

3.2: The Process of a Criminal Justice Case in Afghanistan

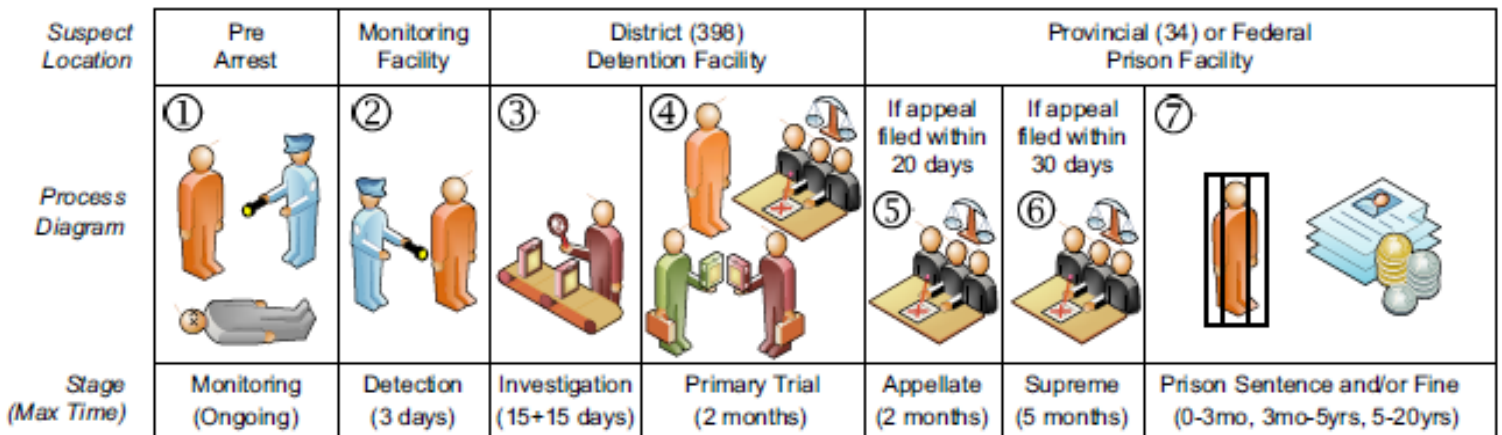
Summary

This chapter explains the process of a formal criminal case in Afghanistan from detection and discovery of a crime, to its investigation and prosecution.

Introduction

In Afghanistan, the life of a criminal case - from the moment of arrest to the time a defendant has exhausted the formal court system – is intended to be 10 months. In that time, numerous law enforcement and justice professionals will be involved in the case. This chapter provides an overview of an Afghan criminal justice case, its timelines, and the major duties of the police and prosecutors handling the case. The process described is based on the Interim Criminal Procedure Code. On February 23, 2014, a new Criminal Procedure Code (CPC) was signed into law. A copy of the CPC was not available at the time of this writing.

Criminal Case Flow¹



The above diagram provides a snap shot of the process of a criminal case. Each section will be explained in detail below.

¹ Diagram from the Department of State, Bureau of International Narcotics and Law Enforcement Affairs (INL), Justice Sector Support Program (JSSP), Case Management System Presentation.

Monitoring, Detection and Discovery of a Crime

In Afghanistan, there are several official bodies that monitor agencies or individuals for potential crimes including:

- **Afghanistan National Police (ANP):** monitor all types of crime nationwide committed by any entity;
- **Prosecutors:** monitor the criminal investigation process and enforcement of final court decisions and detention centers ;
- **Internal Inspectors of Ministries:** monitor crimes within each ministry;
- **National Directorate of Security (NDS):** monitor crimes against Afghanistan’s internal and external security;
- **Central Control and Audit Office:** audit the financial records of all government departments and agencies;
- **High Office of Oversight (HOO):** monitors complaints related to corruption nationwide.

