results from Figure 9 could be interpreted as evidence of a strong sense of nationalism amongst personnel may be able to resist divisive forces as the country increasingly transitions to local Afghan control over the security sector. However, secondary evidence (to be discussed further in the final report) indicates that financial benefits to joining the police do also play a significant role in recruitment.

Training

6 2012 Police Survey Q#8
7 2012 Police Survey Q#9

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By contrast, in the 2011 baseline survey, community relations, usage of equipment, literacy, discipline, and patrolling were the most common responses.

When probed about what areas of training would benefit from improvement in 2012, common answers were increased access to appropriate equipment, apprehension and arrest processes, and weapon’s usage/fighting skills. In terms of what areas of training were specifically relevant to their current roles, police mentioned:

- Check-point procedures
- Community relations
- Weapons usage/fighting skills
- Night patrolling and support tactics
- Learning about laws and police responsibilities.

Perceptions of training procedures and topics were also investigated in the 2012 police management interviews. Police management provided a wide range of answers regarding the effectiveness and focus of police training courses. A strong majority of police management rated internationally supported police training in Kunduz very highly. Some expressed a need for increased attention to literacy training, better preparation in the enforcement of laws including Islamic law, and community relations. One police manager requested continual training on a yearly basis for all personnel, including continued literacy lessons. None of the respondents believed that parts of the training should receive less attention.

**Education and Literacy**

Both AUP personnel and their management expressed a desire for increased attention in the area of literacy on the 2012 surveys. This is certainly a positive sign given the fact that it has been estimated that a strong majority of AUP continue to remain illiterate. The MoI has, in the past, estimated that 70% of police are illiterate (Ministry of Interior, 2010). Some researchers have concluded that illiteracy rates remain between 70 and 90% (Perito, 2009). These statistics present a strong case for increased attention to literacy training and education, since modern policing requires the processing of written information and extensive report writing.

All of the surveyed police were asked to report their level of education. In 2012 (Figure 11) about 32% of AUP reported having completed no school. This broadly corresponds to the reported figure of 25% in the 2011 baseline (Figure 10). About 20% claimed to have completed high school in 2012 compared to approximately 33% in 2011. Overall, reported education levels were consistently lower across all categories in 2012 when compared to the 2011

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8 2012 Police Survey Q#10
9 2012 Police Survey Q#11
10 2012 Police Management Survey Q#9
11 2012 Police Management Survey Q#10
12 2012 Police Management Survey Q#12
13 2012 Police Management Survey Q#11
baseline. One must keep in mind that there will be significant margins of error in self-reported levels of education. These percentages do not necessarily indicate an actual change, but rather simply indicate that AUP personnel, in general, have low levels of educational achievement. CPAU has not yet identified whether AUP management of the MoI retains records of educational levels of its personnel.

Figure 10 – 2011 Baseline Police Survey, Q#i8 (n=245)

![Police Education Levels](chart)

Figure 11 – 2012 Police Survey Q#3

![Police education level (self-reported)](chart)
During the 2012 evaluation, CPAU was given access to 30 police recruits, who were asked to read and complete a list of ten questions on a written form. The form's questions were progressively more difficult, starting with a request for the recruit’s name, and moving on to open-ended questions regarding their perceptions of their policing work.

Overall, 13 of the 30 (43%) recruits displayed either complete illiteracy (no writing), or displayed extremely limited abilities to write. 10 out of 30 (33%) displayed very weak or limited abilities to read and comprehend the form's question. These recruits will be significantly restrained in writing police reports for instance. Finally, 7 out of 30 (23%) exhibited medium to strong writing and reading comprehension abilities.

During the 2011 baseline study, 14 out of 22 (64%) showed complete illiteracy, and 8 out of 22 (36%) were able to respond in some capacity to the form's questions.

Thus, it appears that literacy efforts are resulting in lower levels of students who are completely illiterate, and a larger group of respondents who are able to respond in some manner to the questions. However, a strong majority of the recruits do not hold the necessary literacy skills to complete police report forms for instance.

**Drugs and Criminal Activity**

Testing of ANP for drug use has resulted in positive results for approximately 1 in 5 ANP personnel (Aøføsten, Moralez, Chester, Mohamad, & Weber, 2012). Complicating the context is the fact that Kunduz lies on a major drug trafficking corridor between Afghanistan and Central Asia – resulting in intensified police corruption as well as access to drugs. The ANP have been widely accused of being involved in drug trafficking (Wilder, 2007).

Due to ethical concerns, CPAU is not able to directly measure drug use or criminal activity amongst police recruits or active police personnel. Rather, CPAU gathered perception data from community members regarding perceived drug use and other criminal activity by the police. This data can be compared to other research on drug use (Aøføsten, et al., 2012). Perceptions are indicative of the health of the relationship between police and local populations. It should be noted that identifying drug use may have been avoided due to the highly sensitive nature of the topic. As such, local residents may have been reluctant to openly criticize the police in their community.

**Figure 12 – Baseline Community Survey Round 1, Q#R9**

<table>
<thead>
<tr>
<th>2011</th>
<th>None</th>
<th>60%</th>
<th>18%</th>
<th>46%</th>
<th>15%</th>
<th>60%</th>
<th>44%</th>
<th>21%</th>
<th>37%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ali Abad</td>
<td>Char Dara</td>
<td>Dasht Arche</td>
<td>Imam Sahib</td>
<td>Khan Abad</td>
<td>Kunduz District</td>
<td>Qala-e-Zal</td>
<td></td>
<td>Province Total</td>
<td>Total</td>
</tr>
</tbody>
</table>
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%   

**Figure 13 - 2012 Community Survey Q#12**

<table>
<thead>
<tr>
<th>2012</th>
<th>“Do you think that any of the police in this district in this district are engaged in drug use? If police in this district are engaged in drug use, how many?”</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ali Abad</td>
</tr>
</tbody>
</table>
| Only a few | 58% | 57% | 59% | 59% | 51% | 33% | 84% | 55%  
| Some | 36% | 38% | 29% | 33% | 43% | 38% | 14% | 34%  
| Half | 5% | 5% | 0% | 0% | 2% | 16% | 2% | 5%  
| Most | 2% | 0% | 12% | 6% | 4% | 13% | 0% | 6%  
| All | 0% | 0% | 0% | 2% | 0% | 0% | 0% | 0%  

Approximately 45% of Kunduz province residents believed that at least some of the AUP were engaged in drug use (Figure 13). It is not possible to compare directly with the 2011 baseline report results since the categories were slightly adjusted (see Figure 12), but it can be stated confidently that a significant portion of the population perceives drug use within the AUP. Results in 2012 are quite homogenous except for Kunduz and Qala-e-Zal districts. Kunduz evidenced higher than average perceptions of drug use, while Qala-e-Zal showed lower than average perceptions of drug use.

**Chapter 2: Respect for individual rights of citizens**

A second indicator that is suggestive of police performance is the ability and willingness of the AUP to respect the individual rights of citizens. This indicator is broken down into two components – accountability and fair treatment. Accountability is defined by the presence of local structures that permit Kunduz residents make complaints when their rights are infringed upon by police,
consequently are heard and acted upon in an appropriate manner. In addition, processes and structures must be standardized that prevent police forces from violating the rights of local people with impunity. Fair treatment implies that local populations, including minority ethnic groups, the very poor, women, and traditionally disadvantaged groups, perceive equal treatment from the local police.

**Accountability**

Oxfam (2011) has previously reported that Afghans are not able to have their complaints heard regarding the activities of local ANP or ANA. In theory, internal and external systems are set up for local residents to lodge complaints through the MoI. However, these mechanisms are not often used by local people, are not adequately pursued or followed up by officials, and may not be tracked.

To access perceptions of accountability within the AUP structures, community members were queried as to where they would go to complain and receive help if the police treated them unfairly. This question was an open-ended question and no pre-determined options were given to survey participants. As evident in Figure 14 the most common answers were police management, court authorities and other appropriate government institutions, community councils, or community elders and religious leaders. Approximately 5% believed that there was nowhere for them to bring their complaints regarding the police.

**Figure 14 – 2012 Community Survey Q#14**

<table>
<thead>
<tr>
<th>2012</th>
<th>&quot;If the police treat you unfairly, where can you go to complain and get help?&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family</td>
<td>1%</td>
</tr>
<tr>
<td>Community elder, Malik, Mullah</td>
<td>11%</td>
</tr>
<tr>
<td><strong>Community shura</strong></td>
<td>10%</td>
</tr>
<tr>
<td>Police station and police commander</td>
<td>41%</td>
</tr>
<tr>
<td><strong>Court authority office or some other governmental institution</strong></td>
<td>26%</td>
</tr>
<tr>
<td>Human rights groups</td>
<td>2%</td>
</tr>
<tr>
<td>Mujahedin commanders</td>
<td>2%</td>
</tr>
<tr>
<td>Arbakai commanders</td>
<td>2%</td>
</tr>
<tr>
<td><strong>We will not complain to anyone (government doesn’t care and is corrupt)</strong></td>
<td>5%</td>
</tr>
<tr>
<td>Media</td>
<td>1%</td>
</tr>
<tr>
<td><strong>Taliban</strong></td>
<td>1%</td>
</tr>
</tbody>
</table>

The options offered up by the participants closely resembles the list from the 2011 baseline report. In 2012 approximately 67% of respondents stated they would approach the police, a formal justice institution, or a government institution. In 2011 61% chose this option. Approximately 21% would approach a local shura or community elder, compared to 17% in 2011. Relatively small numbers would approach powerful people, the media, human rights groups, or the Taliban.

---

14 2012 Community Survey Q#14
A second avenue of exploration regarding police accountability was explored in the police management interviews. Police management were asked about the local structures and processes that allowed local populations to provide feedback on the performance of the civil police. Respondents to this question often redirected the question and insisted that local residents must exhibit respect when addressing problems with the police. However, some did mention that there has now been a series of ‘complaint boxes’ placed in all districts in locations like village masjids (mosques). When asked what options were actually used by local people, police management believed that in many cases local residents would talk with a local elder, or make a complaint at a police station. Other responses from the community survey would appear to contradict this view that people are approaching AUP directly at the police station, but this may need to be investigated further.

Police management were also asked about what sorts of activities were underway to further ensure that police are increasingly accountable to local residents. Responses emphasised that police were receiving training from international trainers in how to more effectively interact with the local community in order to gain respect and trust. It was also brought up that police were receiving ongoing training in community relations. They did not identify the source of this training. Management believed that effective training would result in changed practice, and increased accountability as a result. These responses were virtually identical to those reported on the 2011 baseline report.

Police management was also asked about the means available to them to control the actions of the police under their command. Respondents highlighted that they had in place systems of evaluation for personnel, ranging from daily checking of performance to regularly checking police stations to ensure that personnel were actively on duty when required. AUP also attended weekly performance feedback sessions, at which time comments were accepted and problems were solved. The 2012 responses emphasised a more direct face-to-face approach by managers to supervision of police under their control, whereas 2011 baseline report responses emphasised monitoring from a distance through radios, mobile phones regarding the location of police personnel.

**Fair Treatment**

Perceptions of police fairness can serve as a useful window into the state of police-community relations. To this end, Kunduz residents were asked whether the police have treated them unfairly in the last year. In 2012 (Figure 16) approximately 20% of residents reported being treated unfairly by the police. This is an improvement from the 2011 baseline report where approximately 25% participants reported unfair treatment. When 2012 district results are compared to the 2011 baseline report, Kunduz district appears to have deteriorated significantly (2011 – 18%; 2012 –

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15 2012 Police Management Interview Q#21  
16 2012 Police Management Interview Q#22  
17 2012 Police Management Interviews Q#23  
18 2012 Police Management Interviews Q#24  
19 2012 Community Survey Q#17
36%), and Qala-e-Zal, Khan – Abad, Dashti – Arche, and Char Dara districts reported significantly lower levels of unfair treatment in 2012.

**Figure 15 – 2011 Baseline Community Survey Q#17 (n=669)**

When these results were disaggregated by gender in 2012, male (21%) and female (20%) respondents reported virtually identical levels of unfair treatment. This is quite different than the 2011 baseline report where nearly twice as many males (33%) as females (16%) reported being treated unfairly. How this should be interpreted is unclear. Keeping in mind that cultural norms bring males into contact with AUP at a significantly higher rate, it is possible that police have reduced the number of unfair incidents with the population. However, it is possible that the
situation for females has deteriorated somewhat, or perhaps females are feeling a greater sense of freedom to report unfairness.

The results were also disaggregated by the ethnicity of the respondent. Figure 17 reports that Arab (35%) and Uzbek (26%) residents were more likely to report unfair treatment. Compared to the 2011 baseline report, Pashtun and Turkmen populations were less willing to report treatment.

Figure 17 – 2012 Community Survey Q#17 – Ethnicity

<table>
<thead>
<tr>
<th>2012</th>
<th>&quot;Have you been treated unfairly by the civil police in the last year?&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Tajik</td>
</tr>
<tr>
<td>Yes</td>
<td>20%</td>
</tr>
<tr>
<td>No</td>
<td>80%</td>
</tr>
</tbody>
</table>

Community survey respondents were asked how they were treated unfairly. The most common answers were beating and violence and bribery. Compared to 2011 baseline levels, reporting of beatings and violence has risen dramatically (2011 – 9%; 2012 – 27%), and bribery has been reduced (2011 – 48%; 2012 – 26%). In addition, 11 female 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.

Figure 18 – 2012 Community Survey Q#19

<table>
<thead>
<tr>
<th>2012 &quot;How have you been treated unfairly?&quot;</th>
<th>Male</th>
<th>Female</th>
<th>Province</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bribery</td>
<td>14%</td>
<td>13%</td>
<td>26%</td>
</tr>
<tr>
<td>Theft or damage to property</td>
<td>4%</td>
<td>5%</td>
<td>9%</td>
</tr>
<tr>
<td>Beating/violence</td>
<td>17%</td>
<td>10%</td>
<td>27%</td>
</tr>
<tr>
<td>Did not take my case seriously</td>
<td>7%</td>
<td>5%</td>
<td>12%</td>
</tr>
<tr>
<td>Rape</td>
<td>0%</td>
<td>2%</td>
<td>2%</td>
</tr>
<tr>
<td>Police driving recklessly and causing accident</td>
<td>5%</td>
<td>6%</td>
<td>10%</td>
</tr>
<tr>
<td>Other</td>
<td>5%</td>
<td>9%</td>
<td>13%</td>
</tr>
</tbody>
</table>

The investigation into unfairness was broadened, and Kunduz residents were asked to consider whether other people in their community have been treated unfairly by the AUP. Community survey respondents were asked if they knew anyone in their community who had been treated unfairly by the civil police in the last year. According to Figure 19 (2012) approximately 38% of respondents claimed to know people who had been treated unfairly. Conversely, 62% did not. The results were virtually identical to the 2011 baseline report (39% Yes; 61% No). It is reassuring that the situation is not digressing, but it would be preferable if progress was noted in these perceptions. However, evidence of change may not be visible over the span of one year. In 2012 Kunduz district reported significantly greater numbers of unfair treatment (2011 – 33%; 2012 –

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20 2012 Community Survey Q#19
21 2012 Community Survey Q#16
70%). This dramatic increase should be considered carefully by police management and international trainers. In terms of progress, Qala-e-Zal district respondents perceived a large improvement in the number of unfair incidents (2011 – 52%; 2012 – 27%).

Figure 19 - 2012 Community Survey Q#16

<table>
<thead>
<tr>
<th>2012</th>
<th>Ali Abad</th>
<th>Char-Dara</th>
<th>Dasht-Arche</th>
<th>Imam-Sahib</th>
<th>Khan-Abad</th>
<th>Kunduz District</th>
<th>Qala-e-Zal</th>
<th>Province Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, I know lots of people</td>
<td>6%</td>
<td>8%</td>
<td>16%</td>
<td>8%</td>
<td>23%</td>
<td>32%</td>
<td>1%</td>
<td>14%</td>
</tr>
<tr>
<td>Yes, I know more than one person</td>
<td>6%</td>
<td>8%</td>
<td>9%</td>
<td>7%</td>
<td>9%</td>
<td>24%</td>
<td>8%</td>
<td>10%</td>
</tr>
<tr>
<td>Yes, I know one person</td>
<td>17%</td>
<td>4%</td>
<td>18%</td>
<td>13%</td>
<td>13%</td>
<td>15%</td>
<td>19%</td>
<td>14%</td>
</tr>
<tr>
<td>No, I know no one</td>
<td>70%</td>
<td>79%</td>
<td>58%</td>
<td>72%</td>
<td>54%</td>
<td>30%</td>
<td>73%</td>
<td>62%</td>
</tr>
</tbody>
</table>

Chapter 3: Trust and Respect between police and population

The third indicator that provides a glimpse into AUP performance is the reported levels of trust between AUP and local populations in Kunduz province. This indicator is divided into three components: (1) Ethnicity and gender; (2) Corruption and favouritism; and (3) Police-population relationships. The first component considers whether the ethnic and gender makeup of the AUP Tashkil is representative of the demographics of local communities. The second component looks into whether the civil police are neglecting their duties or are holding biases. The third component investigates whether AUP are making efforts to strengthen their relationships within local communities, and whether local populations are willing to report higher levels of trust and respect between the civil police and the population.

**Ethnicity & Gender**

In similar fashion to the 2011 baseline report (Figure 20), the 2012 assessment found little, if any, conclusive evidence that one particular ethnic group is dominating the AUP (
This result stands in contrast to several other provinces across Afghanistan, and can be seen as a positive sign that Kunduz's police forces do, broadly speaking, reflect the wide ethnic diversity of Kunduz province. However, a few community members did not believe the ethnic composition of the police represented their community, so issues may still exist.

**Figure 20 - 2011 Baseline Community Survey Round 1 Q#R1**

<table>
<thead>
<tr>
<th></th>
<th>Pashtun</th>
<th>Tajik</th>
<th>Uzbek</th>
<th>Hazara</th>
<th>Turkmen</th>
<th>Arab</th>
<th>Other</th>
<th>Province Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(n=1028)</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>6%</td>
<td>5%</td>
<td>6%</td>
<td>5%</td>
<td>5%</td>
<td>5%</td>
<td>5%</td>
<td>6%</td>
</tr>
<tr>
<td>Somewhat disagree</td>
<td>17%</td>
<td>14%</td>
<td>16%</td>
<td>21%</td>
<td>8%</td>
<td>18%</td>
<td>5%</td>
<td>15%</td>
</tr>
<tr>
<td>Somewhat agree</td>
<td>14%</td>
<td>13%</td>
<td>20%</td>
<td>15%</td>
<td>11%</td>
<td>17%</td>
<td>5%</td>
<td>15%</td>
</tr>
<tr>
<td>Strongly agree</td>
<td>45%</td>
<td>53%</td>
<td>38%</td>
<td>39%</td>
<td>49%</td>
<td>50%</td>
<td>65%</td>
<td>45%</td>
</tr>
<tr>
<td>Don't know</td>
<td>18%</td>
<td>15%</td>
<td>19%</td>
<td>18%</td>
<td>27%</td>
<td>9%</td>
<td>20%</td>
<td>18%</td>
</tr>
</tbody>
</table>

**Figure 21 - 2012 Community Survey, Q#20**

<table>
<thead>
<tr>
<th></th>
<th>Pashtun</th>
<th>Tajik</th>
<th>Uzbek</th>
<th>Hazara</th>
<th>Turkmen</th>
<th>Arab</th>
<th>Other</th>
<th>Province Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(n=904)</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>10%</td>
<td>3%</td>
<td>2%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>5%</td>
</tr>
<tr>
<td>Disagree</td>
<td>25%</td>
<td>11%</td>
<td>18%</td>
<td>13%</td>
<td>38%</td>
<td>18%</td>
<td>%</td>
<td>20%</td>
</tr>
<tr>
<td>Neither agree nor disagree</td>
<td>26%</td>
<td>33%</td>
<td>29%</td>
<td>23%</td>
<td>20%</td>
<td>12%</td>
<td>0%</td>
<td>27%</td>
</tr>
</tbody>
</table>

---

22 2012 Community Survey Q#20
The situation is very different in terms of AUP gender composition. Women remain significantly under-represented within Kunduz, as well as nationally. In 2012, there are reportedly approximately 1300 women serving in the ANP, with the Afghan government stating a commitment to quadruple this figure by 2014. In Kunduz province, it was reported the police trainers at the Kunduz PRT that 30 women AUP were employed across the province.

Socio-cultural restrictions continue to make it very difficult for the vast majority of women to conduct their work outside of the home. Thus, government institutions, formal and informal justice institutions, as well as the ANP remain largely dominated by men. In response, this assessment has sought out community attitudes regarding the ability of women of join the civil police. The 2012 community survey asked whether a woman in the respondent’s community could get a job in the police.23 Figure 23 reports that approximately 50% of the population ‘disagreed’ or ‘strongly disagreed’. While remaining a significant percentage, this is smaller than the 2011 baseline report results of 60% (Figure 22). A reduction in male respondents who ‘disagree’ or ‘strongly disagree’ seems to account for most of this drop (2011 – 69%; 2012 – 47%). Female perceptions remain largely unchanged (numbers). However, the fact remains that it is widely believed that a woman cannot get a job with the civil police.

