



Lawyers fighting for Afghan justice

By MINDELLE JACOBS

The Taliban insurgency is spilling more blood and Hamid Karzai's government reeks of corruption, but Afghan lawyers are determined to prove that, if life isn't fair, at least justice can be.

A group of committed Canadian and U.S. lawyers spent several years in Afghanistan, training local lawyers to defend indigent Afghans.

Next month, if everything goes according to plan, 13 Afghan lawyers and legal aid office managers are scheduled to arrive in Montreal for additional training.

The management training workshop, run by Concordia University business experts, will include fundraising advice and how to tap into funding sources on the international scene.

And members of the Quebec Bar Association will give the Afghan lawyers an international perspective on the differences between various legal traditions, with an emphasis on women's rights.

"The goal of the project is to progressively allow the Afghan lawyers to take on (legal aid services) autonomously," says Helene Dragatsi of the Montreal-based International Criminal Defence Attorneys Association (ICDAA).

In 2003, the ICDAA linked up with the U.S. International Legal Foundation (ILF) to set up a legal aid office in Kabul. There now are 13 offices across Afghanistan and 57 local lawyers spitting in the face of pessimism to maintain a semblance of the rule of law amid the chaos.

Over the years, they've represented more than 11,000 impoverished clients. Not bad for an outfit that began in 2003 with just two lawyers and a \$30,000 grant from an American institute. These days, Afghanistan's legal aid system is funded by the Canadian International Development Agency with assistance from the U.K., Sweden and Germany.

The hope is that the Afghan government eventually will fund the project. If not, the legal aid managers can put their new fundraising skills to use trolling for international help.

"There is an enduring quality to what the ILF has built in Afghanistan," says Garth Meintjes, CEO of the New York-based ILF.

"Thousands of accused have experienced what it means to have a defence lawyer. Judges have heard well-argued cases and prosecutors have responded to the professional challenge presented by our defence lawyers," he says. "In other words, there is now a culture of criminal defence representation that did not exist before."

It's a tiny miracle in a country ravaged by violence, fraud and political instability. While the Taliban attempts to turn Afghanistan back into a brutal theocracy run by psychopaths, the country's lawyers are fighting back as best they can with the rule of law.

For the first couple of years, there was intensive hands-on coaching of local lawyers by visiting international lawyers. Now there's enough of a critical mass of local lawyers that Afghans train Afghans, says Meintjes. International lawyers didn't barge into Afghanistan seeking to rewrite the country's laws but simply to train local lawyers how to mount a good defence, he emphasizes.

"There are laws that we wouldn't necessarily agree with ... but our job is to teach lawyers to provide vigorous criminal defence representation."

Meintjes is anxious about Afghanistan's deteriorating security, though, and how that will affect the legal aid clinics.

"Our project is a necessary condition for a stable rule of law and democratic system to emerge but it's not a sufficient one," he says. "The lack of a credible outcome in the election is definitely a worry."

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