In a common criminal case, the detection of a crime falls within the purview of the ANP. There are two types of police that can play a role in the detection of a crime: 1) Security police (“soldiers”); and 2) Police Investigators, referred to as “CID” for Criminal Investigation Division. According to Article 5 of the Police Law, “[t]he police shall be obliged to execute the following duties... taking preventative measures to prevent crimes; [and] timely crimes’ detection and arrest the suspects and perpetrators according to the provisions of the law.”² Pursuant to the Interim Criminal Procedure Code (ICPC), the CID has the duty to detect crimes, collect evidence, and seek suspects subject to the direction and supervision of the *saranwal* (Attorney General’s Office (AGO) prosecutor).³

² Police Law, Official Gazette No. 994, August 27, 2009, translated by NTM-A/CSTC-A, Wasseel Ahmad Jamal Esq., Naikan Afghan Logistic/Service Company (hereinafter Police Law), Art. 5(3-4).

³ Interim Criminal Procedure Code 2004, Official Gazette No. 820, published 2004/02/25 (1382/12/06 A.P.) (hereinafter ICPC), Art. 29. Available on the Afghan Attorney General’s Office website: <http://ago.gov.af/en/documents>; or <http://www.asianlii.org/af/legis/laws/icc175/>. “A person is considered a suspect when in any deed of the investigations the commission of a crime is attributed to him.” ICPC, Art. 5.

The ANP's duty to detect crimes and the AGO's duty to investigate and issue instructions regarding the discovery of a crime has caused systemic confusion and problems in both organizations. The Law on Structure and Authority of the Attorney General's Office (AGO Law) states criminal investigative prosecutors shall:⁴

1. Investigate criminal cases upon the receipt of a discovery notice from competent entities, receipt of information on occurrence of crime or in the event there is evidence on the occurrence of a crime.
2. Collect incriminating evidence and determine whether to attribute a crime to a suspect.
3. Demand additional documentation and evidence related to the crime and/or to identify the offender from competent discovery entities; and issue orders on how to collect evidence and provide necessary guidance to complete investigations or trial proceedings.

“The lack of clarity over established authorities for detection and discovery has made the task of investigating crime difficult, muddled basic procedures and expanded opportunities for corruption.”⁵ The AGO and the MOI have been working on Standard Operating Procedures (SOPs) that will allow for more efficient and effective application of the law and collaboration between police and prosecutors.⁶ One of the SOPs provides guidance by clarifying the meaning of “discovery” of a crime:⁷

Agreement on meaning of term: “Discovery” of crime is the duty of police. “Discovery” of crime means the following: 1) Obtaining knowledge that a crime has been committed; and 2) obtaining facts and evidence showing the guilt of the perpetrator under the guidance of the prosecutor. Therefore, police can continue their constitutional duty to “discover” crime even after 72 hours have passed after their arrest of a suspect, under the guidance of a prosecutor. Further, they can participate in uncovering facts and evidence about a crime under the guidance of a prosecutor even when no one has yet been arrested.

⁴ See The Law on Structure and Authority of the Attorney General's Office, Official Gazette, Issue No. 1117, 7 October 2013, Art. 13(1-3); see also Chapter 3.4: The Afghan Prosecutor for more information on the types of prosecutors and their duties.

⁵ See International Crisis Group, *Reforming Afghanistan's Broken Judiciary*, Asia Report No 195, November 17, 2010 (hereinafter *Reforming Afghanistan's Broken Judiciary*), p. 3:

[http://www.crisisgroup.org/~media/Files/asia/south-asia/afghanistan/195%20Reforming%20Afghanistans%20Broken%20Judiciary.ashx](http://www.crisisgroup.org/~/media/Files/asia/south-asia/afghanistan/195%20Reforming%20Afghanistans%20Broken%20Judiciary.ashx)

⁶ See Chapter 3.4: The Afghan Prosecutor for more information on the MOI-AGO Standard Operating Procedures (SOPs).

⁷ MOI-AGO SOP No. 11. Draft SOPs provided by the DoS-INL/JSSP. See Chapter 3.4: The Afghan Prosecutor.