Figure 22 – 2011 Baseline Community Survey Round 1, Q#R7a

<table>
<thead>
<tr>
<th>2011</th>
<th>“Can a woman in your community get a job in the police?”</th>
<th>(n=912)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>42%</td>
<td>10%</td>
</tr>
<tr>
<td>Somewhat disagree</td>
<td>27%</td>
<td>40%</td>
</tr>
<tr>
<td>Neither agree or disagree</td>
<td>8%</td>
<td>20%</td>
</tr>
<tr>
<td>Somewhat agree</td>
<td>15%</td>
<td>22%</td>
</tr>
<tr>
<td>Strongly Agree</td>
<td>7%</td>
<td>8%</td>
</tr>
</tbody>
</table>

23 2012 Community Survey Q#27
**Corruption and Favouritism**

Numerous evaluations and research studies have concluded that corruption remains a significant problem within the Ministry of Interior and the ANP (MPIL, 2011; Murray, 2007; Perito, 2009). Corruption remains a significant problem throughout the Kunduz police and formal justice institutions in general.

The 2012 community survey asked respondents whether, and how many times, they were required to pay a bribe to the police over the last year.24 Figure 24 reports that 13% of respondents were willing to share that they had to pay at least one bribe to police in the last year. This is a slight drop from a reported 16% on the 2011 baseline survey. However, only after a couple more progress assessments over the next couple of years will any trend become clear. Kunduz district residents reported the highest number of incidents of police requesting bribes (25%). This represents a 16% increase from the 2011 baseline survey. Two districts showed significant improvement since the 2011 baseline survey – Qala-e-Zal (2011 – 31%; 2012 – 4%) and Khan – Abad (2011 – 22%; 2012 – 14%).

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24 2012 Community Survey Q#32
Bribe-seeking remained a common complaint on the 2012 survey. For example, one respondent from Ali Abad shared how an accused local criminal had been arrested, but was released after paying a bribe to the police. Similar complaints were evident throughout the focus group narratives.

Community survey respondents were also asked whether the police would help them if they refused to pay a bribe. A slight majority of 51% of respondents believed that the police would still assist them, albeit perhaps with reduced effort and enthusiasm (Figure 26). This is a slight reduction from reported values of 58% in 2011 (Figure 25: ‘Yes, of course’ – 34%; ‘Yes, but wouldn’t work as hard’ – 24%; ‘Maybe, don’t know for sure’ – 20%; ‘No, they would not help’ – 22%).

Figure 25– 2011 Baseline Community Survey Round 2, Q#28 (n=660)
Kunduz district residents were the most willing to state that the police would not help them if they refused to pay a bribe (41%). This is a concerning trend. Char Dara (43%) and Ali Abad (41%) districts reported the highest percentages of ‘Yes, of course’. In 2011, Char Dara recorded the lowest response rate in this category (17%). This is a positive sign for the Char Dara district.
The 2012 progress assessment chose to measure favouritism in terms perceived biases towards particular ethnic groups on the part of the police. Figure 28 reports that 49% of respondents were willing to claim that police were biased towards their own ethnic groups (‘Agree’ or ‘Strongly agree’).26 This result is nearly identical to the reported result of 50% on the 2011 baseline report. Conversely, approximately 22% disagreed or strongly disagreed, compared to 28% in the 2011 baseline report. What is interesting is the large bulge of respondents who are unwilling to either agree or disagree (2011 – 24%; 2012 – 29%). This might indicate a reluctance to commit an answer to a question that is considered to be highly politicised in nature. Perceptions of ethnic favouritism were highest in Kunduz district (2011 – 35%; 2012 – 67%), and again remain elevated in Char Dara district (2011 – 58%; 2012 – 59%). In 2011 Kunduz district recorded the lowest rate, certainly raising some questions as to policing in Kunduz district.

Figure 28 – 2012 Community Survey Q#36 – District

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26 2012 Community Survey Q#36
Perceptions of ethnic favouritism varied amongst ethnic groups as well (Figure 29). Recorded perceptions of ethnic favouritism were highest with Arabs (2011 – 62%; 2012 – 70%) and lowest with Hazara (2011 – 58%; 2012 – 31%).

**Figure 29 - 2012 Community Survey Q#36 – Ethnicity**

<table>
<thead>
<tr>
<th>2012 “Do you think that police are more likely to help people of their own ethnic group rather than people of other ethnic groups?”</th>
<th>Tajik</th>
<th>Uzbek</th>
<th>Pashtun</th>
<th>Hazara</th>
<th>Turkmen</th>
<th>Arab</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly disagree</td>
<td>2%</td>
<td>9%</td>
<td>2%</td>
<td>7%</td>
<td>4%</td>
<td>6%</td>
</tr>
<tr>
<td>Disagree</td>
<td>16%</td>
<td>18%</td>
<td>17%</td>
<td>15%</td>
<td>35%</td>
<td>12%</td>
</tr>
<tr>
<td>neither agree or disagree</td>
<td>34%</td>
<td>28%</td>
<td>27%</td>
<td>47%</td>
<td>16%</td>
<td>12%</td>
</tr>
<tr>
<td>Agree</td>
<td>38%</td>
<td>32%</td>
<td>40%</td>
<td>24%</td>
<td>42%</td>
<td>29%</td>
</tr>
<tr>
<td>Strongly agree</td>
<td>10%</td>
<td>14%</td>
<td>15%</td>
<td>7%</td>
<td>4%</td>
<td>41%</td>
</tr>
</tbody>
</table>

These results should be read with caution. It must be remembered that a majority of all ethnic groups believed that their group was sufficiently represented in the police. Further, a majority of respondents believed that applicants from their ethnic group could get a job with the police in Kunduz province. However, the above results do indicate high levels of distrust in the AUP to help people despite their ethnicity.

**Civil Police – Population Relationship**

The 2012 community survey requested that all participants share a story regarding a dispute that either they or a friend or family member had experienced in the last two years. As a follow-up, they were queried as to whom they would approach to assist in helping solve the dispute.27 The top choices (Figure 30) remained the same when compared to the 2011 baseline report – Police (48%), *Shural Jirga* (25%), and the courts (20%).

**Figure 30 – 2012 Community Survey Q#43**

<table>
<thead>
<tr>
<th>2012 “Which institution did the respondent approach in his/her story?”</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>28%</td>
<td>20%</td>
<td>48%</td>
</tr>
<tr>
<td>Court</td>
<td>11%</td>
<td>9%</td>
<td>20%</td>
</tr>
<tr>
<td>Shural Jirga</td>
<td>13%</td>
<td>13%</td>
<td>25%</td>
</tr>
<tr>
<td>Arbakai</td>
<td>1%</td>
<td>0%</td>
<td>1%</td>
</tr>
<tr>
<td>Other</td>
<td>4%</td>
<td>2%</td>
<td>6%</td>
</tr>
</tbody>
</table>

---

27 2012 Community Survey Q#43
As a follow-up, these participants were asked about whether their dispute has been solved. Figure 31 shows the rate at which cases have been solved. However, these statistics are based on participants who chose to respond to the question. Also, this question does not access opinions as to whether the resolution was satisfactory. 90% of people who approached a shura/jirga had their case solved, and 71% of people who approached the police had their case solved. It must be kept in mind that the types of cases brought to each group will vary significantly, making this sort of comparison difficult.

Figure 31 – 2012 Community Survey Q#45 (E8)

<table>
<thead>
<tr>
<th>2012 “Has the dispute been solved?”</th>
<th>Police</th>
<th>Court</th>
<th>Shura/Jirga</th>
<th>Arbakai</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>71%</td>
<td>67%</td>
<td>90%</td>
<td>71%</td>
<td>71%</td>
</tr>
<tr>
<td>No</td>
<td>19%</td>
<td>18%</td>
<td>6%</td>
<td>14%</td>
<td>14%</td>
</tr>
<tr>
<td>In progress</td>
<td>10%</td>
<td>15%</td>
<td>4%</td>
<td>14%</td>
<td>14%</td>
</tr>
</tbody>
</table>

Community members were also asked who they would approach if they again faced the same problem today to further investigate their satisfaction with dispute resolution processes. Residents responded with slightly altered views (Figure 32) – police (42%), shura/jirga (34%), and the courts (17%). It is important to note that a percentage of people who approached the police and courts would now choose a shura/jirga. This indicates the continued importance that shuras/jirgas play in local dispute resolution in Kunduz province.

Figure 32 – 2012 Community Survey Q#51

<table>
<thead>
<tr>
<th>2012 &quot;Who would you approach if you faced the same problem today?&quot;</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>45%</td>
<td>39%</td>
<td>42%</td>
</tr>
<tr>
<td>Courts</td>
<td>15%</td>
<td>21%</td>
<td>17%</td>
</tr>
<tr>
<td>Shura/Jirga</td>
<td>34%</td>
<td>34%</td>
<td>34%</td>
</tr>
<tr>
<td>Arbakai</td>
<td>1%</td>
<td>1%</td>
<td>1%</td>
</tr>
<tr>
<td>Others</td>
<td>6%</td>
<td>6%</td>
<td>6%</td>
</tr>
</tbody>
</table>

A fuller picture of this situation can be achieved by investigating the shift in opinion after the initial dispute resolution processes. Figure 33 reports that the highest satisfaction was achieved by shuras/jirgas, with 67% of respondents claiming they would again use that route (compared to 55% in the 2011 baseline report), and 24% claiming they would instead approach the police. For those that initially chose the police, 54% claimed they would again return to the police, and 24% would now choose a shura/jirga. In 2011, approximately two-thirds said they would again return to the police. For those that initially chose the courts, 45% claimed they would again choose the courts (compared to 42% in the 2011 baseline report), but 26% would rather approach the police, and 25% would approach a shura/jirga. It is also important to note that no person who chose to

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28 2012 Community Survey Q#45 (E8)
29 2012 Community Survey Q#43, 51
approach the *Arbakai* would return. From these results, it is clear that the police and local *shuras/jirgas* remain the primary avenues of acquiring assistance for dispute resolution.

**Figure 33 – 2012 Community Survey Q#43, 51**

<table>
<thead>
<tr>
<th>The institution the respondent approached in his/her story</th>
<th>Police</th>
<th>Court</th>
<th>Shura/Jirga</th>
<th>Arbakai</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>54%</td>
<td>26%</td>
<td>24%</td>
<td>43%</td>
<td>17%</td>
</tr>
<tr>
<td>Courts</td>
<td>12%</td>
<td>45%</td>
<td>9%</td>
<td>14%</td>
<td>8%</td>
</tr>
<tr>
<td><em>Shura/Jirga</em></td>
<td>24%</td>
<td>25%</td>
<td>67%</td>
<td>43%</td>
<td>46%</td>
</tr>
<tr>
<td><em>Arbakai</em></td>
<td>1%</td>
<td>4%</td>
<td>0%</td>
<td>0%</td>
<td>4%</td>
</tr>
<tr>
<td>Others</td>
<td>9%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>25%</td>
</tr>
</tbody>
</table>

An improved police-community relationship can also be directly impacted through a proactive programme of activities aimed at establishing improved relationships with the community. To this end, police management were questioned regarding any activities being undertaken in Kunduz province that might improve the relationship between the police and local populations. The majority of managers insisted that they enjoyed very good relationships with local communities. However, they struggled to identify specific actions that would lead to good relationships. The majority of managers believed that as long as the police was focused on creating a secure environment for local residents, they would enjoy a good relationship with local communities. They also believed that this would be supported and continued by increased contact with local communities, and in particular with weekly meetings with key representatives from the village such as the local *mullah*.

In order to evaluate the impact of AUP efforts to strengthen their relationship with the community, community members were questioned about their respect for and trust in the police. One must keep in mind that community members may tend to avoid expressing negative views about the police (Oxfam, 2011). In 2012, about 79% of respondents were willing to say that they enjoyed either some or a lot of respect for the police (Figure 35). This is slightly improved over the 2011 baseline report (Figure 34). Significant differences in the levels of respect in terms of gender were not noticeable.

**Figure 34 – 2011 Baseline Community Survey Round 2, Q#34**

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30 Police Management Interviews, Q#24
31 2012 Community Survey Q#52
"How much respect do you have for the civil police?"

Kunduz Province

- A lot of respect: 57%
- No respect, but also no disrespect: 18%
- Some respect: 22%
- Some disrespect: 1%
- A lot of disrespect: 2%

Figure 35 – 2012 Community Survey Q#52
Significant differences in levels of either some or a lot of respect were also not noticeable across the various ethnic groups (Figure 36). Similarly, levels of either some or a lot of respect were relatively uniform across the various districts. However, Kunduz district (14%) and Dashti Arche (5%) recorded slightly higher levels of either some or a lot of disrespect (Figure 37).

Figure 36 – 2012 Community Survey Q#52 – Ethnicity

<table>
<thead>
<tr>
<th>Year</th>
<th>Ethnicity</th>
<th>Tajik</th>
<th>Uzbek</th>
<th>Pashtun</th>
<th>Hazara</th>
<th>Turkmen</th>
<th>Arab</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>A lot of respect</td>
<td>57%</td>
<td>48%</td>
<td>47%</td>
<td>52%</td>
<td>35%</td>
<td>47%</td>
</tr>
<tr>
<td></td>
<td>Some respect</td>
<td>23%</td>
<td>29%</td>
<td>35%</td>
<td>15%</td>
<td>44%</td>
<td>29%</td>
</tr>
<tr>
<td></td>
<td>No respect, but also no disrespect</td>
<td>17%</td>
<td>20%</td>
<td>14%</td>
<td>24%</td>
<td>20%</td>
<td>6%</td>
</tr>
<tr>
<td></td>
<td>Some disrespect</td>
<td>1%</td>
<td>2%</td>
<td>2%</td>
<td>7%</td>
<td>0%</td>
<td>12%</td>
</tr>
<tr>
<td></td>
<td>A lot of disrespect</td>
<td>2%</td>
<td>1%</td>
<td>2%</td>
<td>2%</td>
<td>2%</td>
<td>6%</td>
</tr>
</tbody>
</table>

Figure 37 – 2012 Community Survey Q#52 – District

<table>
<thead>
<tr>
<th>Year</th>
<th>District</th>
<th>Ali-Abad</th>
<th>Char-Dara</th>
<th>Dashti-Arche</th>
<th>Imam-sahib</th>
<th>Khan-Abad</th>
<th>Kunduz-District</th>
<th>Qala-e-Zal</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>A lot of respect</td>
<td>71%</td>
<td>66%</td>
<td>48%</td>
<td>46%</td>
<td>63%</td>
<td>29%</td>
<td>32%</td>
</tr>
<tr>
<td></td>
<td>Some respect</td>
<td>15%</td>
<td>23%</td>
<td>22%</td>
<td>26%</td>
<td>20%</td>
<td>42%</td>
<td>54%</td>
</tr>
<tr>
<td></td>
<td>No respect, but also no disrespect</td>
<td>13%</td>
<td>9%</td>
<td>25%</td>
<td>27%</td>
<td>15%</td>
<td>15%</td>
<td>13%</td>
</tr>
<tr>
<td></td>
<td>Some disrespect</td>
<td>0%</td>
<td>1%</td>
<td>3%</td>
<td>0%</td>
<td>1%</td>
<td>8%</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>A lot of disrespect</td>
<td>2%</td>
<td>2%</td>
<td>2%</td>
<td>1%</td>
<td>2%</td>
<td>6%</td>
<td>0%</td>
</tr>
</tbody>
</table>

The question remains as to whether police are sensing respect or disrespect from the local population. Figure 38 reports that 93% of police sense either some or a lot of respect from the local population towards the police. This was slightly higher than the reported value of 90% in 2011. In both years this has been slightly higher than the levels of respect reported by the community.

Figure 38 – 2012 Police Survey Q#15

2012 “Do you feel that the police get respect from the population?”

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32 2012 Community Survey Q#52
Levels of trust amongst the population for the police are recorded in Figure 40. Overall, 77% of community members were willing to claim that they held either some or a lot of trust in the civil police. This is a significant improvement over the 2011 baseline report of 64% (Figure 39).

Figure 39 – 2011 Baseline Community Survey – Round 2, Q#35

Figure 40 – 2012 Community Survey Q#53

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33 2012 Community Survey Q#53
Rates of trust were very uniform across gender (Figure 100 in the Annexes). When considering district level analysis, residents of Qala e Zal (84%), Ali Abad (84%), and Dashti Arche (83%) reported the highest levels of trust. Khan Abad (24%) and Kunduz districts (25%) were willing to express the highest levels of either some or a lot of distrust for the civil police. The clearest improvements in the levels of either some or a lot of trust occurred in Imam Sahib (2011 – 32%; 2012 – 79%) and Char Dara (2011 – 57%; 2012 – 78%).

Figure 41 - 2012 Community Survey Q#53 (N=905) – District

<table>
<thead>
<tr>
<th>2012 “Do you trust the civil police?”</th>
<th>Ali-Abad</th>
<th>Char-Dara</th>
<th>Dashti-Arche</th>
<th>Imam-sahib</th>
<th>Khan-Abad</th>
<th>Kunduz-District</th>
<th>Qala-e-Zal</th>
</tr>
</thead>
<tbody>
<tr>
<td>I trust them a lot.</td>
<td>25%</td>
<td>47%</td>
<td>26%</td>
<td>16%</td>
<td>13%</td>
<td>15%</td>
<td>3%</td>
</tr>
<tr>
<td>I trust them somewhat.</td>
<td>59%</td>
<td>31%</td>
<td>57%</td>
<td>63%</td>
<td>54%</td>
<td>47%</td>
<td>82%</td>
</tr>
<tr>
<td>I don’t trust them or distrust them.</td>
<td>13%</td>
<td>16%</td>
<td>11%</td>
<td>14%</td>
<td>9%</td>
<td>14%</td>
<td>12%</td>
</tr>
<tr>
<td>I distrust them somewhat</td>
<td>1%</td>
<td>3%</td>
<td>5%</td>
<td>5%</td>
<td>14%</td>
<td>15%</td>
<td>2%</td>
</tr>
</tbody>
</table>
I don’t trust them at all. 10% 10% 1%

When analysing the results across the various ethnicities of respondents, fairly uniform results were evident (Figure 101 in the Annexes). Turkmen participants expressed the highest levels of either some or a lot of trust (87%), while Arab participants were willing to express the highest levels of distrust (18%).

The police were also questioned regarding their perceptions of communal trust for the AUP. As can be expected, police personnel perceived more trust than expressed by community members. 92% of police surveyed said that they believed that they were either somewhat trusted or trusted a lot by the population (Figure 42). This gap of 15% was, however, smaller than the gap during the 2011 baseline survey (29%).

Figure 42 – 2012 Police Survey Q#16

<table>
<thead>
<tr>
<th>2012 “Do you feel that the population trusts the police?”</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A lot of trust</td>
<td>61%</td>
</tr>
<tr>
<td>Some trust</td>
<td>31%</td>
</tr>
<tr>
<td>Nether trust or distrust</td>
<td>7%</td>
</tr>
<tr>
<td>Some distrust</td>
<td>1%</td>
</tr>
<tr>
<td>A lot of distrust</td>
<td>1%</td>
</tr>
</tbody>
</table>

Too much cannot be read into these perceptions of trust and respect. It will be informative, however, over the span of a couple years to observe any pattern in the willingness of community residents to voice criticism of their police personnel.

Chapter 4: Police orientation toward needs as identified by communities

An effective police force will be institutionally sensitive to the needs of the community as described by the residents under their watch. Thus, an important aspect to an evaluation of police performance is a critique of whether police beliefs and tasks are in line with identified needs by local communities. And further, an evaluation must consider whether local communities are actually expressing their needs, and whether local police structures are actually hearing these voices. To this end, Chapter 4 will first work at identifying current needs as described by local communities, and compares those needs with the described activities of the AUP. A series of focus
groups were held in each district to access perceptions of felt needs in the community. The responses of focus groups were then compared to information regarding AUP roles and activities provided in interviews with police and police management.

Community Needs

In similar fashion to the 2011 baseline study, security concerns tended to dominate the focus group discussions regarding the needs of community members. Overall, a common trend in group narratives was the overwhelming effects of insecurity on the daily lives of residents. Respondents in Ali Abad portrayed a sense of lawlessness in their communities, with the insurgency and the Arbakai subverting any attempts to establish the rule of law. According to participants in Qala-e-Zal, the situation is amplified by lingering high rates of illiteracy. Participants believed that illiteracy prevented people from understanding the laws that applied to their communities, and prevented them from participating in justice processes and structures. Illiteracy was also blamed for rampant criminality, and a lack of resistance from community members against these crimes.

In all the focus groups the ‘government’ was called upon to deal with the insecurity and criminality. A resident of Dasht Arche stated that “security is an absolute number one priority”. Other members from Dasht Arche called on the government to take an aggressive stance towards the insurgency and criminals, and powerful people who were imposing their will on local residents. One stated, “Powerful people are stealing at will, and the government does nothing about it.” A strong sense of frustration was evident in the narratives. Amplifying the problem is the continuing corruption at all levels of government.

However, focus group members from Qala-e-Zal stated that the situation had improved, and that the insurgency had become less of a threat over the last year. It is not possible to say if this opinion is applicable across the district, or just to this particular village where the focus group was held.

Meanwhile, the police survey also questioned participants about what they perceived the communities biggest problems to be. Police respondents believed that smuggling and narcotics (21%), the insurgency (18%), fights (16%), rape (15%), and theft (15%) were primary problems faced by Kunduz residents. This list corresponds very closely with police responses in 2011. However, smuggling and narcotics displaced the insurgency as the most prioritised problem in 2012.

Figure 43 - 2012 Police Survey Q#12

<table>
<thead>
<tr>
<th>2012 &quot;What issues do you think communities see as their biggest problems that police can help them with?&quot;</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Insurgency</td>
<td>18%</td>
</tr>
<tr>
<td>Smuggling and narcotics</td>
<td>21%</td>
</tr>
<tr>
<td>Rape</td>
<td>15%</td>
</tr>
<tr>
<td>Theft</td>
<td>15%</td>
</tr>
<tr>
<td>Fights</td>
<td>16%</td>
</tr>
</tbody>
</table>

---

35 2012 Police Survey Q#12
Police management were also queried about the threats that local populations in their respective districts view as major problems. In line with the focus group narratives, many police managers identified insecurity and the insurgency as primary problems faced by the people. They also noted the existence of “irresponsible gunmen” who were supporting powerful people, who were creating a very difficult situation for local communities. In the 2011 baseline report insecurity was also the most commonly mentioned issue.

AUP management was also asked about what they were doing to learn about these problems in communities. Some managers believed that people were, in general, approaching the police with their problems. To this end, it was noted that the police has established an emergency telephone number at which they can be contacted. Managers also shared that they were in continual contact with representatives from the village to learn about communal needs.

Furthermore, AUP management was asked how the police were trying to address these problems. Responses indicated that police were relying on support from tribal elders and councils to address these issues. Through regular meetings with local elders and community members the police are hoping to build communal momentum in tackling local insecurity. However, their responses were quite dissonant with the focus group discussions, where respondents did not give a sense of partnership with the police in tackling local issues.

**Conclusion**

The discussion under Theme 1 has considered the performance of the AUP in Kunduz district, and has investigated four sets of indicators as summarised below.

1. The abilities of the AUP to uphold security, law and order

The AUP has evidenced significant growth throughout 2012 as reported by the 2012 tashkil, including some growth in the number of women employed. However, a majority of community residents continue to believe that police numbers are inadequate to ensure security. Of major concern are shifts in these opinions when compared to the 2011 baseline report. Char Dara district evidenced very much improved public perceptions regarding local police personnel, while Imam Sahib and Qala e Zal evidenced significantly deteriorated perceptions of police capabilities in their districts. This deterioration needs to be investigated immediately and appropriate changes must be made in police numbers in these districts. In terms of training, police continue to remain very positive about the training programme provided by the international community in Kunduz

36 2012 Police Management Interviews Q#27
37 2012 Police Management Interviews Q#28
38 2012 Police Management Interviews Q#29
province. A significant portion of citizens (45%) continue to perceive drug use within the AUP, with Kunduz district residents perceiving higher than average use.

(2) Levels of respect in the AUP for individual rights of civilians

Accountability structures appear to be developing slowly in Kunduz province. It is a positive sign that ‘complaint’ boxes have been distributed throughout the community, but it remains unclear how effective they are. A reduced percentage of residents reported unfair treatment at the hands of police in 2012 when compared to 2011. However, Kunduz district appears to have deteriorated significantly with over a third of residents reporting unfair treatment. Further, 70% of Kunduz district residents claimed to know someone else who had been treated unfairly. This will certainly need to be investigated.

(3) Levels of trust and respect for the AUP in local communities

In similar fashion to the 2011 baseline report there remains little, if any, evidence that the local community perceives one ethnic group is dominating the AUP. However, a significant amount of residents still report favouritism in how the police acts towards particular ethnic groups. Regarding gender, a significant number of study respondents believe that women continue to face major barriers in joining the AUP. However, more male respondents appear to believe it is possible when compared to the 2011 baseline report. A significant portion of residents continue to report paying bribes, albeit slightly reduced from 2011. However, Kunduz district residents report having to pay a significantly greater number of bribes in 2012. In addition, Kunduz district residents reported the highest levels of unwillingness on the part of the police to help them if they would not pay a bribe.

The police and local shuras/jirgas remain the primary avenues of acquiring assistance for dispute resolution. However, in 2012 an increased number of community residents admitted they would approach a shura/jirga after dealing with the AUP to solve a dispute. It thus remains clear that the traditional shura/jirga structures remain important avenues for conflict resolution that must be supported and carefully linked with formal actors such as the AUP and the courts.

When asked about levels of trust for the civil police, residents of Imam Sahib and Char Dara districts reported significantly higher levels when compared to the 2011 baseline report. Conversely, Khan Abad and Kunduz district residents reported to the highest levels of distrust for the civil police.

(4) The ability of the AUP to meet the needs of local communities

A general sense of lawlessness and insecurity in many of the districts remains a key concern for Kunduz province residents. The AUP and their management appear to recognise this according to their interview responses. However, despite a stated willingness on the part of the police management to listen to and partner with local communities, residents still perceive the government and police as inactive, and prone to corruption and bribery.
Theme 2: Police-Prosecutor Cooperation

The second theme for the 2012 progress assessment investigates cooperation between the AUP and the criminal justice system, and in particular prosecutors working with the Attorney General's office. Two sets of indicators have been used to measure any progress in terms of cooperation: (1) levels of trust in both the police and prosecutors; and (2) perceptions as to whether cases are being handled in a more timely and effective manner.

Chapter 1: The level of trust in police and prosecutors

Decades of conflict in Afghanistan have decimated its formal justice system. A severe shortage of human resources, inadequate capacity, corruption, and interference by powerful people has barred many Afghan citizens from gaining entry into justice processes. This has led to a continued reliance upon the informal justice sector to solve disputes and provide assistance with injustices.

Four sub-themes will be dealt with in this chapter: (1) capability; (2) corruption; (3) independence; and (4) cooperation.

Capability

Residents of Kunduz province were asked to comment on the capability of both police and prosecutors in their respective districts. The significant majority of respondents continued to believe that prosecutors were either somewhat or very capable of performing their jobs (2011 – 66%; 2012 – 63%). Conversely, a minority perceived them as either somewhat or very incapable (2011 – 18%; 2012 – 11%). In terms of variance by district, residents of Char Dara were the most positive regarding the abilities of prosecutors, while the residents of Imam Sahib were the most doubtful of the abilities of local prosecutors.

Figure 44 – 2012 Community Survey Q#28

<table>
<thead>
<tr>
<th>2012 “Do you think the persons who perform this task in Afghanistan are capable of doing so?”</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Who is responsible for presenting a case in a criminal trial against a person who is accused of breaking the law?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Very capable</td>
<td>9%</td>
<td>6%</td>
<td>15%</td>
</tr>
<tr>
<td>Somewhat capable</td>
<td>25%</td>
<td>23%</td>
<td>48%</td>
</tr>
<tr>
<td>Not capable, but also not incapable</td>
<td>16%</td>
<td>10%</td>
<td>26%</td>
</tr>
<tr>
<td>Somewhat incapable</td>
<td>6%</td>
<td>3%</td>
<td>9%</td>
</tr>
<tr>
<td>Very incapable</td>
<td>1%</td>
<td>1%</td>
<td>2%</td>
</tr>
</tbody>
</table>

39 2012 Community Survey Q#28
Police interviewees were also asked about their perceptions of prosecutors to perform their duties effectively. Police responded positively and were willing to state that 95% of prosecutors were either somewhat or very capable in their roles (Figure 45). This reflects positively on the police-prosecutor relationship.

**Figure 45 – 2012 Police Survey Q#22**

<table>
<thead>
<tr>
<th>2012 “Do you think that prosecutors are capable of performing their jobs?”</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Very capable</strong></td>
<td>36%</td>
</tr>
<tr>
<td><strong>Somewhat capable</strong></td>
<td>59%</td>
</tr>
<tr>
<td><strong>Not capable, but also not incapable</strong></td>
<td>4%</td>
</tr>
<tr>
<td><strong>Somewhat incapable</strong></td>
<td>1%</td>
</tr>
</tbody>
</table>

Conversely, and in similar fashion, prosecutors were asked to share their perceptions of police capabilities. As in the 2011 baseline report opinions were definitely mixed. 42% of interviewed prosecutors believed the police were capable, 25% believed the police were somewhat capable or capable in select areas, and 33% believed they were not capable. Part of this mixed response is revealed in a follow-up question that questioned prosecutors regarding the perceived independence of the police. Several respondents noted that police continued to be quite influenced by powerful people, and that there remained a lot of police work that was not conducted independently.

Prosecutors also identified obstacles to performing their own jobs. Several prosecutors voiced concerns about security, both a general lack of security and lawlessness in the province, and a concern for their personal security. This has been corroborated by a MPIL (2011) report that noted that justice officials were being threatened with violence, which was making it difficult to fulfil their duties. One prosecutor highlighted that they were not provided security guards, and that transportation was a constant issue for them. Another complained that his salary was not adequate. Salaries have remained too low to attract capable and educated professionals into the Attorney General's employ. They also mentioned that the police often did not process criminals in a timely manner. Regarding the broader justice system, they complained that government department personnel were often unprofessional.

Last, judges and other court officials were asked to comment on the ability of prosecutors. Overall, respondents responded with affirmations of the prosecutor's abilities to work in a professional manner, and stated that they were performing very well. However, one participant noted that prosecutors do also get offered and accept bribes in their work which affects the quality of court decisions.

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40 2012 Police Survey Q#22  
41 2012 Prosecutor Interviews Q#7 (n=12)  
42 2012 Prosecutor Interviews Q#6 (n=12)  
43 2012 Judge and Court Official Interviews Q#4
Corruption

The issue of corruption remained a salient theme that emerged from the various surveys in the 2012 progress assessment. The International Crisis Group has purported that low salaries in the Afghan justice system has prompted many officials to resort to petty bribery (ICG, 2010). And further, contexts experiencing significant insecurity also face increased corruption as powerful individuals feel fewer restraints on their use of intimidation and violence.

Community members in Kunduz province were asked whether they believed they would still receive help from prosecutors if they did not pay a bribe. It remains important to keep in mind how the responses to these sorts of questions are interpreted. The responses are based on personal experience, but will also reflect communal hearsay, or simply communal attitudes. In this manner the responses likely reflect the common public narrative about corruption in the justice system.

In 2012, 42% of respondents believed that prosecutors would still help them if they did not pay a bribe. Conversely, 58% believed they would not assist them in this case. This is a slightly below the 2011 responses where 52% of respondents believed they would still help them.

Figure 46 - 2012 Community Survey Q#66 (N=856)

These responses were similar to an earlier question (Figure 26) in this report regarding whether the civil police would assist residents if bribes were not paid. It was reported that approximately half of respondents believed that police would help them if they refused to pay a bribe. Thus,

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44 2012 Community survey. Q#66
according to these perceptions it appears that a person entering the justice system will, in the majority of cases, face obstructions if they are not willing to pay bribes at some point in the process.

**Independence**

Afghanistan’s justice system has struggled to maintain an independent stance in the face of outside influence and interference. For example, an International Crisis Group (2010) report states that justice can be bought by the powerful and rich.

In the 2012 community survey Kunduz residents were asked if they believed that the actions of the police and prosecutors were influenced by powerful groups. Overall, a majority of residents agreed or strongly agreed that the police (59%) and prosecutors (58%) were influenced by powerful figures and groups (Figure 48). This represents an increase when compared to the 2011 baseline report (Figure 47: ‘Agree’ or ‘Strongly Agree’: Police – 46%; Prosecutors – 52%).

**Figure 47 - 2011 Baseline Community Survey Round 2, Q#41, 46**

![Bar chart showing responses to the question: Do you think the actions of police/prosecutors are influenced by powerful groups?](image)

**Figure 48 - 2012 Community Survey Q#54, 58 (N=901)**

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45 2012 Community survey, Q#54,58 (N=901)
Members of the AUP were also questioned as to their perceptions regarding the influence of powerful figures or groups on their work and the work of prosecutors. Approximately 56% of respondents were willing to answer with ‘Yes’ or ‘Sometimes’ to this question in regards to their own institution, and 50% responded similarly in regards to prosecutors. It is interesting to note that these percentages are very similar to the responses provided in the community survey. They are also somewhat reduced from the 2011 baseline report (Figure 49: ‘Yes’ or ‘Sometimes’: Police – 60%; Prosecutors – 61%).

Figure 49 - 2011 Baseline Police Survey, Q# 18, 20

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[46] 2012 Police Survey Q#18, 20 (n=197)
In addition to this, the 2012 police survey queried participants about whether powerful people prevent the police from doing their jobs properly.  

About 52% of respondents answered either ‘Yes’ or ‘Sometimes’ to this question. This can be compared to 57% in the 2011 baseline report. Thus, it can be concluded that a small majority of police believe that powerful people significantly affect their work.

Figure 51 – 2012 Police Survey Q#19

| 2012 “Do you think that powerful people (from outside the police: e.g. warlords, politicians, etc.) prevent the police from doing their jobs properly?” |
|---|---|
| Yes | 19% |
| No | 45% |
| Sometimes | 33% |
| I don’t know | 3% |

Police were also surveyed regarding the perceived influence of powerful groups on prosecutors. About 50% of police surveyed believed either answered ‘Yes’ or ‘Sometimes’ to this question. In similar fashion to the 2011 baseline report, this result was virtually identical to the percentage of police who perceived outside influence on police forces. This percentage is a noticeable drop from 62% (43% ‘Yes’; 19% ‘Sometimes’) as reported in the 2011 baseline report.

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47 2012 Police Survey Q#19
48 2012 Police Survey Q#20
Conversely, prosecutors were asked to offer their opinions on the independence of the police in Kunduz province. As in the 2011 baseline report, prosecutors affirmed that the police were influenced by powerful people. One prosecutor explained, "As everyone knows in Afghanistan everything is influenced by some people". Another prosecutor did not believe that the problem was so much with the police as with the local practice of first approaching 'middlemen' to assist them with their cases before the police or government offices were approached.

Prosecutors were also asked about attempts to interfere in their work with the courts. About 50% of prosecutors admitted that powerful people do try to interfere, but the majority of these affirmed that they resisted this interference and abided by the law. For example, one prosecutor described how a powerful person had recently tried to block justice procedures after a criminal was submitted to the courts.

Judges and court officials were asked the same question. One quarter of respondents were willing to admit that there was outside interference in their work. One participant claimed that powerful people called on him repeatedly because they were not aware of the law. Another claimed that phone calls attempting to use relationships as leverage in cases was "something usual", and that "some of them start warning us through phone calls". However, each of these participants claimed to resist this pressure. However, 50% claimed that there was no outside interference. It is likely that a percentage of respondents will not respond accurately because of perceived political ramifications of admission in this area.

**Cooperation**

Effective justice provision in the formal system is reliant upon strong linkages and working relationships between police and prosecutors. In Kunduz, MPIL (2011) has reported that cooperation between the prosecution and police has been impeded at many levels. However, both parties have been unwilling to really comment on barriers to cooperation.

As in the 2011 baseline report, a strong majority of AUP respondents in the 2012 progress assessment claimed that their working relationship with prosecutors as good or very good.

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49 2012 Prosecutor Interviews Q#8 (n=12)
50 Judge and Court Official Interviews Q#7
51 Police Survey, Question #24
conversely, all of the interviewed prosecutors affirmed that the working relationship between the police and prosecution was healthy. They believed that the police were expedient at arresting criminals, but several voiced concerns over the time it took to process detained people before they were presented to the courts. They also expressed a need for increased numbers of trained investigators in the Tashkil, and in particular increased numbers of female investigators.

Chapter 2: Timely and effective handling of cases

The Afghan constitution mandates that a suspect should be held for no more than 72 hours before their case is handed off to a prosecutor. From this point, a prosecutor is to file the case with the local court within 15 days. However, UNAMA (2011) has observed that the NDS and ANP regularly fail to abide by these regulations and extend custody for illegal periods of time.

AUP personnel were questioned as to how often suspects were held longer than 3 days. Sixty-one percent of interviewees claimed that suspects were never held longer than three days, while 39% claimed that suspects were held longer than 72 hours – some claiming only in a few cases, while others claimed this occurred in most or all cases (Figure 53).

Figure 53 – 2012 Police Survey Q#28

<table>
<thead>
<tr>
<th>2012 “How often is a suspect held in station longer than 3 days?”</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Never</strong></td>
</tr>
<tr>
<td><strong>Only in a few cases</strong></td>
</tr>
<tr>
<td><strong>Half of the cases</strong></td>
</tr>
<tr>
<td><strong>Most cases</strong></td>
</tr>
<tr>
<td><strong>All cases</strong></td>
</tr>
</tbody>
</table>

The highest numbers of respondents who claimed to abide by the 72 hour legal deadline for incarceration were in Qala e Zal (83%), Char Dara (78%), and Khan Abad (72%) districts. Dashti – Arche, Kunduz, and Imam Sahib districts had the highest reported illegal incarcerations (Figure 54). Overall, 2012 evidenced a slightly increased willingness of the AUP to admit that suspects were held for longer than three days.

Figure 54 - 2012 Police Survey Q#28 - District

<table>
<thead>
<tr>
<th>2012 “How often is a suspect held in station longer than 3 days?”</th>
</tr>
</thead>
</table>

52 2012 Police Survey Q#28
A set of prisoners were interviewed and questioned as to the length of their detention. A more in-depth discussion of the prisoner’s views is presented later in the report in Theme 3 Chapter 4. In the future it is necessary to supplement this data with documentary evidence. Up to this point CPAU has been unable to procure the necessary documents to assess accurately the timing and handling of criminal cases.

**Conclusion**

The discussion under Theme 2 has focused on the cooperation between the AUP and prosecutors, judges, and court officials in the justice system. Two primary areas of concern were investigated:

1) The level of trust in police and prosecutors

Overall prosecutors were perceived by Kunduz residents (2011 – 66%; 2012 - 63%) and AUP personnel (2012 – 95%) as capable of performing their jobs. While positive, there remains a significant portion of the population who perceive prosecutors as incapable. But the results do reflect positively on the police-prosecutor relationship. Judges and court officials also affirmed that prosecutors were performing very well. However, prosecutors continue to experience significant barriers to their work – primarily in regards to general lawlessness and their personal security.

Corruption continues to be a salient theme throughout the overall assessment. A significant portion of the community respondents continue to believe that they will not receive justice support from prosecutors or the police unless if they do not pay a bribe. Further, the activities of both the police and prosecution are perceived as influenced by powerful groups and individuals. Police respondents also agreed with this diagnosis.

In addition, both the police and prosecution viewed each other as often negatively influenced by outside groups. One half of all police surveyed believe that prosecutors are influenced by powerful people. Prosecutors responded in similar fashion regarding the police. It is important to note here that about a quarter of judges and court officials admitted to outside attempts at interference in their work.
Despite perceptions of corruption, high levels of cooperation were reported between the police and prosecution.

2) Timely and effective handling of cases

A significant number of AUP (39%) continue to claim that suspects are held for longer than the 72 hour constitutional limit before their case is formally handed to a prosecutor. This percentage is slighter higher than reported in the 2011 baseline report, and is an area of concern that needs to be investigated and corrected. An investigation of this issue will be continued in Theme 3 Chapter 4.
Theme 3: Justice Sector

Theme 3 investigates Kunduz province's overall justice sector and considers whether both formal and informal institutions are capable of providing justice for local residents. To this end, Theme 3 explores four sets of indicators: (1) levels of confidence in state justice institutions; (2) appropriate institutional referrals within the justice system; (3) protection of human rights; and (4) the effectiveness and efficiency of state justice institutions.

Chapter 1: Levels of confidence in state justice institutions

One side effect of low levels of confidence in Kunduz's state justice system has been continued reliance upon informal and/or traditional justice actors. If Kunduz's formal structures and systems are to be increasingly relied upon they must convince the local population that justice can be provided within the confines of the rule of law, and in a timely manner.

Confidence in State Justice Institutions

In the 2012 community survey Kunduz residents were asked to describe a dispute that either they or a family member or friend had experienced over the last two years. In addition, they were asked to talk about the dispute location, any successful resolution, and any willingness to again approach the same justice institution in the future.

The types of disputes that were described are shown in Figure 55. Land disputes were most often mentioned (27%), followed by criminal cases (22%) and family disputes (15%).

Figure 55 - 2012 Community Survey Q#50 (N=441)
From the participants’ narratives it was noted which institution was approached to assist in resolving the dispute. As reported in Figure 30, 48% of respondents approached the police, 25% a local shura/jirga (25%), 20% the courts, 1% the Arbakai, and 6% other institutions.