Arrest

The police can arrest a suspect for certain limited *flagrante delicto* crimes – that is when a suspect is caught red-handed.⁸ Article 30 of the ICPC provides the police “shall arrest on their own initiative: a) the offender who is caught in the state of *flagrante delicto* or misdemeanors, punished by a medium term imprisonment, or felony; b) the person who is allegedly the author of a felony and there is risk of his disappearance.”⁹ If the police arrest a suspect on their own initiative pursuant to the ICPC, the *saranwal* must sanction, revoke, or modify the police action immediately after being informed of the deed.¹⁰ Otherwise, arrests can only be made in execution of orders from the judicial authorities.¹¹ A *saranwal* can only order an arrest in the case of a suspected misdemeanor punishable by a medium term imprisonment or in the case of a suspected felony.¹²

Following an arrest, a suspect is taken to the district’s police detention facility.¹³ The police are required to report “all crimes they happen to know” to the *saranwal* within 24 hours of arrest.¹⁴ According to Article 31 of the ICPC, the arrested individual must be informed of the reasons for the arrest, interrogated within twenty-four (24) hours, and then turned over to the *saranwal*:

1. The Judicial Police, after having identified the person arrested on their own initiative, inform him of the reasons of the arrest and interrogate the same about the crime and its circumstances within a maximum of twenty-four hours.
2. Immediately after a report shall be sent to the Primary *Saranwal* and the person should be put at his disposal.¹⁵

⁸ ICPC, *supra* note 3, Art. 13: “1. A crime is considered *flagrante delicto* in the moment in which is [sic] committed. 2. The perpetrator who is caught during the commission of the crime is in a state of “*flagrante delicto*.” 3. It is considered also in state of *flagrante delicto* the perpetrator when, upon the commission of the crime, is immediately pursued by the police, or the victim or other persons.”

⁹ *Ibid*, Art. 30(1). Article 25 of the Afghan Penal Code defines misdemeanors as crimes punishable with prison sentences of more than three months up to a period of five years, or with a cash fine of more than three thousand Afghanis. A medium term imprisonment is not less than one year or more than five years. (Art. 101). Felonies are defined in Article 24 as crimes punishable with death, continued imprisonment or long imprisonment. Penal Code, Official Gazette No. 347, published 1976/10/06 (1355/07/15 A.P.), Articles 24, 25 and 101. Available on Afghanistan Legal Documents Exchange Center: <http://afghantranslation.checchiconsulting.com>.

¹⁰ ICPC, *supra* note 3, Art. 33.

¹¹ *Ibid*, Art. 30(2).

¹² *Ibid*, Art. 35.

¹³ The police detention facilities should not be confused with the correctional facilities of the General Directorate for Prisons and Detention Centers (GDPDC) also referred to as detention facilities. On January 10, 2012, the Ministry of Justice formally handed over the GDPDC to the MOI pursuant to a Presidential Decree of 17 December 2011. The MOJ retains responsibility for the Juvenile Rehabilitation Centers. See Chapter 7 for information on Afghanistan’s Correctional System.

¹⁴ ICPC, *supra* note 3, Art. 21.

¹⁵ *Ibid*, Art. 31

Article 25 of the Police Law, however, allows the police to hold a suspect in custody for up to three days (72-hours) in order to “comprehensively detect the crime and the criminal.”¹⁶

Investigation

During the 72-hour pre-trial detention period the police have limited authority to investigate and interrogate a suspect:¹⁷

1. In case of *flagrante delicto* and whenever there are grounded reasons to believe that urgent action is needed to preserve the evidence the judicial police can, on their own initiative, conduct preliminary investigations which include:

- a. personal frisks or searches of premises and other places;
- b. seizure of objects and documents;
- c. inspection of persons and places, taking photos;
- d. requesting the assistance of experts for performing activities which require special professional qualifications.

2. Immediately after having performed the above listed activities, the judicial police shall send a report to the Primary *Saranwal*.

If the police conduct a preliminary investigation on their own initiative pursuant to the ICPC, the *saranwal* must sanction, revoke, or modify their deeds immediately after being informed of the police activity.¹⁸ After the 72 hour period, the police must turn over the suspect to the *saranwal*.