Earlier in this report Figure 31 reported the rate at which these cases had been solved by the various justice institutions. Rates of resolution (albeit, not necessarily in a satisfactory manner) were as follows: Shura/jirga (90%); police (71%), Court (67%), Arbakai (71%), other (71%).

When asked whether they would approach the same institution again (Figure 33), the following 'return' rates were found: shura/jirga (67%); police (54%); courts (45%). These percentages to not bode too well for formal justice institutions, and show that many residents are not having a positive experience inside the formal system and are finding alternative routes around the formal system. It appears that many respondents would choose an alternate route and approach a shura/jirga.

Community members were also asked to rank justice institutions according to their capabilities in dealing with criminal cases. The type of crime was not specified. As evident in Figure 56, 45% of all rankings for the court system placed it first. 24% of court rankings placed it as a second choice. Similar results were attained for shura/jirga structures. Huqooq structures received the third most ‘1st’ or ‘2nd’ rankings.

Figure 56 – 2012 Community Survey Q#74

53 2012 Community Survey Q#74
Survey questions also narrowed in on one particular type of dispute – land ownership conflict. When asked who the most effective institution was in dealing with land ownership disputes, shuras/jirgas received 48% of the vote, and the formal courts received 41% of the vote. In the 2011 baseline report, 55% selected the courts, and 24% selected shuras/jirgas. It must be kept in mind that the results to this sort of question if the case under consideration was a criminal case. The court system may fare more positively compared to shuras/jirgas in this case.

Figure 57 – 2012 Community Survey Q#72

Results did vary by district. Residents of Ali – Abad, Char – Dara, Dashti – Arche, and Kunduz districts were the most positive regarding court involvement. Imam – Sahib, Khan – Abad, and Qala – e – Zal were significantly more reluctant to label the courts as the most effective. All three of these last three districts showed a significant drop in 2012 compared to the 2011 baseline report.

In regards to shuras and jirgas, residents of Imam – Sahib, Khan – Abad and Qala – e – Zal responded most favourably. The remaining districts rated shura/jirga relatively low. It should be noted that other studies in recent years have found that, in practice, a significant number of cases (not just land disputes) continue to be largely handled by informal institutions (Scheye, 2009; TLO, 2010).

Figure 58 - 2012 Community Survey Q#72 – District

<table>
<thead>
<tr>
<th>2012 “If you had a dispute over land ownership, which institution is the most effective in helping you?”</th>
<th>Ali-Abad</th>
<th>Char-Dara</th>
<th>Dashti-Arche</th>
<th>Imam-Sahib</th>
<th>Khan-Abad</th>
<th>Kunduz</th>
<th>Qala-e-Zal</th>
</tr>
</thead>
<tbody>
<tr>
<td>A formal court</td>
<td>56%</td>
<td>50%</td>
<td>56%</td>
<td>19%</td>
<td>35%</td>
<td>59%</td>
<td>5%</td>
</tr>
<tr>
<td><strong>Shura/jirga</strong></td>
<td>30%</td>
<td>32%</td>
<td>35%</td>
<td>72%</td>
<td>50%</td>
<td>25%</td>
<td>94%</td>
</tr>
<tr>
<td>Taliban</td>
<td>6%</td>
<td>19%</td>
<td>7%</td>
<td>7%</td>
<td>8%</td>
<td>8%</td>
<td>1%</td>
</tr>
</tbody>
</table>
Conversely, when questioned about who was the least effective institution at resolving a land ownership dispute, the Arbakai (31%), the courts (20%), and local strongmen (19%) were identified most commonly. In the 2011 baseline report the top picks were local strongmen (23%), Arbakai (23%), shura/jirga (15%), and the courts (14%).

When differentiating by district, the courts received the highest disapproval in Char – Dara (32%) and Kunduz (29%) districts. Shura/jirga received the highest levels of disapproval in Kunduz (20%), Char – Dara (18%), and Qala – e - Zal (18%).

Figure 60 - 2012 Community Survey Q#73 – District

<table>
<thead>
<tr>
<th>Institution</th>
<th>Ali-Abad</th>
<th>Char-Dara</th>
<th>Dashti-Arche</th>
<th>Imam-Sahib</th>
<th>Khan-Abad</th>
<th>Kunduz</th>
<th>Qala-e-Zal</th>
</tr>
</thead>
<tbody>
<tr>
<td>A formal court</td>
<td>13%</td>
<td>32%</td>
<td>21%</td>
<td>18%</td>
<td>21%</td>
<td>29%</td>
<td>8%</td>
</tr>
<tr>
<td>Shura/jirga</td>
<td>9%</td>
<td>18%</td>
<td>8%</td>
<td>11%</td>
<td>12%</td>
<td>20%</td>
<td>18%</td>
</tr>
<tr>
<td>Taliban</td>
<td>36%</td>
<td>2%</td>
<td>9%</td>
<td>33%</td>
<td>7%</td>
<td>8%</td>
<td>13%</td>
</tr>
<tr>
<td>A local strongman</td>
<td>24%</td>
<td>16%</td>
<td>35%</td>
<td>12%</td>
<td>7%</td>
<td>8%</td>
<td>29%</td>
</tr>
<tr>
<td>Arbakai</td>
<td>19%</td>
<td>33%</td>
<td>27%</td>
<td>22%</td>
<td>52%</td>
<td>33%</td>
<td>33%</td>
</tr>
<tr>
<td>Huqooq</td>
<td>0%</td>
<td>0%</td>
<td>1%</td>
<td>3%</td>
<td>2%</td>
<td>2%</td>
<td>0%</td>
</tr>
</tbody>
</table>
Chapter 2: Appropriate institutional referrals in the justice system

If appropriate institutions do not handle legal cases, a lack of trust and respect will build up in the local population regarding the informal and formal justice systems. Thus, this evaluation measures the willingness of particular institutions to refer cases to counterpart justice institutions.

Inter-Institutional Referrals by Police

Police respondents were questioned regarding their willingness to refer or recommend cases involving land disputes to the *Huqooq* (Figure 61).54 It should be noted that *Huqooq* offices only deal with civil cases. In response, 94% (‘Yes’ and ‘Sometime’) of police respondents stated they would refer cases across to the *Huqooq*. This represents a slight increase from 87% on the 2011 baseline report.

Commonly cited reasons in 2012 for case referrals from the police to *Huqooq* were the specialised knowledge and intelligence of *Huqooq* officials, their effectiveness and ability to solve cases, and their propensity to treat people fairly and respectfully (see Figure 102 in the Annexes).55

Figure 61 – 2012 Police Survey Q#33

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Yes</strong></td>
<td>93%</td>
</tr>
<tr>
<td><strong>No</strong></td>
<td>1%</td>
</tr>
<tr>
<td><strong>Sometime</strong></td>
<td>1%</td>
</tr>
<tr>
<td><strong>Don't know</strong></td>
<td>5%</td>
</tr>
</tbody>
</table>

Next, police respondents were asked if they would refer cases involving a land or water dispute to a formal court.56 A total of 85% answered with either ‘Yes’ or ‘Sometimes’ to this question (Figure 62). In the 2011 baseline report a total or 90% answered in this fashion. When changing the specification to a ‘criminal case’ to be transferred, the results were very comparable (86%) for ‘Yes or ‘Sometimes’ (Figure 63). To compare, the 2011 baseline report indicated 74%. This is evidence of improved perceptions of the courts amongst the AUP.

Figure 62 – 2012 Police Survey Q#36

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>&quot;Would you refer a case or recommend that two individuals who are having a dispute over land or water should go to the Huqooq?&quot;</strong></td>
<td>93%</td>
</tr>
<tr>
<td><strong>Yes</strong></td>
<td>93%</td>
</tr>
<tr>
<td><strong>No</strong></td>
<td>1%</td>
</tr>
<tr>
<td><strong>Sometime</strong></td>
<td>1%</td>
</tr>
<tr>
<td><strong>Don't know</strong></td>
<td>5%</td>
</tr>
</tbody>
</table>

54 2012 Police Survey Q#33
55 2012 Police Survey Q#34
56 2012 Police Survey, Question #36
When asked about their reasoning for recommending a referral to the courts, AUP personnel cited court effectiveness, inherent knowledge and intelligence, and fairness and equality as primary reasons. This reasoning corresponds closely to the 2011 baseline report.

Police were now asked whether they would refer a land or water dispute to a shura/jirga. About 74% responded with ‘Yes’ or ‘Sometimes’ (compare to 2011 – 63%) (Figure 64). When specifying the willingness of the police to refer a criminal case to a shura or jirga, 47% responded with ‘Yes’ or ‘Sometimes’ (compare to 2011 – 39%) (Figure 65). When compared to the ‘land dispute’ results, this result is indicative of the prevalent perceptions regarding the appropriate roles for shuras or jirgas.

| Yes   | 70% |
| No    | 8%  |
| Sometimes | 15% |
| Don’t know | 7% |

| Yes   | 73% |
| No    | 6%  |
| Sometimes | 13% |
| Don’t know | 8% |

| Yes   | 56% |
| No    | 21% |
| Sometimes | 18% |
| Don’t know | 5% |

| Yes   | 23% |
| No    | 48% |
| Sometimes | 24% |
| Don’t know | 4% |
Reasons for referring a case to a shura or jirga included fairness and equality, lack of corruption, effectiveness, proximity (not long travel involved), and affordability (see Figure 104 in the Annexes)

Thus in summary, the AUP appear to view the courts, Huqooq, and shuras and jirgas as appropriate avenues for dispute resolution for select types of cases, but view the courts as the most appropriate for criminal cases. This division of roles was broadly reflected in the responses to community survey questions about which institution was approached following a dispute (Figure 30). It is interesting that despite being perceived as very appropriate by the police to deal with civil disputes, the Huqooq remain a virtually unconsidered option for Kunduz residents for assisting with their disputes.

**Inter-Institutional Referrals by Courts**

Court and justice officials were also queried regarding their willingness to refer cases to shuras or jirgas. Practices in this regard appear to be widely varied between court officials. Most of the court officials claimed that they had, on several occasions, recommended people approach a shura. Rates of referral varied widely. Two judges said that they had referred about 40 to 60 cases over the past year, while two other officials had referred about 2 to 4 cases to a shura. Others reported no referrals. When asked why they would refer a case, they claimed that shuras were less expensive and produced timely resolutions. They also pointed out that shura members were capable to solve disputes according to the law, but reaffirmed that criminal cases were not appropriate for shuras and should be solved in the formal state system.

No mention was made in the interviews regarding any referrals of cases from the courts to the huqooq. This is standard practice in the Afghan justice system. Rather, Huqooq will sometimes refer cases to the courts.

**Inter-Institutional Referrals by Shuras**

Members of local shuras (including local ‘peace’ shuras) were asked about whether they refer cases involving land or water disputes to the Huqooq. 45% of the interviewed shura members claimed to have referred cases across to the Huqooq. This represents a drop from 64% in the 2011 baseline report. When shura members were asked why they recommended people to the Huqooq they stated that in some cases people do not accept the decisions handed down by shura members and desire to take a second route. In other cases it is deemed necessary to involve people who have more knowledge of relevant laws in the resolution of conflict. When asked why they would not recommend a case to the Huqooq, respondents stated that corruption, unfair decisions, the time taken to travel, inattention to the very poor were inhibiting factors.

Next, shura members were asked if they would recommend civil disputes to be taken to a formal court. In 2012 a strong majority of respondents continue to claim that if a shura is not able to

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57 2012 Judge and Court Official Interviews Q#14
58 2012 Shura Interviews Q#1 (n=51)
59 2012 Shura Interviews, Question #4 (n=51)
satisfactorily resolve a conflict the case is often transferred to the courts. It is interesting to note that a significant portion of respondents declined to answer this question on the survey. It is not clear if there was a misunderstanding due to the question’s wording, or if the avoidance is due to conflict or political reasons. In the 2011 baseline report 72% claimed a willingness to refer cases to the courts.

When questioned about why they would choose to refer a case to the courts, shura members reasoned that the courts held an expertise in the law. Regarding why they would not refer a case to the courts, the respondents identified corruption, the time involved, and unfair decisions.

**Inter-Institutional Referrals by Huqooq**

The Department of Justice (DoJ) operates Huqooq offices throughout Kunduz province. Huqooq officers are responsible for mediating civil disputes, but also regularly receive cases from the formal and informal justice systems. Regarding referrals, another study of justice in Kunduz found that Huqooq officers prefer to refer cases to shuras as opposed to the courts (MPIL, 2011). However, according to the report the relationship of the Huqooq and the court system is slowly developing.

Documentary evidence was gathered for the 2012 progress assessment in regards to the practices of the Huqooq. The following figures give a sense of the referral practices within the Huqooq. In the first three quarters of 2012, out of a total of 1157 petitions received by provincial Huqooq offices, 231 were referred to the courts and 91 were referred to a shura.

In the 2012 assessment each of the Huqooq officers were asked how often they referred a civil conflict case to the formal court system. Rates of referral differed significantly, with some officers referring only a couple cases over the year, and others referring over 130 cases. When asked why they actively referred cases to the courts, participants noted that the ‘Huqooq’ law required that cases with no satisfactory decision should be referred to the courts.

Huqooq officers were also questioned regarding their practice of referring cases to shuras or jirgas. Officers claimed to refer about 10 to 100 cases per year. This perhaps represents an increase from the 2011 baseline report, but the small sample size disallows any strong comments on this issue. When asked about their reasoning for referring cases to shuras and jirgas, participants talked about reduced times and costs, and increasingly effective resolutions since most of the cases involve family and/or tribal issues are best solved at the community level. This reasoning was virtually identical to the rationale given in the 2011 baseline report. Reasons for not referring a case to a shara or jirga included a perceived lack of knowledge and intelligence when compared to the formal system, and in cases involving a threat of violence shuras have proven capable of resolving the dispute in a more expedient manner.

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60 2012 Huqooq and DoJ Interviews, Question #8 (n=10)
61 2012 Huqooq and DoJ Interviews, Question #9 (n=10)
62 2012 Huqooq and DoJ Interviews, Question #14 (n=10)
63 2012 Huqooq and DoJ Interviews, Question #15 (n=10)
64 2012 Huqooq and DoJ Interviews, Question #16 (n=10)
In conclusion, it appears that the *Huqooq* remain the formal justice structure most likely to refer cases to *shuras* or *jirgas*. This is intuitive since the types of cases they handled by the *Huqooq* and *shuras* or *jirgas* tend to be quite similar in nature.

**Chapter 3: Respect for human rights**

The 2012 progress assessment has measured the extent to which justice processes and structures are viewed as respectful of basic human rights - especially in regards to women and other potentially vulnerable groups.

**Respect for basic rights**

As pointed to earlier in this report, formal justice institutions have been perceived as less fair and respectful of the rights of the general population. To investigate this further in the context of a discussion on human rights, the 2012 community survey asked if the participant had brought a case before the formal courts in the last year and, if so, had they been treated unfairly by the courts. Fifteen per cent of respondents claimed they had a case brought to a formal court. Of these people, 21% claimed they had been treated unfairly. This is a significant drop from the 2011 baseline report. This result appears dissonant with other evidence presented in this assessment. It is possible that unidentified methodological factors have resulted in this significant change.

When asked how they were treated unfairly, the most common responses were bribes, the influence of powerful people on judges, and that their case was not taken seriously (Figure 66). These responses mirror the responses on the 2011 baseline report.

**Figure 66 – 2012 Community Survey Q#79**

<table>
<thead>
<tr>
<th>2012 &quot;How have you been treated unfairly by formal court?&quot;</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bribes</td>
<td>37%</td>
</tr>
<tr>
<td>Not taking my case seriously</td>
<td>21%</td>
</tr>
<tr>
<td>Powerful people influenced the judge</td>
<td>28%</td>
</tr>
<tr>
<td>Powerful people influenced the prosecutor</td>
<td>3%</td>
</tr>
<tr>
<td>Powerful people influenced my lawyer</td>
<td>1%</td>
</tr>
<tr>
<td>They sided with people from their own group</td>
<td>65%</td>
</tr>
<tr>
<td>The case took too long</td>
<td>4%</td>
</tr>
<tr>
<td>Evidence presented in the case was fake or was messed with</td>
<td>1%</td>
</tr>
<tr>
<td>Other</td>
<td>1%</td>
</tr>
</tbody>
</table>

In regards to *shuras* and *jirgas*, 13% of community survey respondents claimed to know someone who had been treated unfairly by a *shura* or *jirga* (2011 = 26%).

---

65 2012 Community Survey Q#77  
66 2012 Community Survey Q#78  
67 2012 Community Survey Q#79  
68 2012 Community Survey Q#80
Figure 67 – 2012 Community Survey Q#80

<table>
<thead>
<tr>
<th>2012 “Do you know anyone in your community who has been treated unfairly by a <em>shura/jirga</em> in the last year?”</th>
<th>Ali-Abad</th>
<th>Char-Dara</th>
<th>Dashti-Arche</th>
<th>Imam-Sahib</th>
<th>Khan-Abad</th>
<th>Kunduz</th>
<th>Qala-e-Zal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, I know lots of people (more than 5 people)</td>
<td>2%</td>
<td>2%</td>
<td>6%</td>
<td>2%</td>
<td>4%</td>
<td>5%</td>
<td>0%</td>
</tr>
<tr>
<td>Yes, I know a few people (2-5 people)</td>
<td>2%</td>
<td>2%</td>
<td>6%</td>
<td>0%</td>
<td>2%</td>
<td>7%</td>
<td>2%</td>
</tr>
<tr>
<td>Yes, I know one person</td>
<td>10%</td>
<td>3%</td>
<td>10%</td>
<td>1%</td>
<td>2%</td>
<td>19%</td>
<td>4%</td>
</tr>
<tr>
<td>No, I know no one</td>
<td>86%</td>
<td>93%</td>
<td>79%</td>
<td>97%</td>
<td>92%</td>
<td>70%</td>
<td>94%</td>
</tr>
</tbody>
</table>

When differentiated by district, respondents claimed to know more people who were treated unfairly in Kunduz (32%) and Dashti – Arche (22%) districts. Compared to the 2011 baseline report, Kunduz district has risen significantly, and Dashti- Arche has dropped significantly.

Figure 68 – 2012 Community Survey Q#80 – District

<table>
<thead>
<tr>
<th>2012 “Do you know anyone in your community who has been treated unfairly by a <em>shura/jirga</em> in the last year?”</th>
<th>Ali-Abad</th>
<th>Char-Dara</th>
<th>Dashti-Arche</th>
<th>Imam-Sahib</th>
<th>Khan-Abad</th>
<th>Kunduz</th>
<th>Qala-e-Zal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, I know lots of people (more than 5 people)</td>
<td>2%</td>
<td>2%</td>
<td>6%</td>
<td>2%</td>
<td>4%</td>
<td>5%</td>
<td>0%</td>
</tr>
<tr>
<td>Yes, I know a few people (2-5 people)</td>
<td>2%</td>
<td>2%</td>
<td>6%</td>
<td>0%</td>
<td>2%</td>
<td>7%</td>
<td>2%</td>
</tr>
<tr>
<td>Yes, I know one person</td>
<td>10%</td>
<td>3%</td>
<td>10%</td>
<td>1%</td>
<td>2%</td>
<td>19%</td>
<td>4%</td>
</tr>
<tr>
<td>No, I know no one</td>
<td>86%</td>
<td>93%</td>
<td>79%</td>
<td>97%</td>
<td>92%</td>
<td>70%</td>
<td>94%</td>
</tr>
</tbody>
</table>

When community members were surveyed regarding whether the courts respected the basic rights of people like them, 34% stated ‘Yes’, and 41% stated they did not know, which is likely due to little experience within the formal court system.69

Figure 69 – 2012 Community Survey Q#84

| 2012 “Do you feel that courts respect the (basic) rights of you and people like you?” | | | | | | | | |
|---------------------------------------------------------------|-----------|-----------|--------------|-------------|-----------|--------|-----------|
| Yes                                                           | 34%       | | | | | | |
| No                                                            | 25%       | | | | | | |
| Don’t know                                                    | 41%       | | | | | | |

Negative responses were highest in Kunduz (30%), Khan – Abad (29%), and Dashti – Arche (29%) districts. Positive responses were highest in Ali – Abad (50%), Imam Sahib (46%), and Dashti – Arche (43%) districts (Figure 70).

Figure 70 – 2012 Community Survey Q#84 – District

---

69 2012 Community Survey Q#84
2012 "Do you feel that courts respect the (basic) rights of you and people like you?"

<table>
<thead>
<tr>
<th>Location</th>
<th>Yes</th>
<th>No</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>All-Abad</td>
<td>50%</td>
<td>17%</td>
<td>32%</td>
</tr>
<tr>
<td>Char-Dara</td>
<td>37%</td>
<td>22%</td>
<td>41%</td>
</tr>
<tr>
<td>Dahsti-Arche</td>
<td>43%</td>
<td>29%</td>
<td>28%</td>
</tr>
<tr>
<td>Imam-Sahib</td>
<td>46%</td>
<td>22%</td>
<td>32%</td>
</tr>
<tr>
<td>Khan-Abad</td>
<td>24%</td>
<td>29%</td>
<td>47%</td>
</tr>
<tr>
<td>Kunduz-District</td>
<td>34%</td>
<td>30%</td>
<td>36%</td>
</tr>
<tr>
<td>Qala-e-Zal</td>
<td>2%</td>
<td>26%</td>
<td>72%</td>
</tr>
</tbody>
</table>

When taking into account the gender of the respondent, there was a noticeable difference between males and females (Figure 71). Female respondents were less likely to view the courts as respecting their rights (Male – 73%; Female – 55%). Females were also much more likely to claim they did not know the answer to the question.

**Figure 71 – 2012 Community Survey Q#84 – Gender**

<table>
<thead>
<tr>
<th>Location</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>73%</td>
<td>55%</td>
</tr>
<tr>
<td>No</td>
<td>10%</td>
<td>11%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>17%</td>
<td>34%</td>
</tr>
</tbody>
</table>

When taking into account ethnicity, Turkmen were the most likely to respond positively to the question, and Arabs were the most likely to view the courts as not respecting their basic rights (Figure 72).

**Figure 72 – 2012 Community Survey Q#84 – Ethnicity**

<table>
<thead>
<tr>
<th>Location</th>
<th>Tajik</th>
<th>Uzbek</th>
<th>Pashtun</th>
<th>Hazara</th>
<th>Turkmen</th>
<th>Arab</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>63%</td>
<td>63%</td>
<td>62%</td>
<td>64%</td>
<td>85%</td>
<td>59%</td>
</tr>
<tr>
<td>No</td>
<td>12%</td>
<td>12%</td>
<td>9%</td>
<td>9%</td>
<td>5%</td>
<td>29%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>25%</td>
<td>26%</td>
<td>29%</td>
<td>26%</td>
<td>9%</td>
<td>12%</td>
</tr>
</tbody>
</table>

When asked about whether shuras or jirgas respect the basic rights of people, 64% stated yes, while 25% stated they did not know (Figure 73).

**Figure 73 – 2012 Community Survey Q#84**

2012 "Do you feel that shuras/jirgas respect the (basic) rights of you and people like you?"
When taking into account ethnicity, it appears that Turkmen respondents hold the highest perceptions of respect for basic right in the informal system (Figure 74).

**Figure 74 – 2012 Community Survey Q#84 – Ethnicity**

<table>
<thead>
<tr>
<th></th>
<th>Tajik</th>
<th>Uzbek</th>
<th>Pashtun</th>
<th>Hazara</th>
<th>Turkmen</th>
<th>Arab</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>63%</td>
<td>63%</td>
<td>62%</td>
<td>64%</td>
<td>85%</td>
<td>59%</td>
</tr>
<tr>
<td>No</td>
<td>12%</td>
<td>12%</td>
<td>9%</td>
<td>9%</td>
<td>5%</td>
<td>29%</td>
</tr>
<tr>
<td>Don't know</td>
<td>25%</td>
<td>26%</td>
<td>29%</td>
<td>26%</td>
<td>9%</td>
<td>12%</td>
</tr>
</tbody>
</table>

**Gender Equality**

The 2012 community survey asked whether it was more likely for a man or for a woman to win a case in the courts. In response, 28% of participants stated that a man was more likely to win. This reflects improved perceptions of equality in the formal justice system - the 2011 baseline report indicated that 48% of respondents believed men were more likely to win a case (Figure 75). Further, in 2012 33% of participants believed that proceedings would be equal. However, males were more likely to state that males would win, and females had higher perceptions of gender equality in the court system. In 2012, 34% stated that they did not know the answer to this question, which is certainly significant and may indicate elevated levels of inequality.

**Figure 75 – 2011 Baseline Community Survey Round 1, Q#A1**

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Female</th>
<th>Province Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Men</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Men</td>
<td>52%</td>
<td>44%</td>
<td>48%</td>
</tr>
<tr>
<td><strong>Women</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Women</td>
<td>11%</td>
<td>6%</td>
<td>8%</td>
</tr>
<tr>
<td>Equal Chance</td>
<td>24%</td>
<td>35%</td>
<td>29%</td>
</tr>
</tbody>
</table>

---

71 Community Survey Q#86
Participants were asked the same sort of question in regards to shuras and jirgas. In 2012, 21% of respondents believed a man was more likely to win a case, while 49% believed there to be equal chances for both men and women (Figure 78). On the 2011 baseline report, 59% of respondents believed men were more likely to win, and 25% believed in equality (Figure 77).

Figure 77 – 2011 Baseline Community Survey Round 1, Q#A2

<table>
<thead>
<tr>
<th>Community Survey – Round 1</th>
<th>“Do you think men or women are more likely to win a case in the informal justice system (e.g. shura or jirga) in your district?”</th>
<th>(n=1012)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Men</td>
<td>62%</td>
<td>55%</td>
</tr>
<tr>
<td>Women</td>
<td>6%</td>
<td>5%</td>
</tr>
<tr>
<td>Equal Chance</td>
<td>23%</td>
<td>27%</td>
</tr>
<tr>
<td>Don’t Know</td>
<td>7%</td>
<td>11%</td>
</tr>
</tbody>
</table>
Figure 78- 2012 Community Survey Q#88

<table>
<thead>
<tr>
<th>2012</th>
<th>&quot;Do you think men or women are more likely to win a case in the informal justice system in your district? (n=901)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
</tr>
<tr>
<td>Men</td>
<td>28%</td>
</tr>
<tr>
<td>Women</td>
<td>3%</td>
</tr>
<tr>
<td>Equal chance</td>
<td>46%</td>
</tr>
<tr>
<td>Don't know</td>
<td>23%</td>
</tr>
</tbody>
</table>

While both questions do indicate the residents of Kunduz province perceive the court and shura/jirga structures to be biased in favour or men, there is positive movement towards perceptions of increased equality. Further, it appears that informal systems are perceived as being more equal, which will be discussed further under Theme 4.

**Minority Rights**

Community survey respondents were asked if they believed judges were more likely to favour people from their own ethnic group or tribe. Figure 79 reports that a majority (53%) disagreed or strongly disagreed with this question. However, a bulk of respondents (30%) remained borderline and unsure as how to answer. The wording of this question was slightly different in 2012 when compared to the 2011 baseline report where the word ‘courts’ was used instead of ‘judges’. But to give a broad comparison, 35% of respondents in 2011 believed that the courts treated all ethnic groups equally.

Figure 79- 2012 Community Survey Q#92

<table>
<thead>
<tr>
<th>2012</th>
<th>&quot;Do you think that judges are more likely to favour people from their own ethnic group or tribe over people from other ethnic groups or tribes?&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Strongly agree</td>
</tr>
<tr>
<td>1%</td>
<td>15%</td>
</tr>
</tbody>
</table>

72 2012 Community Survey Q#92
The community survey inquired as to whether Kunduz province residents believed that *shuras* and *jirgas* treated all minority groups equally. When asked which ethnic group stood the best chance of winning a case in court, 41% of respondents believe there to be equality (Figure 80). However, 24% stated they did not know, which can potentially be interpreted as indicating equality. The remainder of participants believed Uzbeks (11%), Pashtuns (6%), and Tajiks (5%) to have a greater chance of winning. Conversely, when asked who was the least likely to win a case in court, 32% stated 'equal chance', and 34% didn't know, which can perhaps be interpreted as indicating increased equality (Figure 105 in the Annexes).

**Figure 80 – 2012 Community Survey Q#93**

| 2012 - "Who do you think is the most likely to win a case at a *shura/jirga*?" |
|---------------------------------|---|
| Pashtun                         | 6% |
| Tajik                           | 5% |
| Uzbek                           | 11%|
| Hazara                          | 1% |
| Turkmen                         | 1% |
| Arab                            | 1% |
| Other                           | 12%|
| Equal chance                    | 41%|
| Don't know                      | 24%|

When asked if a *shura/jirga* was more likely to favour people from their own ethnic group or tribe, 40% either agreed or strongly agreed. Conversely, 27% disagreed or strongly disagreed. Again, a large percentage (33%) did not commit, which can perhaps be interpreted as disagreement to the proposition in the question.

**Figure 81 – 2012 Community Survey Q#95**

| 2012 - "Do you think that members of a *shura/jirga* are more likely to favour people from their own ethnic group or tribe over people from other ethnic groups or tribes?" |
|---------------------------------------------------------------|---|
| Strongly agree                                               | 5% |
| Agree                                                        | 35%|
| Neither agree or disagree                                     | 33%|
| Disagree                                                     | 20%|
| Strongly disagree                                            | 7% |

73 2012 Community Survey Q#93
74 2012 Community Survey Q#94
75 2012 Community Survey Q#95
Chapter 4: Effectiveness and efficiency of state justice institutions

The last cluster of indicators to be discussed under this theme is the ability of state institutions to perform their tasks effectively and efficiently. Effectiveness will be explored by looking into perceptions of the knowledge and capabilities of various actors. Also, since prosecutors have been investigated earlier in this report, this section will focus on the work of lawyers. To measure efficiency, it is necessary to look into the degree to which cases are processed in a timely manner and without unreasonable delays.

Confidence in formal institutions to act effectively

The 2012 community survey asked respondents whether they believe that the formal courts act effectively and efficiently.\(^76\) As evident in Figure 82, 43% either agreed or strongly agreed. Conversely, 27% disagreed or strongly disagreed. Again, a large percentage (31%) did not commit to an answer, which is difficult to interpret with confidence. In comparison, 40% either agreed or strongly agreed in 2011, which tentatively indicates a slight increase in 2012.

Figure 82 – 2012 Community Survey Q#97

<table>
<thead>
<tr>
<th>2012 “Do you think that courts act effectively and efficiently?”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly agree</td>
</tr>
<tr>
<td>Agree</td>
</tr>
<tr>
<td>Neither agree or disagree</td>
</tr>
<tr>
<td>Disagree</td>
</tr>
<tr>
<td>Strongly disagree</td>
</tr>
</tbody>
</table>

When disaggregated by district, Qala – e – Zal (58%) and Khan - Abad (53%) had the highest percentage of respondents viewing the courts as effective and efficient, and Dasht – Arche (52%) and Ali – Abad (46%) had the lowest (Figure 83). In 2011, Kunduz and Dasht – Arche districts had the lowest percentages.

Figure 83 – 2012 Community Survey Q#97 – District

<table>
<thead>
<tr>
<th>2012 “Do you think that courts act effectively and efficiently?”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly agree</td>
</tr>
<tr>
<td>Agree</td>
</tr>
<tr>
<td>Neither agree or disagree</td>
</tr>
<tr>
<td>Disagree</td>
</tr>
<tr>
<td>Strongly disagree</td>
</tr>
</tbody>
</table>

\(^76\) 2012 Community Survey Q#97
Next, community members were asked if criminal cases brought to the courts would be processed without any administrative or legal mistakes or problems. These answers need to be interpreted with caution since they represent broad public perceptions, and only a small percentage of the population has dealt directly with the court system.

Approximately half of the survey respondents agreed or strongly agreed that cases would be processed without mistakes. A significant percentage of respondents were unsure of their answer, which is understandable (Figure 84). Respondents from Qala-e-Zal and Khan-Abad evidenced the greatest confidence, while residents of Kunduz and Char-Dara districts disagreed or strongly disagreed at the highest rates.

**Figure 84 - 2012 Community Survey Q#96 – District**

<table>
<thead>
<tr>
<th></th>
<th>Ali-Abad</th>
<th>Char-Dara</th>
<th>Dashti-Arche</th>
<th>Imam-Sahib</th>
<th>Khan-Abad</th>
<th>Kunduz District</th>
<th>Qala-e-Zal</th>
<th>Province</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly agree (= a lot of mistakes and problems)</td>
<td>20%</td>
<td>41%</td>
<td>34%</td>
<td>27%</td>
<td>39%</td>
<td>12%</td>
<td>4%</td>
<td>25%</td>
</tr>
<tr>
<td>Agree</td>
<td>9%</td>
<td>5%</td>
<td>11%</td>
<td>13%</td>
<td>30%</td>
<td>26%</td>
<td>80%</td>
<td>25%</td>
</tr>
<tr>
<td>Neither agree or disagree</td>
<td>32%</td>
<td>12%</td>
<td>20%</td>
<td>41%</td>
<td>22%</td>
<td>37%</td>
<td>15%</td>
<td>26%</td>
</tr>
<tr>
<td>Disagree</td>
<td>25%</td>
<td>27%</td>
<td>28%</td>
<td>16%</td>
<td>8%</td>
<td>21%</td>
<td>1%</td>
<td>18%</td>
</tr>
<tr>
<td>Strongly disagree [ =a lot of mistakes and problems ]</td>
<td>14%</td>
<td>15%</td>
<td>7%</td>
<td>3%</td>
<td>1%</td>
<td>4%</td>
<td>0%</td>
<td>6%</td>
</tr>
</tbody>
</table>

**Capacity and availability of lawyers**

Kunduz district residents continue to struggle with access to relatively few lawyers. As reported on the 2011 baseline, only 21 defence attorneys were registered in the entire province, with most of them being located in Kunduz City (MPIL, 2011). To make matters more difficult for client residents of Kunduz province, attorneys will rarely represent their defendants in the court system (MPIL, 2011).

Prosecutors in Kunduz province were asked about their interactions with lawyers in the districts. Several prosecutors claimed that there was a severe shortage of lawyers and that people had to represent themselves. The remaining respondents cited very good working relationships with lawyers but did not provide any substantive details in the interviews. The 2011 baseline report also reported a general absence of lawyers throughout Kunduz province. This remains an item of high priority in the justice development processes throughout Kunduz province.

---

77 2012 Community Survey Q#96
78 2012 Prosecutor Interviews, Questions #17-19 (n=12)
Kunduz residents were also asked in the 'citizen narrative' interviews whether they accessed outside representation to assist in dispute resolution and justice processes. A majority of the citizen narratives confirmed that Kunduz residents either represented themselves in the courts or relied on tribal elders, shura members, mullahs, or family members. Some women respondents expressed a desire to attain official representation but stated that this was not financially possible. Several respondents shared information regarding the daunting expenses of approaching the courts due to transportation and food costs for themselves and their representatives, and for paying bribes within the system. This remains a significant issue because several women stated that cultural norms required they use a proxy such as a relative, brother, father, or tribal elder to represent their case. However, one respondent claimed that the court had provided a lawyer for their case despite their inability to pay for it themselves.

The inadequate number of lawyers remains a serious concern in Kunduz province (and throughout the country of Afghanistan). It is, understandably, very difficult for individuals having no experience with the formal justice to function effectively within justice structures. A lack of trained representation makes it increasingly difficult for a court system prone to corruption to remain independent of powerful actors with self-serving interests in the case at hand. Women are further disempowered by a lack of female representation. It remains very rare for a female law graduate to enter the mainstream legal profession and, thus, virtually all cases are handled by male lawyers. As a consequence, women remain hesitant to share all the facts regarding their case with male representatives due to social restrictions, which limits the possibility of effective justice being achieved.

**Timeliness**

As discussed earlier in this report, an arrested suspect cannot be legally held in jail for longer than 72 hours before he is officially charged and has the case transferred to a prosecutor. At this point, prosecutors are legally required to bring the case to court within 30 days. If this is not possible, the suspect is to be released. Once in the court system, a case is supposed to be processed within one month, but can be extended by one month to gathering required evidence or deal with witnesses.

To this end, this progress report is interested in measuring the timeliness of justice processes in Kunduz province. It has proven very difficult to access the appropriate documents for a careful analysis of justice timelines. It is possible that such documents may not exist. Instead, this report relies upon evidence from interviews with court officials as well as prisoners regarding the timeliness of justice processes.

Prisoners were asked how long it took the court to hear their case and issue a verdict after they were taken to prison. The following is the results for the 30 interviewed prisoners: 30% - 1 month; 27% - 2 months; 23% - 3 months; 7% - 6 months; 3% - 4 months; 3% - 8 months; and 7% did not respond. From this information, it would appear that a significant percentage of cases are taking longer than the timelines mandated by the government – 43% took 3 months or longer. The

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79 2012 Citizen Narratives Q#6
80 2012 Prisoner Interviews, Question #11 (n=30)
2011 baseline report indicated that about one half of cases were settled in the first 2 months, and that about one third took 3 months or longer.

In similar fashion, court officials and prosecutors were asked how long cases generally took in the primary courts. A prosecutor from Khan Abad claimed it took about 5 to 15 days to process a case in court. In general, they claimed that processes would take between 1 and 3 months. However, some officials indicated that it can take up to a year in some cases, particularly if the investigation drags on, if there are ‘misunderstandings’ between lawyers and the court, or if extensive travel is required to remote locations.

Conclusion

Theme 3 has explored the overall justice processes in Kunduz province, and has focused on the ability of both informal and formal justice institutions to provide equitable justice to residents. Four areas of concern were investigated:

1. Levels of confidence in state justice institutions

The 2012 progress assessment has documented the increasing role of informal justice providers such as shuras and jirgas alongside of the formal system. The informal system appears to have been more heavily relied upon than in 2011. This fact needs to be carefully considered, and both systems must work diligently to create effective linkages with counterpart institutions. However, informal institutions are not perceived as appropriate for certain types of cases. This creates a concerning situation since perceptions of the effectiveness and efficiency of the courts remains very low – particularly in certain districts.

2. Appropriate institutional referrals within the justice system

Effective referrals between justice structures (formal and informal) seem to have been slightly improved during the 2012 assessment period when compared to the 2011 baseline report results. The AUP appear very willing to readily refer cases to the courts, the huqoq, and local shuras and jirgas. The courts have also shown willingness, in practice, to refer cases to shuras and jirgas. Likewise, shuras and jirgas are actively sharing cases with the huqoq (albeit at a lower rate than in 2011) and the court system. Finally, the huqoq is increasingly referring more cases to both the courts and shuras and jirgas. It needs to be further investigated why the role of the huqoq appears to be diminishing as opposed to developing in Kunduz province.

3. Protection of human rights

A significant portion of respondents continue to view the courts as unfair. However, perceptions were vastly improved over the 2011 baseline study. A smaller, yet concerning, amount of people also view shuras or jirgas as unfair. In similar fashion, many respondents do not believe that the courts respect their basic rights. A smaller, but significant, amount of people also believe that shuras and jirgas are adequately respectful of their rights.

81 Prosecutor Interviews Q#21 (n=12); Judge and Court Official Interviews Q#20
There appears to be improved perceptions of gender equality in the formal justice system in 2012. However, survey respondents perceived males as more likely to win a case in the courts. A higher percentage of people perceived gender equality within the informal system. However, many respondents perceived a definite male bias here too. It can be concluded that Kunduz province women still face significant challenges on the journey to achieving equal chances inside of both formal and informal justice systems.

In similar fashion, improvements seem to have been made in the equal provision of justice to minority ethnic groups. Most respondents were not willing to say there was a bias against certain ethnic groups. However, a significant portion of respondents did not commit to a particular answer for these questions. Non-committal is difficult to analyse, and is a concerning statistic. These respondents are, perhaps, unconvinced that reforms are taking place, and are waiting for further evidence of greater equality. The same sort of scenario plays out in responses to minority equality in the informal system. Many respondents claimed to not know whether processes were equal.

(4) Effectiveness and efficiency of state justice institutions.

Perceptions of the court's ability to act effectively and efficiently were slightly improved in 2012. However, a significant percentage of respondents remain undecided. Further, many respondents perceive the courts to be very prone to mistakes and problems.

It remains a real struggle for respondents to access lawyers in Kunduz province. In many cases it was believed that people must represent themselves in the formal justice system. Instead, residents continue to be represented by on tribal elders, shura members, mullahs, or family members. Women continue to rely on support from male family members or male community leaders.

Interviews with prisoners have revealed that incarcerations and court processes often drag on for illegal amounts of time. Likewise, appeals processes often extend beyond mandated timelines.
Theme 4: Awareness and Accessibility

The fourth theme in the 2012 progress assessment investigates the perceived accessibility of both formal and informal justice institutions and the local awareness of the various rule of law institutions. To this end, the discussion in Theme 4 is defined by two sub-themes: (1) the perceived access of Kunduz residents (including women and vulnerable groups) to justice structures and processes; and (2) the perceived protection of women within the legal system.

Chapter 1: Access to justice institutions

In order to look into the level of access to justice processes and structures, it is necessary to investigate: (1) the range of institutional options within both the formal and informal systems; and (2) the obstacles that residents face within both formal and informal systems.

Institutional Options

The 2011 baseline report reported that access to state justice institutions is relatively good throughout Kunduz province since judicial institutions were present in each district, and had evidenced growing capacity over the past couple of years (MPIL, 2011).

In the 2012 community survey, Kunduz province survey respondents were queried as to their perceived access to various formal and informal justice institutions. In particular, respondents were asked if there were police stations, courts, shuras/jirgas, and huqooq offices that they could get to. Figure 86 reports that 83% of provincial residents believed that a police office was accessible – 52% believed it was easy to access, while 31% admitted it was accessible, but with difficulty. 17% stated a police office was not accessible. These percentages are broadly similar to the 2011 baseline report results (Figure 85: 58% - easily accessible; 29% - accessible, but difficult; 14% - not accessible). It is concerning that over the course of one year a slightly higher number of people are reporting that they do not have access to a police station.