Once a suspect has been turned over by the police, the investigating *saranwal* must decide whether to continue his/her detention. At all times during the pre-trial detention the investigating *saranwal* has the authority to review the legality of the detention.¹⁹ The investigating *saranwal* must interrogate the suspect within 48 hours from the time the suspect is put at his disposal.²⁰ An investigating *saranwal* has an initial period of 15 days from the date of arrest to conduct an investigation, with an additional 15 day extension if requested of the court.²¹

The “purpose of the criminal investigation is the establishment of the truth and in order to do so the Primary *Saranwal* shall extend his assessment to cover all facts and evidence relevant for

¹⁶ Police Law, *supra* note 2, Art. 25. For a short discussion on the conflict between Article 31 of the ICPC and Article 25 of the Police Law, see Max Planck Manual on Fair Trial Standards, Amended 4th edition, Heidelberg and Kabul 2009, by Alexandra H. Guhr, Ramin Moshtaghi and Mandana Knust Rassekh Afshar, pp. 33-34; pdf link available on MPI Manuals on the Law of Afghanistan (accessed January 29, 2014): http://www.mpil.de/en/pub/service/globaler_wissenstransfer/afghanistan_project/publications/max_planck_manuals_on_the_law.cfm.

¹⁷ ICPC, *supra* note 3, Art. 32(1) & (2).

¹⁸ *Ibid*, Art. 33.

¹⁹ *Ibid*, Art. 34(2).

²⁰ *Ibid*, Art. 34.

²¹ *Ibid*, Art. 36. The additional 15 days is routinely granted by the courts.

establishing whether the crime has been committed and ascertaining who is responsible for it.”²² The *saranwal* is “duty bound to evaluate incriminating *and exonerating* circumstances.”²³ During an investigation, the *saranwal* has the authority to order arrests and seizure of evidence.²⁴

There are several departments within the Attorney General’s Office that conduct investigations based on the type of crime committed including, but not limited to:²⁵

- **Criminal Investigation Prosecution Office:** investigates crimes committed by adult civilians
- **Juvenile Crime Prosecution Office:** investigates crimes committed by juveniles;
- **Prosecution Office for Crime Against Internal and External Security** (formerly known as the Directorate of National Security): investigates crimes that threaten the security of Afghanistan;
- **Counter Narcotics Prosecution Office:** investigates narcotics offenses;
- **Military Prosecution Office:** investigates crimes committed by the Armed Forces, police, employees of the National Directorate of Security, and other institutions with a military structure.
- **Anti-Administrative Corruption Prosecution Offices:** investigates crimes of corruption.

The *saranwal* may investigate the crime on his own or in collaboration with the police.²⁶ At the conclusion of the 30 day investigation period the *saranwal* must either release the suspect from custody or present an indictment to the Court.²⁷

Indictment

At the conclusion of an investigation, the *saranwal* must determine if there is “grounded evidence” of a crime. If there is grounded evidence of a crime, the investigating *saranwal* must file an indictment against the suspect.²⁸ A *saranwal* does not have discretion to dismiss or stay any charges, unless expressly permitted by law. If there is no grounded evidence, then the *saranwal* can dismiss the case.²⁹ The decision of a *saranwal* to dismiss a case can be appealed to the court within 10 days by either the victim or a higher ranking *saranwal*.³⁰ The court can either affirm the *saranwal*’s decision or request that an indictment be filed.³¹

²² Ibid, Art. 23(2); *see also*, Art. 37.

²³ Ibid, Art. 23(3)(emphasis added).

²⁴ Ibid, Articles 34(2) and 35.

²⁵ *See e.g.* AGO Law, *supra* note 4, Art. 7.

²⁶ ICPC, *supra* note 3, Art. 23(1).

²⁷ Ibid, Art. 36.

²⁸ Ibid, Art. 22 and 39(4).

²⁹ Ibid, Art. 39(1).

³⁰ Ibid, Art. 39(2).

³¹ Ibid, Art. 39(3).