There was some variation according to district. Qala-e-Zal (2%), Khan Abad (44%), and Char Dara (45%) reported the lowest levels of 'easy' access. Conversely, Kunduz (84%) and Ali-Abad (71%) districts reported the highest levels of 'easy' access.

Figure 85 – 2011 Baseline Community Survey Round 1, Q#E14

<table>
<thead>
<tr>
<th>2011</th>
<th>Question #E14: “If you wanted to, is there a police station that you could get to?”</th>
<th>(n=1006)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ali Abad</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Char Dara</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dasht Arche</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Imam Sahib</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Khan Abad</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kunduz District</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Qala-e-Zal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Province Total</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

82 2012 Community Survey Q#103
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% \\

Figure 86 – 2012 Community Survey Q#103

Next, respondents were questioned about their access to the courts. In 2012, 32% of residents claimed easy access and 48% claimed access, but with difficulty. Conversely, 20% claimed they did not have access to the courts. Again, there is a slight slide towards perceptions of reduced access on the part of respondents when compared to the 2011 baseline report (Figure 87: 52% - easily accessible; 30% - accessible, but difficult; 17% - not accessible). Only a majority of residents in Kunduz district (72%) claimed they had easy access to the courts. Conversely, residents of Qala – e – Zal (1%), Char – Dara (19%), and Imam Sahib (22%) claimed the lowest ‘easy’ access (Figure 88).

Figure 87 – 2011 Baseline Community Survey Round 1, Q#E18

83 2012 Community Survey Q#106
Community residents were now asked about their access to *shuras* and *jirgas*. Across the province, 73% claimed easy access, 26% claimed to have access, but with difficulty, and 1% claimed that *shuras* and *jirgas* were not accessible. Residents of Imam Sahib (92%) and Kunduz (83%) districts claimed the highest levels of 'easy' access, with all other districts reporting relatively high levels of access (Figure 90). It is interesting to note that the 2011 baseline report indicated that 10% of

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84 2012 Community Survey Q#104
residents did not believe they had access to *shuras* and *jirgas* (Figure 89). This has been significantly reduced in 2012, which is a positive sign.

**Figure 89 - Community Survey Round 1, Q#E15**

<table>
<thead>
<tr>
<th>2011</th>
<th>“If you wanted to, is there a <em>shura</em> or <em>jirga</em> that you could get to?”</th>
<th>(n=1020)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ali Abad</td>
<td>Char Dara</td>
</tr>
<tr>
<td>Yes, easily accessible</td>
<td>81%</td>
<td>56%</td>
</tr>
<tr>
<td>Not easily, but can access if necessary</td>
<td>14%</td>
<td>32%</td>
</tr>
<tr>
<td>Not accessible</td>
<td>5%</td>
<td>11%</td>
</tr>
</tbody>
</table>

When these results are disaggregated by gender, males claimed higher levels of ‘easy’ access than females (Males - 79%; Females - 67% - Figure 106 in the Annexes)
Last, community respondents were asked about their access to huqooq offices.\textsuperscript{85} Only 26% claimed they had easy access to huqooq offices, while 42% claimed they had access, but with difficulty. Conversely, 32% claimed a huqooq office was not accessible. These numbers indicate a deterioration in perceptions of access to the huqooq when compared to the 2011 baseline report (Figure 91: 41% - easily accessible; 30% - accessible, but difficult; 28% - not accessible). In 2012, only Kunduz district (69%) reported high rates of accessibility to the huqooq (Figure 92). In 2011, Ali – Abad also claimed high levels of access.

Disaggregation of these results by gender reveals a small variance in levels of easy access – Males – 29% and Females – 23% (Figure 107).

\textit{Figure 91 – 2011 Baseline Community Survey Round 1, Q#E16}

<table>
<thead>
<tr>
<th>2011</th>
<th>“If you wanted to, is there a huqooq office that you could get to?” (\textit{n}=1020)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ali Abad</td>
</tr>
<tr>
<td>Yes, easily accessible</td>
<td>62%</td>
</tr>
<tr>
<td>Not easily, but can access if necessary</td>
<td>29%</td>
</tr>
<tr>
<td>Not accessible</td>
<td>8%</td>
</tr>
</tbody>
</table>

\textit{Figure 92 – 2012 Community Survey Q#105 – District}

<table>
<thead>
<tr>
<th>2012</th>
<th>“If you wanted to, is there a huqooq that you could get to?”</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ali Abad</td>
</tr>
<tr>
<td>Yes, easy to access</td>
<td>22%</td>
</tr>
<tr>
<td>Yes, not easy to access</td>
<td>40%</td>
</tr>
</tbody>
</table>

\textsuperscript{85} 2012 Community Survey Q#105
Barriers to access

The second set of indicators explores the perceptions of Kunduz province residents in regards to the particular obstacles they face in accessing the various justice institutions. Gender-related obstacles are discussed in the next chapter. As reported previously in this report, access to effective justice procedures is reduced by a variety of factors such as corruption, bribery, insecurity due to the insurgency, interference by powerful people, and social and cultural taboos.

Another factor that has emerged is the unreasonably high costs of bringing a case into the justice system for many residents of Kunduz province. Poverty (often severe) remains the norm for many residents, and makes paying for travel expenses, administrative fees, and bribes very difficult given the loss of income they experienced while away from a job. Thus, the 2012 survey asks participants whether it is too expensive for them to take a dispute to the courts, and if so, why.86

Twenty five percent of respondents in 2012 stated that the courts were not too expensive to approach (Figure 94). This is an increase of 9% over the 2011 baseline report (Figure 93). Conversely, the respondents who believed the courts were too expensive cited corruption as the primary barrier. Bribery, travel expenses, required time off work, and court fees were also cited. Overall, these responses raise some serious questions about the accessibility of court procedures in Kunduz province.

Figure 93 – 2011 Baseline Survey Round 1, Q#E13

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86 2012 Community Survey Q#110
"Is it too expensive to take a dispute to the courts? If so, why?"

Yes, travel costs: 9%
Yes, court fees: 10%
Yes, can't afford to leave job: 7%
Yes, other reasons: 1%
No: 25%
Yes, corruption: 48%

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

Yes, because I can't afford to take time from my job: 3%
Yes, because of travel costs: 14%
Yes, because of bribes: 15%
Yes, because of court fees [non-corruption]: 11%
Yes, corruption: 42%
No: 14%
The 2012 community survey also asked whether it was too expensive to take a dispute to the police and, if so, why. In response to this question 33% stated ‘no’, and 67% stated ‘yes’ for a variety of reasons. The percentage stating ‘no’ was identical to the 2011 baseline report. Again, corruption and bribes were identified as significant barriers (Figure 95).

Figure 95 – 2012 Community Survey – Q#110

<table>
<thead>
<tr>
<th>2012 “Is it too expensive for you to take a dispute to the police? If so, why?”</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>33%</td>
</tr>
<tr>
<td>Yes, because of corruption</td>
<td>25%</td>
</tr>
<tr>
<td>Yes, because of travel costs</td>
<td>11%</td>
</tr>
<tr>
<td>Yes, because of court fees (non-corruption)</td>
<td>7%</td>
</tr>
<tr>
<td>Yes, because of bribes</td>
<td>16%</td>
</tr>
<tr>
<td>Yes, because I can’t afford to take time from my job</td>
<td>9%</td>
</tr>
</tbody>
</table>

Comparatively, 71% of respondents to the community survey believed that it was not too expensive to bring a case to a shura or jirga (compare to 52% on the 2011 baseline report). ‘Court’ fees were the most commonly cited barrier to financial viability in this route.

Figure 96 - 2012 Community Survey Q#111

<table>
<thead>
<tr>
<th>2012 “Is it too expensive for you to take a dispute to a shura/jirga? If so, why?”</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>71%</td>
</tr>
<tr>
<td>Yes, because of corruption</td>
<td>9%</td>
</tr>
<tr>
<td>Yes, because of travel costs</td>
<td>5%</td>
</tr>
<tr>
<td>Yes, because of court fees (non-corruption)</td>
<td>13%</td>
</tr>
<tr>
<td>Yes, because of bribes</td>
<td>2%</td>
</tr>
</tbody>
</table>

Chapter 2: Protection of women within the legal system

A fundamental requirement inside of a justice system is the protection of vulnerable groups and minorities, and of women. To this end, this chapter will survey the perceptions of equality and fairness in both informal and formal justice processes in Kunduz province. As such, this chapter will focus on potential gender biases in both systems. The issue of ethnic bias has been adequately explored in earlier chapters in this report.

87 2012 Community Survey – Q#110
88 2012 Community Survey Q#111
It has been well established that women across Afghanistan have traditionally had limited access to justice. As evident in the data analysis under Theme 3, there remain definite perceptions of male bias within both the informal and formal justice systems. In order to continue this investigation, Kunduz residents were asked on the community survey whether women were able to represent themselves in court.89 Figure 97 reports that 59% of respondents believed that a woman could represent herself in court. However, the majority of respondents believed that she should first insure the consent of her family. Conversely, 23% believed a man needs to represent the women in court, and 17% felt that a woman should not bring a case to court. These percentages are broadly in line with the 2011 baseline report.

Figure 97 – 2012 Community Survey Q#87

<table>
<thead>
<tr>
<th>2012 &quot;Are women able to represent themselves when bringing a case to a formal court?&quot;</th>
<th>Male</th>
<th>Female</th>
<th>Province</th>
</tr>
</thead>
<tbody>
<tr>
<td>No, a woman should not bring a case to a court</td>
<td>4%</td>
<td>13%</td>
<td>17%</td>
</tr>
<tr>
<td>No, a man should represent a woman</td>
<td>13%</td>
<td>10%</td>
<td>23%</td>
</tr>
<tr>
<td>Yes, a woman can bring cases and represent themselves, but only with the consent of her family</td>
<td>30%</td>
<td>22%</td>
<td>52%</td>
</tr>
<tr>
<td>Yes, a woman can bring cases and represent themselves even without the consent of her family</td>
<td>4%</td>
<td>3%</td>
<td>7%</td>
</tr>
</tbody>
</table>

A similar question was posed in regards to a woman representing herself on a case brought before a shura/jirga (Figure 98).90 In this case, 51% believed she could represent herself, but with the consent of her family. Conversely, 49% believed she could not. These results point to lingering social codes that govern the appropriate actions of traditional informal justice systems.

Figure 98 – 2012 Community Survey Q#89

<table>
<thead>
<tr>
<th>2012 &quot;Are women able to represent themselves when bringing a case to a shura/jirga?&quot;</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No, a woman should not bring a case to a court</td>
<td></td>
<td>19%</td>
</tr>
<tr>
<td>No, a man should represent a woman</td>
<td></td>
<td>30%</td>
</tr>
<tr>
<td>Yes, a woman can bring cases and represent themselves, but only with the consent of her family</td>
<td></td>
<td>51%</td>
</tr>
</tbody>
</table>

These results can be supplemented from the data under Theme 3 which explored perceptions of which gender was more likely to win a case in court and in a local shura or jirga. The fact remains, however, that women continue to face significant social barriers in having their case heard, particularly on an independent basis without the interference of family. It remains standard for a

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89 2012 Community Survey Q#87

90 2012 Community Survey Q#89
woman to rely on a proxy such as a male family member or relative. Thus, it remains unclear how a
women is to effectively access the justice system if her conflict involves her male relatives.

Conclusion

Theme 4 has explored perceptions of the accessibility of both formal and informal justice
institutions in Kunduz province. Two sub-themes have been considered:

1) The perceived access to formal and informal justice systems

A significant majority of Kunduz residents claim that they have access to a police station, the courts,
the huqooq, and a shura/jirga. However, a significant percentage of these positive responses
condition their response by saying that access is not easy, but can be done if necessary. Positive
responses of 'easy' access were highest for shuras and jirgas, which is understandable because of
their community basis. Access to the huqooq was rated as the most difficult. It needs to be
investigated why this remains the case after years of development.

In regards to gender, there was not a major difference in perceptions of access to justice. However,
males perceived better accessibility over all. In practice, females do still struggle to overcome the
social and cultural barriers between themselves and the justice system. This difficult situation is
exacerbated by a lack of female police personnel and female court officials.

A major barrier to accessing justice in Kunduz province is the prohibitive cost of accessing courts
and the police. In this regard, corruption and bribery were cited as major reasons driving up
expenses to an unaffordable level for many people.

2) Protection of women within the legal system

While a majority of respondents believed that a woman could represent herself in front of the
courts, a significant percentage of the population still disclose that women should not bring a case
to the court or, if they do, have a man represent her. Similar results were gathered in response to
shura/jirga processes. These sorts of socio-cultural perceptions will likely take a significant amount
of time to transform.

Concluding Remarks

The data included in this progress report reflects the findings of research activities conducted in
Kunduz province from October to December 2012. As such, it builds upon the findings of the 2011
baseline study, and will be followed by two more annual progress assessments in 2013 and 2014. In
the meantime, several case-study projects are being conducted that will expand upon this report in
key areas. It must be kept in mind that the data presented in this report serves only as a reference
point in the ongoing development of justice processes and structures in Kunduz province. Larger
and more generalised conclusions cannot be made over such a short span of time in regards to the progress of the AUP and other formal and informal justice institutions since 2011.
Bibliography


## Annex 1 - Additional Data Tables

### Figure 99 - 2012 Community Survey Q#17 - Gender

<table>
<thead>
<tr>
<th>2012</th>
<th>&quot;Have you been treated unfairly by the civil police in the last year?&quot;</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
<td>21%</td>
<td>20%</td>
</tr>
<tr>
<td>No</td>
<td></td>
<td>79%</td>
<td>80%</td>
</tr>
</tbody>
</table>

### Figure 100 - 2012 Community Survey Q#53 - Gender

<table>
<thead>
<tr>
<th>2012</th>
<th>&quot;Do you trust the civil police?&quot;</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>I trust them a lot.</td>
<td></td>
<td>18%</td>
<td>23%</td>
</tr>
<tr>
<td>I trust them somewhat.</td>
<td></td>
<td>56%</td>
<td>56%</td>
</tr>
<tr>
<td>I don’t trust them or distrust them.</td>
<td></td>
<td>14%</td>
<td>11%</td>
</tr>
<tr>
<td>I distrust them somewhat.</td>
<td></td>
<td>7%</td>
<td>6%</td>
</tr>
<tr>
<td>I don’t trust them at all.</td>
<td></td>
<td>5%</td>
<td>4%</td>
</tr>
</tbody>
</table>

### Figure 101 - 2012 Community Survey Q#53 - Ethnicity

<table>
<thead>
<tr>
<th>2012</th>
<th>&quot;Do you trust the civil police?&quot;</th>
<th>Tajik</th>
<th>Uzbek</th>
<th>Pashtun</th>
<th>Hazara</th>
<th>Turkmen</th>
<th>Arab</th>
</tr>
</thead>
<tbody>
<tr>
<td>I trust them a lot.</td>
<td></td>
<td>19%</td>
<td>19%</td>
<td>20%</td>
<td>30%</td>
<td>16%</td>
<td>24%</td>
</tr>
<tr>
<td>I trust them somewhat.</td>
<td></td>
<td>59%</td>
<td>56%</td>
<td>55%</td>
<td>39%</td>
<td>71%</td>
<td>47%</td>
</tr>
<tr>
<td>I don’t trust them or distrust them.</td>
<td></td>
<td>12%</td>
<td>13%</td>
<td>14%</td>
<td>18%</td>
<td>7%</td>
<td>12%</td>
</tr>
<tr>
<td>I distrust them somewhat.</td>
<td></td>
<td>6%</td>
<td>8%</td>
<td>7%</td>
<td>7%</td>
<td>4%</td>
<td>18%</td>
</tr>
</tbody>
</table>
Figure 102 - 2012 Police Survey Q#34

<table>
<thead>
<tr>
<th>Reason for Referral</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of corruption</td>
<td>4%</td>
</tr>
<tr>
<td>Distance/ Lack of travel costs</td>
<td>3%</td>
</tr>
<tr>
<td>Limited or no other financial cost (non-corruption)</td>
<td>3%</td>
</tr>
<tr>
<td>Effectiveness (they are able to solve cases)</td>
<td>25%</td>
</tr>
<tr>
<td>They have the knowledge or intelligence</td>
<td>46%</td>
</tr>
<tr>
<td>Time (it is quicker than other options)</td>
<td>1%</td>
</tr>
<tr>
<td>Fairness &amp; Equality (they would treat people fairly and equally)</td>
<td>13%</td>
</tr>
<tr>
<td>Empathy (They care about people)</td>
<td>1%</td>
</tr>
<tr>
<td>Safety (lack of danger/violence)</td>
<td>1%</td>
</tr>
<tr>
<td>Other</td>
<td>3%</td>
</tr>
<tr>
<td>Don't know</td>
<td>1%</td>
</tr>
</tbody>
</table>

Figure 103 - 2012 Police Survey Q#38

<table>
<thead>
<tr>
<th>Reason for Referral</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of corruption</td>
<td>2%</td>
</tr>
<tr>
<td>Distance</td>
<td>2%</td>
</tr>
<tr>
<td>Limited or no other financial cost</td>
<td>1%</td>
</tr>
<tr>
<td>Effectiveness</td>
<td>38%</td>
</tr>
<tr>
<td>They have the knowledge or intelligence</td>
<td>33%</td>
</tr>
<tr>
<td>Time (it is quicker than other options)</td>
<td>2%</td>
</tr>
<tr>
<td>Fairness &amp; Equality (they would treat people fairly and equally)</td>
<td>16%</td>
</tr>
<tr>
<td>Empathy (they care about people)</td>
<td>1%</td>
</tr>
<tr>
<td>Safety (lack of danger/violence)</td>
<td>1%</td>
</tr>
<tr>
<td>Other</td>
<td>2%</td>
</tr>
<tr>
<td>Don't know</td>
<td>2%</td>
</tr>
</tbody>
</table>
2012 "If yes, why would you refer a case to a shura/jirga or why would you recommend that people should go to shuras/jirgas?"

<table>
<thead>
<tr>
<th>Reason</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of corruption</td>
<td>19%</td>
</tr>
<tr>
<td>Distance</td>
<td>12%</td>
</tr>
<tr>
<td>Limited or no other financial cost</td>
<td>11%</td>
</tr>
<tr>
<td>Effectiveness</td>
<td>14%</td>
</tr>
<tr>
<td>They have the knowledge or intelligence</td>
<td>5%</td>
</tr>
<tr>
<td>Time (it is quicker than other options)</td>
<td>4%</td>
</tr>
<tr>
<td>Fairness &amp; Equality (they would treat people fairly and equally)</td>
<td>1%</td>
</tr>
<tr>
<td>Empathy (they care about people)</td>
<td>21%</td>
</tr>
<tr>
<td>Other</td>
<td>9%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>5%</td>
</tr>
</tbody>
</table>

Figure 105 – 2012 Community Survey Q#94

2012 "Who do you think is the least likely to win a case at a shura/jirga?"

<table>
<thead>
<tr>
<th>Group</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pashtun</td>
<td>3%</td>
</tr>
<tr>
<td>Tajik</td>
<td>7%</td>
</tr>
<tr>
<td>Uzbek</td>
<td>5%</td>
</tr>
<tr>
<td>Hazara</td>
<td>5%</td>
</tr>
<tr>
<td>Turkmen</td>
<td>3%</td>
</tr>
<tr>
<td>Arab</td>
<td>3%</td>
</tr>
<tr>
<td>Other</td>
<td>7%</td>
</tr>
<tr>
<td>equal chance</td>
<td>32%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>34%</td>
</tr>
</tbody>
</table>

Figure 106 – 2012 Community Survey Q#104 - Gender

2012 "If you wanted to, is there a shura or jirga that you could get to?"

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Female</th>
<th>Province Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, easy to access</td>
<td>79%</td>
<td>67%</td>
<td>73%</td>
</tr>
<tr>
<td>Yes, not easy to access, but can access if necessary</td>
<td>21%</td>
<td>32%</td>
<td>26%</td>
</tr>
</tbody>
</table>
Figure 107 - 2012 Community Survey Q#105 – Gender

<table>
<thead>
<tr>
<th>Community survey</th>
<th>&quot;If you wanted to, is there huqoog that you could get to?&quot;</th>
<th>(n=882)</th>
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</thead>
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<tr>
<td></td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Not accessible</td>
<td>0%</td>
<td>1%</td>
</tr>
<tr>
<td>Yes, easy to access</td>
<td>29%</td>
<td>23%</td>
</tr>
<tr>
<td>Yes, not easy to access, but can access if necessary</td>
<td>40%</td>
<td>44%</td>
</tr>
<tr>
<td>Not accessible</td>
<td>31%</td>
<td>32%</td>
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Annex 2 – Background Information

Here we provide relevant background information on the current political, social and security situation in Afghanistan, particularly in Kunduz province. We map out the contours of the justice system in Afghanistan and range of justice actors working across the formal and informal realms, which together represent the totality of the rule of law and access to justice provision available to Afghan citizens. Finally, we provide some contextual background and analysis on the Afghan National Police (ANP), with a particular emphasis on recent developments and capacity building initiatives aimed at improving the quality of services that the police provide to local communities.

Part 1: Afghanistan

Landlocked and mountainous, the South-Central Asian country of Afghanistan faces a range of traditional and human security challenges. Low levels of economic and infrastructural development are in large measure a consequence of a political history marked by protracted war and instability over the course of decades. The population is predominantly young and rural, with around three quarters of Afghans living in rural areas and around half being younger than 15. A significant number of the country's citizens live in neighboring countries as refugees, for the most part in Pakistan but also in Iran and elsewhere. In a 2011 Thomson Reuters poll, Afghanistan was ranked as the most dangerous country in the world for women, with the restrictions on female mobility caused by deeply embedded cultural practices and exacerbated by continuing insecurity. Women are sidelined in decision-making at all levels, including decision-making over financial resources, and struggle to access basic services. Local governance is a strictly male-dominated activity (Beath et al, 2012).

Yet, there are indications of positive change. Since 2000, the overall trend in Afghanistan's human development indicators captured by UNDP's Human Development Index is upwards. By 2011, 18% of Afghanistan's 12-23 month old children were fully vaccinated, as opposed to 12% in 2005. The maternal mortality rate has also improved, but is still the highest in the world. In the past decade, the average life expectancy has risen by 4 years (from 45 to 49 years). These gains have been achieved against a backdrop of continuing insecurity, and the aid projects which rendered them have been a key instrument in the coalition forces’ 'hearts and minds' counterinsurgency strategy. Some studies suggest that this strategy is working, at least in relatively secure regions (Enikopolov, 2011). Still others argue that aid projects are not effective in promoting stabilisation objectives or winning the support of Afghans (Fishstein and Wilder, 2011).

Effectively managing the forthcoming International Security Assistance Force (ISAF) withdrawal will be crucial for protecting hard-won developmental gains. As the exit approaches, concerns over whether Afghanistan's security institutions are able assume full responsibility for matters of security are increasingly being voiced (Mantas, 2012). To minimise the possibilities of turmoil and boost the odds for a smooth exit, ISAF partners are seeking to demonstrate their continued commitment. At a Tokyo conference in July 2012, 60 donor countries pledged an additional USD 60 million in support, with similar amounts pledged at a NATO Summit in Chicago earlier in the year.
Yet, the fact remains that in some areas, particularly in rural villages and towns, the Taliban still play a role in local leadership and the arbitration of disputes, maintaining a level of control and public sympathy (Mantas, 2012). How this is handled will have a big impact on efforts to strengthen the Afghan state’s leadership in providing security, law and order in the post-exit environment.

Part 2: Kunduz Province

The strategically important province of Kunduz is situated in the northern reaches of Afghanistan, bordering Tajikistan. It hosts large areas of prime agricultural land, with flat and fertile areas ideal for growing subsistence and cash crops, and agricultural activity provides a main source of income across the province. Cross-border links with Tajikistan also represent an important source of revenue, opening up markers for licit and illicit trade and placing parts of Kunduz on a key trafficking route for the country’s opium (Devlin et al, 2009). Around 69% of the province’s population lives in rural areas with the remaining 31% living in urban centers, particularly around the provincial capital of Kunduz City. A 2003 provincial census sponsored by UNFPA found that 98% of people have access to the radio and two thirds have access to television, indicators which are above the national average but still hamper the effectiveness of public information campaigns (UNFPA and the Central Statistics Office of Afghanistan, 2003).

Previou

Previous conflict research done by Cooperation for Peace and Unity (CPAU) identifies three major centers of power in Kunduz: government agencies, the Arbakai and the Taliban. In some areas all three actors contest the same space, politically and psychically, whereas in other areas one or the other actor is in clear control. The patchwork of actors and continual contest over control of territory is a significant proximate cause of insecurity, subjecting local people to intimidation and abuse and limiting their options to travel beyond their locality. Successive interim reports from CPAU note that militia activity continues to represent the biggest obstacle to stability.

CPAU research also identifies long term conflict drivers in Kunduz as revolving around disputed land ownership, either as a result of contested inheritance or conflict-affected population movements and the return of refugees (Devlin et al, 2009). As with elsewhere in Afghanistan, conflict in Kunduz takes on an ethnic dimension, with historical land conflicts between Pashtuns on the one hand and Tajiks and Uzbeks on the other. Major ethnic groups include Pashtuns, Uzbeks and Tajiks, with significant minorities of Hazara, Turkmen and other groups clustered in some areas. Kuchi nomads range in number from around 45,000 in summer to 88,000 in winter. The inward migration of Afghans from other areas, particularly the high numbers of Pashtun arrivals, alters the delicate ethnic balance in province, increasing social tensions and laying the foundations for violent conflict.

Part 3: Afghanistan’s Justice System

Re-establishing and reforming Afghanistan’s justice institutions has long been a clear priority for international actors involved in the post-2001 reconstruction process and the damage wrought by three decades of war and conflict mean that the scale of the task is considerable. UNDP estimates
that over 97% of Afghanistan's courts are in need of construction or rehabilitation work. Besides infrastructural challenges, levels of human resource in justice institutions are also low. Understaffing, inadequate training, extreme insecurity and rampant corruption all prevent justice functionaries from performing effectively. The authority of formal justice institutions is further challenged by the existence of a parallel system of informal justice institutions, to which many people turn either through lack of a realistic alternative or in order to circumvent some of the pitfalls associated with the formal justice apparatus, including bribery, delays and biases. The body of law from which Afghan justice institutions draw also presents its own set of problems, requiring substantial revision in order to incorporate international human rights principles and to blend the many traditions of jurisprudence which have left a lasting impression on the Afghan legal system, including shari'a (Islamic) law, positive law and customary law (Wardak, 2004).

The question of how best to manage the process of restoring the justice system was a key concern of the Bonn Conference held in late 2001, convened under the auspices of the United Nations with the end goal of establishing a transitional government under terms acceptable to both the Afghan people and international stakeholders. The resultant Bonn Agreement functioned as a manifesto and roadmap for founding new, participatory justice institutions accountable to the Afghan public. Post-Bonn, the Italian contingent within ISAF emerged as the international sectoral lead, organising the Rome Conference on 2007 in order to build consensus around a vision of rule of law reform. Along with the new Afghan constitution signed into law in 2004, the Bonn Agreement and the later Rome Conference have been instrumental in determining the current structure and character of the country's justice system.

At the highest judicial level, the Constitution of Afghanistan provides for a supreme court (the Stera Mahkama) headed by a chief justice appointed to serve a maximum ten year term. A court of last resort, the Stera Mahkama consists of nine justices in all. In cases where there is no clear provision in the constitution or criminal code, the court may apply shari'a law, and in particular draw from the hanafi Sunni school of Islamic jurisprudence (equivalent provision is made for Shiite citizens). Although noted by observers in the past for its conservative tone and decision-making, the appointment of more moderate members over recent years may provide an element of balance. Yet, despite this promising turn, the a culture of political interference at the level of the supreme court continues to permeate 'every level of the judicial system, wreaking havoc at the primary and appellate court level where the vast majority of cases are lodged', and a series of unqualified crony appointments under the headship of the previous supreme justice are still being weeded out of the system (ICG, 2010).

Beyond the courts, other major actors in the formal justice system include the police (discussed separately below) and the huqooq offices, which function at district level in order to mediate and resolve civil cases. Where the huqooq offices are unable to bring cases to an acceptable conclusion, they either refer them to the court system or to informal institutions. They therefore serve a dual purpose as a bridging institution between the formal and informal justice realms, holding relationships between different justice functionaries at district level. As is common with other justice actors, huqooq officers may be educated in either positive law, shari'a law or both.
Despite an ambitious agenda for reform, the deep-rooted nature of the challenges facing Afghanistan’s justice institutions and the cumulative toll of decades of under-resourcing has meant that the rate of change has been frustratingly slow. Qualified progress has been made only in a limited number of areas, and to a significant extent the system is still typified by poor coordination between different justice agencies, an institutional culture which privileges the interests of elites, politicians and warlords above the protection of the rights of civilians, and low levels of human resource capacity.

In the absence of a well functioning formal justice system, Afghans often rely on informal mechanisms such as tribal or community councils to resolve disputes at the local level. _Shuras_ and _jirgas_ are two processes in particular that are customary in Kunduz and other parts of Afghanistan. Whereas _shuras_ refer to a process whereby a standing group of elders or recognised leaders make decision on behalf of the community, a _jirga_ is an ad-hoc community-based process for collective decision-making with its origins in Pashtun culture. Each provides an important mechanism for resolving disputes, but neither aligns well with international norms of due process. In particular, both tend to limit participation to older males and sideline the voices of other community members.

In a bid to bridge the two parallel systems, the Afghan government has indicated a move towards incorporating the informal sector into the formal justice system, tapping into the potential that _jirgas_ and _shuras_ hold out for efficient, cost-effective and locally owned and administered justice. There are already significant areas of overlap between both systems, with the _huqooq_ offices referring cases to one or the other systems and cases often being referred to the state apparatus when community-based forms of dispute resolution are inconclusive. Yet, further integration will need to address the failings within both systems if the justice Architecture in Afghanistan is to win the trust of the people it serves.

**Part 4: Historical overview of the Afghan National Police (ANP)**

A detailed historical analysis of the Afghanistan National Police (ANP) was provided in the 2011 baseline study, including background information on the origins of the ANP and the development of training efforts across a range of timeframes. We do not propose to repeat this in full here, and instead we limit ourselves to summarising a few key facts before exploring the current challenges that Afghanistan’s police service faces in fully performing their duties in the immediate term and over the coming years.

Along with reforming the judicial apparatus, the 2001 Bonn Conference also placed significant importance on establishing a new police force to support the transitional government and provide a basic level of order in an effort to stabilise what had become an extremely insecure environment. The Bonn Agreement laid the groundwork for the creation of the Afghan National Police (ANP) overseen by the Ministry of Interior (MoI). The ANP now consists of the Afghan Uniform Police (AUP), which is by far the largest force and is charged with responsibility for day-to-day police activities, and four other specialised branches: the Afghan Nation Order Police, the Afghan Border Police, the Counter Narcotics Police of Afghanistan and the Counter Terrorism Police. Germany was designated lead nation status for the police and its efforts have been augmented by significant additional support from the USA, particularly in the provision of training.
Progress since 2001 has been unsteady. In the early years securing adequate funding for police activity was a persistent problem, despite the establishment of a UN Law and Order Trust Fund in May 2002, and this prevented the deployment of adequate numbers of police and the timely payment of police salaries. Training programmes also fell significantly behind schedule. By 2005, the need for channeling greater resources and support to the security sector was recognised, and along with an organisational reshuffle within the US contingent this prompted action, but the additional injection of resources failed to noticeably improve the effectiveness of police training (Perito, 2009). Only when donors began to focus on building capacity within the Ministry of Interior did discernible changes take place, with a reform programme initiated in 2006 reducing a bloated ANP officer corps by nearly half by 2009 (Murray, 2007). Meanwhile, training initiatives were restructured so that all police in a single district were trained together, an approach which continues today, and in 2007 the European Union Mission to Afghanistan (EUPOL) replaced Germany at the key partner for police assistance. The current Dutch Mission in Kunduz represents part of this larger EUPOL undertaking.

By 2010, amid slow progress in developing and expanding the ANP, the Afghan government and ISAF set about creating controversial local defense forces as a stopgap solution. A US initiative allowed local shuras across the country to create and deploy officially sanctioned Afghan Local Police, largely irregular forces which have nevertheless been resourced with weaponry, training and salaries. Simultaneously, small security forces operating outside of this US-led structure are independently maintained by local power-holders, strongmen and warlords, particularly in northern provinces like Kunduz. These security forces, known as Arbakai, have a strong historical precedent and are meant to serve as a defensive force for the benefit of the community. Yet, all too often, the arbakai and the ALP engage in criminal activity, from pretty corruption and drug taking through to serious complaints of rape against local men, women, boys and girls. In Kunduz, some militias fund or supplement their activities through smuggling drugs, extorting ransom money for kidnappings and levying tax on local people. Left unchecked by the authorities, this activity is leading to an escalation in violence, with villages organising to defend themselves from attack (Heward, 2012).

In May 2012, relevant Afghan ministries and the international community gathered to look at options for encouraging sustainable Afghan policing beyond 2014. Convened by the International Police Cooperation Board (IPCB), the conference recognised that the ANP must transition from a counter-insurgency force to a professional law enforcement agency, and that the support of the international community is crucial to achieving this. Working groups were formed in order to establish ways forward on professionalization, police-justice linkages and Ministry of Interior reform, and these were tasked to report back to the conference partners through IPCB structures on an ongoing basis. In Kunduz meanwhile, the work of the police continues amid the changes in the political and security context. So too do the activities of the militia groups, and by some estimations these are on the increase, perhaps in anticipation of the forthcoming ISAF withdrawal (Heward, 2012). Many of the challenges that the ANP faced at its inception remain significant today, while the time available to coalition partners is closing in.
Annex 3 – 2012 Research Instruments

This section presents the community and police surveys, interview guides, and other research instruments utilized by CPAU in order to collect the data for the 2012 progress assessment.

Community Survey

1) What is the respondent’s sex/gender?
   a. Male
   b. Female

2) How old are you? ______ years old

3) 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

4) Does your household own land?
   a. Yes
   b. No

5) If yes, is it irrigated or rain-fed?
   a. Not irrigated
   b. Limited irrigation
   c. Half irrigated
   d. Mostly irrigated
   e. Fully irrigated

6) How many people work on the land?
   a. 1-5
   b. 6-10
   c. 11-20
   d. 21-50
   e. 51 or more

7) 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

8) Do you think the civil police are **capable and willing** 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]

9) If somebody would commit a crime against you, would you go to the police? YES / NO

10) If you would find out that somebody is planning to commit a crime, would you go to the police to report this? YES / NO

11) Do you think that any of the police in this district are engaged in drug use? YES / NO

12) If police in this district are engaged in drug use, how many?
   a. Only a few
   b. Some
   c. Half
   d. Most
   e. All

13) What effects does drug use have on the job performance of the police?
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

14) If the police treat you unfairly, where can you go to complain **and** get help? [LIST ALL THE OPTIONS GIVEN BY THE INTERVIEWEE]
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

15) 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]
   a. Not effective at all
   b. Somewhat effective
   c. Very effective

Page 109 of 168
16) Do you know anyone in your community who has been treated unfairly by the civil police in the last year?
   a. Yes, I know lots of people
   b. Yes, I know more than one person
   c. 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) 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

22) 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

23) 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
24) Do you feel that your ethnic group is **being blocked** from joining the police?
   a. Strongly disagree
   b. Disagree
   c. Neither agree nor disagree
   d. Agree
   e. Strongly agree

25) Is there women police in your area? Yes/ No

26) If yes are they enough women police? Yes/No

27) Can a woman in your community to get a job in the police?
   a. Strongly Disagree
   b. Disagree
   c. Neither agree or disagree
   d. Agree
   e. Strongly Agree

28) What do police spend most time doing: (circle 3) What do they spend least time doing (cross out three)
   a. ____ Resolving disputes in your community
   b. ____ Solving crime (theft, domestic violence, kidnapping, etc)
   c. ____ Directing traffic
   d. ____ Fighting Insurgents
   e. ____ Operating checkpoints
   f. ____ Napping or sitting around
   g. ____ Taking bribes
   h. ____ Committing crimes
   i. (None of the Above) [Do not say this answer]

29) What should police spend most time doing? (circle 3)
   a. ____ Resolving disputes in your community
   b. ____ Solving crime (theft, domestic violence, kidnapping, etc)
   c. ____ Directing traffic
   d. ____ Fighting Insurgents
   e. ____ Operating checkpoints
   f. (None of the Above) [Do not say this answer]

30) How often do you see police in your Area?
   a. all the time
   b. daily
   c. weekly
   d. monthly
31) Can police solve big crimes? (Yes / No)

32) 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

33) 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

34) Who are the exploited groups by the police in your community? [Do not read answers.
    Circle all that they mention.]
   a. Men
   b. Women
   c. Children or young people
   d. Old people
   e. Poor people
   f. Refugees
   g. Ethnic minorities
   h. Tribal Minorities
   i. Religious Minorities (non-SUNNI)
   j. Other __________________
   k. None of these

35) 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

36) 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

37) Do you think that certain ethnic groups are treated better than other groups by the police?
    YES / NO

38) If so, which ethnic group(s):
39) Do you think that a certain ethnic group is or groups are treated worse than others by the police? YES / NO

40) If so, which ethnic group(s):
   a. Tajik
   b. Uzbek
   c. Pashtun
   d. Hazara
   e. Turkmen
   f. Arab
   g. Other, namely ____________

41) Tell story of a dispute that has happened in the last two years. (*Probe for more details if the police are mentioned.) (Note: during the story if you hear something about police please talk more and ask more about that)

__________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________

42) Ask about proxy, did someone help you during your dispute?
   a. Family members
   b. Powerful friends
   c. Powerful people
   d. Others

43) Which institution the respondent approach in his story? (Surveyor must select an option)
   a. Police
   b. Courts
   c. Shural Jirga
   d. Arbakais
   e. Other: ____________

44) Whose dispute was it?
a. interviewee
b. Close relatives
c. Close friends
d. A person from the area
e. Others ________

45) When the case was started?
    Yesterday ____________________________ two years ago
E8. Has the dispute been solved?
    a. Yes
    b. No
    c. It is continued.

46) In what order did the person in the story approach the institutions? (1, 2, etc.)

<table>
<thead>
<tr>
<th>Institutions</th>
<th>Sequences</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td></td>
</tr>
<tr>
<td>Court</td>
<td></td>
</tr>
<tr>
<td>Shura/Jirga</td>
<td></td>
</tr>
<tr>
<td>Arbakai</td>
<td></td>
</tr>
<tr>
<td>Family</td>
<td></td>
</tr>
</tbody>
</table>

47) Rank the costs of the various institutions in the story? (1, 2, etc.) if there was no cost they can add 99.

<table>
<thead>
<tr>
<th>Institutions</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td></td>
</tr>
<tr>
<td>Court</td>
<td></td>
</tr>
<tr>
<td>Shura/Jirga</td>
<td></td>
</tr>
<tr>
<td>Arbakai</td>
<td></td>
</tr>
<tr>
<td>Family</td>
<td></td>
</tr>
</tbody>
</table>

48) Rank the fairness of the institutions in your story. (1, 2, etc.)