Following an indictment a case has nine months to exhaust the formal court system in Afghanistan – from the primary trial (two months) to the court of appeals (two months) and the Supreme Court (five months).³² It should be noted, however, that the Law of the Organization and Authority of the Courts of the Islamic Republic of Afghanistan (Law on Courts) passed in June 2013, does not set a time limit on the Supreme Court for the period of reconsideration of criminal cases.³³ Pursuant to the ICPC, if a case is not completed in nine months the administration of the prison detaining an individual must notify the court or attorney in writing 15 days before the expiration of the time period.³⁴ If there is no reply, the accused must be released from prison.³⁵ In practice, however, releases do not occur pursuant to the law.

Primary Court Trial

Once an indictment has been filed, the case is transferred from the investigating *saranwal* to the primary trial court *saranwal*. Unless otherwise required, the indictment should be filed in the district primary court or urban primary court where the crime was committed.³⁶ Immediately after an indictment is filed, the court is required to set a trial date.³⁷ At least five days before the trial, the court must provide written notice of the trial date and time to the accused, his/her defense counsel, the victim, and the *saranwal*.³⁸ The accused can be held in detention for a maximum of two months during the primary court trial.³⁹ Although not the current practice, according to the law, if the two month detention period expires during the trial the accused must be released.⁴⁰ The primary court's decision is final unless an appeal is filed within 20 days.⁴¹

³² Ibid, Art. 6(2).

³³ Law of the Organization and Authority of the Courts of the Islamic Republic of Afghanistan, Official Gazette No. 1109, 19 June 2013 (1392/4/9)(hereinafter Law on Courts), Articles 36 (translation provided by UNAMA);

³⁴ ICPC, *supra* note 3, Art. 6; *see also* Islamic Republic of Afghanistan, Law on Prisons & Detention Centers, 2007. Art. 20(4)(hereinafter Law on Prisons). Unofficial English Translation by the United Nations Office of Drugs and Crime (UNODC):

http://www.unodc.org/documents/afghanistan/Government_of_Afghanistan_LAW_ON_PRISONS_AND_DETENTION_CENTERS_2010.pdf. In 2012, Presidential Decree No. 85 amended the law only to indicate the move of the GDPDC from the MOJ to the MOI. *See* Chapter 3.4: The Afghan Prosecutor for a discussion of the prosecutor's authority to order the release of prisoners illegally detained.

³⁵ Ibid, Law on Prisons, Art. 20(4); *see also* ICPC, *supra* note 3, Art. 6.

³⁶ Specialized courts with mandatory jurisdiction include narcotics cases, corruption cases, public security cases, and juvenile criminal cases. *See e.g.* Law on Campaign against Intoxicants, Drugs and their Control (a/k/a Counter Narcotics Law), Official Gazette No. 1025, published 24 June 2010, Art. 17(2); Law on Overseeing the Implementation of Anti- Administrative Corruption Strategy, Official Gazette No. 957, published 2008/07/28 (1387/05/08) available from INL/JSSP; Juvenile Code, Official Gazette No. 846, published 2005/03/23 (1384/01/03 A.P.), Art. 26(1) available on Afghanistan Legal Documents Exchange Center: <http://afghantranslation.checchiconsulting.com>; Law on Courts, *supra* note 33, Articles 9, 63 & 70; Penal Code, *supra* note 9, Articles 173-253; and The Law on Crimes Against the Internal and External Security, Decree No. 153 available from UNAMA.

³⁷ ICPC, *supra* note 3, Art. 42(1).

³⁸ Ibid, Art. 42(2). A person is considered an "accused" from the time an indictment has been filed until the individual is discharged or sentenced. Ibid, Art. 5(2) & (3)

³⁹ Ibid, Art. 6(2).

⁴⁰ Ibid, Art. 6(3).

⁴¹ Ibid, Articles 8, 63(1) & 63(3).