<table>
<thead>
<tr>
<th>Institutions</th>
<th>Fairness</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td></td>
</tr>
<tr>
<td>Court</td>
<td></td>
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<tr>
<td>Shura/Jirga</td>
<td></td>
</tr>
<tr>
<td>Arbakai</td>
<td></td>
</tr>
<tr>
<td>Family</td>
<td></td>
</tr>
</tbody>
</table>

49) Rank the respect shown to you by various institutions in the story. (1, 2, etc.)
50) What type of problem respondent faced?
   a. Land Dispute
   b. Water Dispute
   c. Criminal Case
   d. Traffic incidence
   e. Financial Dispute
   f. Family Dispute
   g. Other:________

51) Who would you approach if you faced the same problem today?
   a. Police
   b. Courts
   c. Shura/Jirga
   d. Arbakai
   e. Other: __________

52) How much respect do you have for civil police?
   a. A lot of respect
   b. Some respect
   c. No respect, but also no disrespect
   d. Some disrespect
   e. A lot of disrespect

53) Do you trust the civil police?
   a. I trust them a lot
   b. I trust them somewhat
   c. I do not trust them nor distrust them
   d. I distrust them somewhat
   e. I do not trust them at all

54) Do you think that the actions of police are influenced by powerful groups?
   a. Strongly disagree
   b. Disagree
   c. Neither agree nor disagree
   d. Agree
   e. Strongly agree
55) If you went to the police in the last year, did you experience a powerful individual blocking or influencing your case?
   a. No
   b. Yes, once
   c. Yes, a few times (2 – 5 times)
   d. Yes, more than 5 times

56) How many people do you know who went to the police in the last year?
   a. None
   b. One person
   c. A few people (2 – 5 people)
   d. More than 5 people

57) Do you know a person who went to the police in the last year and experienced a powerful individual blocking or influencing his case?
   a. No
   b. Yes, one person
   c. Yes, a few people (2 – 5 people)
   d. Yes, more than 5 people

58) Do you think that the actions of the justice officials who are responsible for prosecuting a case in court are influenced by powerful groups?
   a. Strongly disagree
   b. Disagree
   c. Neither agree nor disagree
   d. Agree
   e. Strongly agree

59) If you went to this justice official in the last year, did you experience a powerful individual blocking or influencing your case?
   a. No
   b. Yes, once
   c. Yes, a few times (2 – 5 times)
   d. Yes, more than 5 times

60) How many people do you know who went to such a justice official in the last year?
   a. None
   b. One person
   c. A few people (2 – 5 people)
   d. More than 5 people

61) 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?
   a. No
   b. Yes, one person
   c. Yes, a few people (2 – 5 people)
   d. Yes, more than 5 people

62) 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
63) If so, did you have to pay a bribe to such a justice official in the last year?
   a. No
   b. Yes, once
   c. Yes, a few times
   d. Yes, more than five times

64) Do you know anyone who needed the help of such a justice official in the last year?
   a. No, no one
   b. Yes, I know ... [FILL IN THE NUMBER OF PEOPLE THE INTERVIEWEE KNOWS] people who needed the help of a prosecutor in the last year

65) If so, do you know people who had to pay a bribe to such a justice official 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 prosecutor in the last year
   c. I don't know if they had to pay a bribe

66) Would this justice official 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

67) Who is responsible for presenting a case in a criminal trial against a person who is accused of breaking the law?
   a. The police
   b. A judge
   c. A prosecutor
   d. The director of a prison

68) Do you think the persons who perform this task in Afghanistan are capable of doing so?
   a. Very capable
   b. Somewhat capable
   c. Not capable, but also not incapable
   d. Somewhat incapable
   e. Very incapable

69) If somebody committed a crime against you, would you trust this justice official to present your case at a court?
   a. I fully trust him
   b. I somewhat trust him
   c. I somewhat distrust him
   d. I distrust him
   e. I don't know whether I trust him or not

70) 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? [EMPHASIS ON WORKING TOGETHER]:
   a. Yes, I think their cooperation is very good
   b. Yes, I think their cooperation is somewhat good
c. No, I think their cooperation is somewhat bad
d. No, I think their cooperation is very bad
e. I don’t know if their cooperation is good or bad

71) 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

72) If you had a dispute over landownership, which institution is the most effective in helping you?
   a. A formal court
   b. A shural/jirga
   c. Taleban
   d. A local strongman
   e. Arbakai
   f. Huqooq
   g. Other, namely ________________

73) If you had a dispute over landownership, which institution is the least effective in helping you?
   a. A formal court
   b. A shural/jirga
   c. Taleban
   d. A local strongman
   e. Arbakai
   f. Huqooq
   g. Other, namely ________________

74) 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 shural/jirga ______
   c. Taleban ______
   d. A local strongman ______
   e. Arbakai ______
   f. Huqooq ______

75) 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 shural/jirga ______
   c. Taleban ______
   d. A local strongman ______
   e. Arbakai ______
   f. Huqooq ______

76) 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

77) Did you have a case in last year which you brought to a formal court? YES / NO

78) If so, have you been treated unfairly by the formal courts in the last year? YES / NO

79) How have you been treated unfairly by the formal court?
   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 _____________

80) Do you know anyone in your community who has been treated unfairly by a *shura/jirga* 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

81) Did you have a case in last year which you brought to a *shura/jirga*? YES / NO

82) If so, have you been treated unfairly by a *shura/jirga* in the last year? YES / NO

83) If so, how have you been treated unfairly by the *shura/jirga*?
   a. Bribes
   b. Not taking my case seriously
   c. Powerful people influenced my case
   d. The case took too long, namely ___ weeks [WRITE DOWN NUMBER OF WEEKS THE CASE TOOK]
   e. Evidence presented in the case was fake or was messed with
   f. They sided with people from their own group
   g. Other, namely _____________

84) Do you feel that courts respect the (basic) rights of you and people like you?
   YES/ NO / Don’t know

85) Do you feel that *shuras/jirgas* respect the (basic) rights of you and people like you?
   YES/NO / Don’t know

86) Do you think men or women are more likely to win a case in the *formal* system in your district?
   a. Men
b. Women
c. Equal chance
d. Don’t Know

87) Are women able to represent themselves when bringing a case to a formal court?
   a. No, a woman should not bring a case to a court
   b. No, a man should represent a woman
   c. Yes, a woman can bring cases and represent themselves, but only with the consent of her family
   d. Yes, a woman can bring cases and represent themselves even without the consent of her family

88) Do you think men or women are more likely to win a case in a shura/jirga and other informal institution in your district?
   a. Men
   b. Women
   c. Equal chance
   d. Don’t Know

89) Are women able to represent themselves when bringing a case to a shural jirga?
   a. No, a woman should not bring a case to a court
   b. No, a man should represent a woman
   c. Yes, a woman can bring cases and represent themselves, but only with the consent of her family
   d. Yes, a woman can bring cases and represent themselves even without the consent of her family

90) Who do you think is the most likely to win a case at a formal court?
   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]

91) Who do you think is the least likely to win a case at a formal court?
   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]
92) 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?
   a. Strongly agree
   b. Agree
   c. Neither agree or disagree
   d. Disagree
   e. Strongly disagree

93) Who do you think is the most 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]

94) 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]

95) 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

96) 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]

97) Do you think that courts act effectively and efficiently?
   a. Strongly agree
   b. Agree
   c. Neither agree or disagree
   d. Disagree
   e. Strongly disagree

98) Did you have a case you brought to a formal court in the last year? YES / NO

99) 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

100) 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

101) 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

102) 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

103) 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

104) If you wanted to, is there a shural 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

105) If you wanted to, is there a hugooq that you could get to?
    a. Yes, easy to access
    b. Yes, not easy to access, but can access if necessary
    c. Not accessible
106) 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  

107) How often is someone from the huqooq in your community?
   a. Always  
   b. Frequently  
   c. Rarely  
   d. Never  
   e. Don’t know  

108) How often is someone from the police in your community?
   a. Always  
   b. Frequently  
   c. Rarely  
   d. Never  
   e. Don’t know  

109) 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  

110) 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 of bribes  
   f. Yes, because I can’t afford to take time from my job  

111) 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 of bribes  
   f. Yes, because I can’t afford to take time from my job  

112) Is it too expensive for you to take a dispute to a shural 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 of bribes
f. Yes, because I can't afford to take time from my job

113) 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

114) What tribal group or groups do you belong to?
   ____________________________

115) How big a deal is ethnicity in your daily life?
   a) Not important
   b) Somewhat important
   c) Very important

116) How big a deal is tribalism in your daily life?
   a) Not important
   b) Somewhat important
   c) Very important

117) 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

P1 Date of the interview ________________
P3 interviewer ________________
P4 Time of the interview (how long it takes)____________
P5 Province ________________
P6 district ________________
Village __________

Observations:
Describe the house:
How many people in the room for the interview? Who?
How did you feel about the responses?
What was your observation on the village, police and other official of the village?
Police Survey

Introductory questions

1) What is the respondent’s sex/gender?
   a. Male
   b. Female

2) How old are you?
   ______ years old

3) 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

4) Does your household own land?
   a. Yes
   b. No

5) If yes, is it irrigated or rain-fed?
   a. Not irrigated
   b. Limited irrigation
   c. Half irrigated
   d. Mostly irrigated
   e. Fully irrigated

6) 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 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?  
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]

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?  
a. Very useful  
b. Somewhat useful  
c. Neither useful nor not useful  
d. Somewhat not useful  
e. 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)
   a. Insurgency
   b. Smuggling and narcotics
   c. Rape
   d. Theft
   e. Fights
   f. Bad driving and traffic accidents
   g. Kidnapping
   h. Corruption
   i. Other, namely __________

13) Do you think that the police are making a positive difference in addressing these problems?
   a. Strongly agree
   b. Somewhat agree
   c. Neither agree nor disagree
   d. Somewhat disagree
   e. 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?
   a. Very capable
   b. Somewhat capable
   c. Not capable, but also not incapable
   d. Somewhat incapable
   e. Very incapable
23) If somebody committed a crime against you, would you trust a prosecutor to present your case at a court?
   a. I fully trust him
   b. I somewhat trust him
   c. I somewhat distrust him
   d. I distrust him
   e. I don’t know whether I trust him or not

24) How would you describe the cooperation between the police, prosecutors and courts?
   a. Very good
   b. Good
   c. Neither good nor bad
   d. Bad
   e. 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. A lot
   b. Some
   c. None
   d. 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?
   a. Very good
   b. Somewhat good
   c. Neither good nor bad
   d. Somewhat bad
   e. Very bad

28) How often is a suspect held in a police station longer than 3 days?
   a. Never
   b. Only in a few cases
   c. Half of the cases
   d. Most cases
   e. 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?
   a. Never
   b. 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 _______________
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 shural/jirga?
   a. Yes
   b. No
   c. Sometimes
   d. Don’t Know

40) If yes, why would you refer a case to a shural/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

41) If no, why would you not refer a case to a *shural 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. 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 _____________
Follow-up 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 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

7) What tribal group or groups do you belong to?

   ______________________

8) How big a deal is ethnicity in your daily life?
   a) Not important
   b) Somewhat important
c) Very important

9) How big a deal is tribalism in your daily life?
   a. Not important
   b. Somewhat important
   c. Very important

10) 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
Police Recruits Survey

Introductory questions

1) What is the respondent’s sex/gender?
   a. Male
   b. Female

2) How old are you?
   _______ years old

3) 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

4) Does your household own land?
   a. Yes
   b. No

5) If yes, is it irrigated or rain-fed?
   a. Not irrigated
   b. Limited irrigation
   c. Half irrigated
   d. Mostly irrigated
   e. Fully irrigated

6) 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) 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

2) 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 ______________

3) Do you know recruits who left the AUP tashkil, and if so, what were their reasons for leaving?

4) What was the number of recruits you know who left voluntarily [for reasons other than being expelled by the police trainers or police management]? _____

5) What was the ethnicity of the recruits who left?
   a. Tajik
   b. Uzbek
   c. Pashtun
   d. Hazara
   e. Turkmen
   f. Arab
   g. Other

6) 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]

7) If somebody would commit a crime against a friend, would you advise him to go to the police? YES / NO

8) 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

9. What ethnic group or groups do you belong to? [Circle all that apply]
   a. Tajik
   b. Uzbek
   c. Pashtun
   d. Hazara
   e. Turkmen
10. What tribal group or groups do you belong to?
__________________________

11. How big a deal is ethnicity in your daily life?
   a. Not important
   b. Somewhat important
   c. Very important

12. How big a deal is tribalism in your daily life?
   a. Not important
   b. Somewhat important
   c. Very important

13. 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
Police Management Survey

Introductory questions

1) What is the respondent’s sex/gender?
   a. Male
   b. Female

2) How old are you?
   _____ years old

3) 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

4) Does your household own land?
   a. Yes
   b. No

5) If yes, is it irrigated or rain-fed?
   a. Not irrigated
   b. Limited irrigation
   c. Half irrigated
   d. Mostly irrigated
   e. Fully irrigated

6) How many people work on the land?
   a. 1-5
   b. 6-10
   c. 11-20
   d. 21-50
   e. 51 or more

Law, Order and Security

1) Is the number of police in this district enough to provide security, law and order?
2) What have been the biggest threats in the last year with regard to law, order and security in your district?

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?

Reasons for Leaving AUP

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?

Police Training

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?

Literacy

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, and why or why not?

Police Accountability

21) What kind of options do people have to give feedback on the performance of the civil police?

22) Do you know if people often make use of these options?

23) Are there currently new projects under development to make the police more accountable to the population?

24) What kind of means do you have to control and check the police under your command?

Police-Community Relationship

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?
Police-Prosecutor Cooperation

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?

37) 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

38) What tribal group or groups do you belong to?
   __________________________

39) How big a deal is ethnicity in your daily life?
   a) Not important
   b) Somewhat important
   c) Very important

40) How big a deal is tribalism in your daily life?
   a) Not important
   b) Somewhat important
   c) Very important

41) 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
Survey – Judges and Court Employees

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?

Formal Justice Sector

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 you 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 you 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]
Prisoner Survey

Introductory questions

1) What is the respondent's sex/gender?
   a. Male
   b. Female

2) How old are you?
   ______ years old

3) 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

4) Does your household own land?
   a. Yes
   b. No

5) If yes, is it irrigated or rain-fed?
   a. Not irrigated
   b. Limited irrigation
   c. Half irrigated
   d. Mostly irrigated
   e. Fully irrigated

6) How many people work on the land?
   a. 1-5
   b. 6-10
   c. 11-20
   d. 21-50
   e. 51 or more

1) How long were you 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) If applicable: after you were taken to prison, how long did it take until the primary court heard your case and issued a verdict?
12) If applicable: what was the verdict of the primary court?
13) If applicable: did you appeal the verdict?
14) If applicable: how long did it take for your case to be heard by the appeal court?
15) If applicable: What was the verdict of the appeals court?
16) If applicable: Did you appeal that verdict to the supreme court?
17) If applicable: How long have you been waiting or how long did you wait for the Supreme Court to offer a verdict?

18) 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

19) What tribal group or groups do you belong to?
   __________________________

20) How big a deal is ethnicity in your daily life?
   a. Not important
   b. Somewhat important
   c. Very important

21) How big a deal is tribalism in your daily life?
   a. Not important
   b. Somewhat important
   c. Very important

22) 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
Focus Group Discussion Guide

What are the communal needs with regard to law, order and security? We have identified 4 themes:

- Insurgency (bomb attacks, shootings, etc.)
- Criminality (theft, rape, kidnapping, etc.)
- Communal disputes (disputes over land and water, etc.)
- Traffic/Accidents (car accidents, controlling traffic, etc.)
- Corruption – (bribe-seeking, etc)

We would like to ask the following questions for each of these 4 fields:

1) What the problems in your community with regard to law?
   a. How big are these problems?
   b. How do these problems affect your community?
   c. How have these problems affected the personal live(s) of the people in the focus group?
   d. How do these problems arise?
   e. What actions are currently being taken to deal with these problems?
   f. Who is taking these actions?
   g. What actions should be taken according to the focus group?
   h. Who should be taking these actions?

2) What are the problems in your community regard to security?
   a. How big are these problems?
   b. How do these problems affect your community?
   c. How have these problems affected the personal live(s) of the people in the focus group?
   d. How do these problems arise?
   e. What actions are currently being taken to deal with these problems?
   f. Who is taking these actions?
   g. What actions should be taken according to the focus group?
   h. Who should be taking these actions?

3) What are the problems in your community with regard to insurgency?
   a. How big are these problems?
   b. How do these problems affect your community?
   c. How have these problems affected the personal live(s) of the people in the focus group?
   d. How do these problems arise?
   e. What actions are currently being taken at the moment with these problems?
   f. Who is taking these actions?
   g. What actions should be taken according to the focus group?
   h. Who should be taking these actions?
4) What are the problems in your community with regard to criminality?
   a. How big are these problems?
   b. How do these problems affect your community?
   c. How have these problems affected the personal live(s) of the people in the focus group?
   d. How do these problems arise?
   e. What actions are currently being taken at the moment with these problems?
   f. Who is taking these actions?
   g. What actions should be taken according to the focus group?
   h. Who should be taking these actions?

5) What are the problems in your community with regard to communal disputes?
   a. How big are these problems?
   b. How do these problems affect your community?
   c. How have these problems affected the personal live(s) of the people in the focus group?
   d. How do these problems arise?
   e. What actions are currently being taken at the moment with these problems?
   f. Who is taking these actions?
   g. What actions should be taken according to the focus group?
   h. Who should be taking these actions?

6) What are the problems in your community with regard to accidents?
   a. How big are these problems?
   b. How do these problems affect your community?
   c. How have these problems affected the personal live(s) of the people in the focus group?
   d. How do these problems arise?
   e. What actions are currently being taken at the moment with these problems?
   f. Who is taking these actions?
   g. What actions should be taken according to the focus group?
   h. Who should be taking these actions?

7) What are the problems in your community with regard to corruption?
   a. How big are these problems?
   b. How do these problems affect your community?
   c. How have these problems affected the personal live(s) of the people in the focus group?
   d. How do these problems arise?
   e. What actions are currently being taken at the moment with these problems?
   f. Who is taking these actions?
g. What actions should be taken according to the focus group?

h. Who should be taking these actions?
Huoqoq Survey

Introductory questions

1) What is the respondent’s sex/gender?
   a. Male
   b. Female

2) How old are you?
   a. ______ years old

3) 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

4) Does your household own land?
   a. Yes
   b. No

5) If yes, is it irrigated or rain-fed?
   a. Not irrigated
   b. Limited irrigation
   c. Half irrigated
   d. Mostly irrigated
   e. Fully irrigated

6) How many people work on the land?
   a. 1-5
   b. 6-10
   c. 11-20
   d. 21-50
   e. 51 or more

Linkages between Formal and Informal Justice Sectors

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) Do you think the civil police are capable of performing their jobs? Why or why not?

3) Do you feel that the AUP have any role to perform in dealing with civil cases? YES / NO / Don’t Know

4) How would you describe that role?

5) 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?

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 go to 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 to 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 to the formal court system 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 to the formal court system 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)
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) 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 to the formal court system 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)
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)
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) Why do time delays occur?

24) How long does it take an average case to be processed by the court in this district?

Follow-up 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
   a) ___ Hazara
   b) ___ Turkmen
   c) ___ Arab
Shura Survey

Introductory questions

1) What is the respondent’s sex/gender?
   a. Male
   b. Female

2) How old are you?
   ______ years old

3) 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

4) Does your household own land?
   a. Yes
   b. No

5) If yes, is it irrigated or rain-fed?
   a. Not irrigated
   b. Limited irrigation
   c. Half irrigated
   d. Mostly irrigated
   e. Fully irrigated

6) How many people work on the land?
   a. 1-5
   b. 6-10
   c. 11-20
   d. 21-50
   e. 51 or more

Linkages between Formal and Informal Justice Sectors

1) During a year how often do you recommend two individuals who are having a dispute over land or water should go to a huqooq? _____
2) 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) In a year 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) 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) In a year how often would you refer a case or recommend a person who has a criminal case to go to the formal court system? ______

8) 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?  

Follow-Up 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
Citizen Narratives

Introductory questions

Name:

District:

1) What is the respondent’s sex/gender?
   a. Male
   b. Female

2) How old are you?
   ______ years old

3) 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

4) Does your household own land?
   a. Yes
   b. No

5) If yes, is it irrigated or rain-fed?
   a. Not irrigated
   b. Limited irrigation
   c. Half irrigated
   d. Mostly irrigated
   e. Fully irrigated

6) How many people work on the land?
   a. 1-5
   b. 6-10
   c. 11-20
   d. 21-50
   e. 51 or more

Narrative Questions
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/themself, 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?

Follow-Up Questions

1) What ethnic group or groups do you belong to? [Circle all that apply]
   a. Tajik
   b. Uzbek
   c. Pashtun
   d. Hazara
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
Prosecutor Survey

Introductory questions

1) What is the respondent's sex/gender?
   a. Male
   b. Female

2) How old are you?
   ______ years old

3) 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

Formal Justice Sector

1) How long have you been a prosecutor?

2) What is your educational background? How did that background prepare you for your job as a prosecutor?

3) What kind of training did you receive from the Attorney General's Office to perform your tasks?

4) What areas of that training were useful in preparing you to be a prosecutor?

5) What difficulties do you face during the performance of your duties as a prosecutor? Please explain.

6) 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?
7) Have there been any positive aspects or improvements that you have noticed in the performance of the police during the past year?

8) How would you describe the working relationship between the civil police and the prosecutors?

9) What positive aspects have there been in your working relationship with the civil police?

10) What difficulties have you faced in working with the civil police?

11) Has your cooperation with the police changed within the last year? If so, in what way?

12) 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

13) If so, please describe how those powerful people attempted to influence or obstruct a case.

14) 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?

15) How would you describe any interactions you have had with lawyers in this district?

16) How capable do you think defense lawyers are of defending their clients in court?

17) Do defendants ever have difficulty in obtaining legal representation? If so, what are the difficulties?

18) How often and to what extent do time delays occur in the court in this district?

19) How long does it take an average case to be processed by the court in this district?

20) Why do time delays occur?

21) 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

22) What tribal group or groups do you belong to?
Police Survey

1) Name اسم____________________________
2) Father name ولد ______________________
3) Position رتبه ________________________
4) Age عمر________________________
5) Sex جنس________________________
6) Hometown and District وليت و قربه________________________

7) When did you join the police؟
   a. Less than a year ago کمتر از یک سال
   b. One year ago یک سال پیش
   c. Two years ago دو سال پیش
   d. Three years or more ago سه سال پیش و یا زیاتر از این

8) Why did you join the police؟
   a. To serve my country برای خدمات وطن
   b. For the economic opportunity برای بهره اقتصاد
   c. My family wanted me to join بر اسرار قابل
     دلایل دیگر
   d. Other reasons 

9) Has your unit increased the number of patrols in the last year؟
   اما بخش شما گزمه ره نسبت به سال گذشته شده؟

10) Have you improved your relations with local leaders in the last year؟
    اما شما روابط به ره هرهای محلی نسبت به سال گذشته قوی نمودید؟

11) What do you think about the ability of the police to take the responsibility of security of Afghanistan in 2014؟
    انتقال مسئولیت های به پولیس راجع به امنیت افغانستان در سال 2014 شما چی فکر کردید?

12) What are your hopes for the future of Afghanistan؟

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