Pursuant to the Law on Courts, cases where the value of the object is not more than 100,000 Afghanis, misdemeanor cases with a cash fine only, and obscenity cases with a cash fine up to 50,000 Afghanis with no jail time cannot be appealed.⁴²

Appellate Court Trial

The defendant or the *saranwal* can appeal the primary court's decision within 20 days of the verdict.⁴³ If a case is appealed, the case is transferred from the primary trial court *saranwal* to the appellate court *saranwal*. The appellate court has two months to hear the case and issue a verdict during which time the accused can remain in custody.⁴⁴ The law requires the accused be released if the two month detention period expires before the completion of the appeal.⁴⁵ The appellate court can choose to review the case *de novo* accepting new evidence, or it can rule based on a review of the primary court case file and presentation of arguments.⁴⁶ The appellate court's decision is final unless an appeal is filed within 30 days.⁴⁷ The Law on Courts provides that the decision of an appellate court is final if the value of the object is up to 200,000 Afghanis, commercial cases up to 500,000 Afghanis, and criminal misdemeanor or obscenity cases carrying a cash fine only.⁴⁸

Supreme Court Trial

The defendant, *saranwal*, or the victim can appeal a decision of an appellate court if the appeal refers to either a violation in the application of the law, the misinterpretation of the law, or a decision based on the Exclusionary Rule.⁴⁹ Pursuant to the ICPC, a defendant can be held in custody for an additional five months during the trial before the Supreme Court.⁵⁰ If the five month detention period expires during the course of the trial, the defendant must be released from custody.⁵¹ As mentioned, the Law on Courts does not set a time limit on the Supreme Court for the period of reconsideration of criminal cases.⁵² The Law on Courts also provides that the Supreme Court may reconsider "final and decisive rulings of courts due to appearance of new evidence and based on objection of Attorney General, Minister of Justice and case parties in accordance with provisions of the law."⁵³ A commission appointed by the Supreme Court

⁴² Law on Courts, *supra* note 33, Art. 72. At the time of this writing 100,000 Afghanis was approximately US\$1,745; 50,000 Afghanis was approximately US\$870.

⁴³ ICPC, *supra* note 3, Art. 63(1) & (3).

⁴⁴ *Ibid* Art. 6(2).

⁴⁵ *Ibid*, Art. 6(3).

⁴⁶ *Ibid*, Art. 69(1) & (2).

⁴⁷ *Ibid*, Articles 8(2) & 72.

⁴⁸ Law on Courts, *supra* note 33, Art. 55. At the time of this writing, 200,000 Afghanis was approximately US\$3,490; 500,000 Afghanis was approximately US\$8,700.

⁴⁹ ICPC, *supra* note 3, Art. 71(1). "The evidence which has been collected without respect of the legal requirements indicated in the law is considered invalid and the Court cannot base its judgment on it." *Ibid*, Art. 7.

⁵⁰ *Ibid*, Art. 6(2).

⁵¹ *Ibid*, Art. 6(3).

⁵² Law on Courts, *supra* note 33, Art. 36.

⁵³ *Ibid*, Art. 31(1).

reviews requests for reconsideration, providing the Supreme Court with its opinion.⁵⁴ The Law on Courts provides that the Supreme Court may reconsider criminal cases under the following circumstances:⁵⁵

- 1- Facts which are the basis of the ruling are different from facts in other final criminal decision.
- 2- In circumstances where a criminal decision is taken on an issued verdict by a civil court and verdict of the civil court is nullified.
- 3- In circumstances when events happen or evidence presented after issuance of the criminal decision which were not available during the trial and such incidents or evidence may acquit the convicted person.
- 4- In circumstances where evident forcible testimony, forgery or some illegal acts of witnesses or other experts appear in criminal cases.
- 5- In circumstances where accused person is convicted of a murder case but later proving evidence appears which confirms non-occurrence of the murder.
- 6- If a decision is issued at the end of a session without official notification to the accused person, or if he/she is not given the right to appear in the court which has consequently deprived him/her of the right to defense attorney, or the actual reason for absence of the accused person is evident, or the court was not attentive to this issue.

The decision of the Supreme Court is final.⁵⁶ According to the ICPC, the primary trial court *saranwal* is responsible for the execution of final court decisions.⁵⁷ To that end, the ICPC requires the court of appeals and the Supreme Court to return the case file and confiscated items to the primary trial court *saranwal* for execution.⁵⁸

⁵⁴ Ibid, Art. 37. The “commission for reconsideration of public criminal cases shall be comprised of one advisor from [the] Public Security Division, one advisor from [the] Civil Division under the supervision of a member of the Supreme Court Public Security Dewan. [The] commission for reconsideration of public security and national security criminal cases shall be comprised of one advisor from [the] Public Criminal Division and one advisor from [the] Civil Division under the supervision of a member of the Supreme Court Public Criminal Dewan.” Ibid, Art. 38(1&2).

⁵⁵ Ibid, Art. 34(1).

⁵⁶ ICPC, *supra* note 3, Art. 8(3).

⁵⁷ Ibid, Art. 8(4). See Chapter 3.4: The Afghan Prosecutor for more information on the duties of the AGO to monitor and enforce court decisions.

⁵⁸ Ibid.

Afghan Criminal Procedure Code

In 2009, a draft Criminal Procedure Code (CPC) was developed and endorsed by the Criminal Law Reform Working Group (CLRWG), a working group consisting of representatives from the Afghan justice institutions and the international community.⁵⁹ The Minister of Justice, Habibullah Ghaleb, requested significant revisions to the draft law before it was submitted to Parliament. As mentioned in the introduction, a new CPC was signed into law on February 23, 2014. The content of the new CPC was not available at the time of this writing. Given the request for significant revisions, it is unclear how the CPC impacts the procedures described in this chapter for a criminal case.

⁵⁹ See *Reforming Afghanistan's Broken Judiciary*, *supra* note 5, p. 29.

Resources

- Interim Criminal Procedure Code, Official Gazette No. 820, published 2004/02/25 (1382/12/06 A.P.). Available on the Afghan Attorney General's Office website: <http://ago.gov.af/en/documents>; or <http://www.asianlii.org/af/legis/laws/icc175/>. A new CPC was signed into law on February 23, 2014.
- Police Law, Official Gazette No. 994, August 27, 2009, translated by NTM-A/CSTC-A, Wasseel Ahmad Jamal Esq., Naikan Afghan Logistic/Service Company.
- Law on Prisons & Detention Centers, 2007. Unofficial English Translation by the United Nations Office of Drugs and Crime (UNODC): http://www.unodc.org/documents/afghanistan/Government_of_Afghanistan_LAW_ON_PRISONS_AND_DETENTION_CENTERS_2010.pdf; Presidential Decree No. 85 (2012) amending Law on Prisons to indicate the move of the GDPDC from the MOJ to the MOI.
- Penal Code, Official Gazette No. 347, published 1976/10/06 (1355/07/15 A.P.). Available on Afghanistan Legal Documents Exchange Center: <http://afghantranslation.chechiconsulting.com>.
- The Law on Structure and Authority of the Attorney General's Office, Official Gazette, Issue No. 1117, 7 October 2013.
- Law of the Organization and Authority of the Courts of the Islamic Republic of Afghanistan, Official Gazette No. 1109, 19 June 2013 (1392/4/9)(translation provided by UNAMA).
- Law on Campaign against Intoxicants, Drugs and their Control (a/k/a Counter Narcotics Law), Official Gazette No. 1025, published 24 June 2010.
- Law on Overseeing the Implementation of Anti- Administrative Corruption Strategy, Official Gazette No. 957, published 2008/07/28 (1387/05/08).

Other Resources:

- INL/JSSP: Case Management System Presentation.
- INL/JSSP, Balkh Regional Team: The Discovery, Detection, Investigation and Prosecution of Crimes in Afghanistan, June 2008.
- International Crisis Group, Reforming Afghanistan's Broken Judiciary, Asia Report No 195, November 17, 2010: <http://www.crisisgroup.org/~media/Files/asia/south-asia/afghanistan/195%20Reforming%20Afghanistans%20Broken%20Judiciary.ashx>
- *Max Planck Manual on Fair Trial Standards*, Amended 4th edition, Heidelberg and Kabul 2009, by Alexandra H. Guhr, Ramin Moshtaghi and Mandana Knust Rassekh Afshar. PDF link available on MPI Manuals on the Law of Afghanistan: http://www.mpil.de/en/pub/service/globaler_wissenstransfer/afghanistan_project/publications/max_planck_manuals_on_the_law.cfm.