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State-building, lawmaking, and criminal justice in Afghanistan: a case study of the prison system's legal mandate, and the rehabilitation programmes in Pul-e-charkhi prison

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8.1 INTRODUCTION

This chapter introduces the prison-based rehabilitation programmes and examines to what extent and how they are actually implemented in the country's largest prison, Pul-e-charkhi. The chapter also deals with the final component of the institution-building model, or the target group for prison policies (i.e. the prisoners), to examine how active prison-based rehabilitation programmes operate and how they interact with their target groups.

In line with the institution-building explanatory framework discussed in Chapter 1, above, the target group factors under review are fourfold, including interest, access, reach, and enforcement. The first factor concerns the level of interest prisoners have in participating in certain prison activities. The second factor is about the extent to which prisoners are able to access prison goods and services. The third factor pertains to the prison's ability to reach and contact prisoners. The fourth factor is related to the prison's ability to impose planned tasks on prisoners.

These factors are also crucial from the perspective of the something works framework. As discussed earlier, the framework's 'integrity' principle implies that achieving higher levels of success in prison-based interventions requires high levels of institutional integrity. This demands not only resources, an internal structure, and an overall conducive institutional environment. It also requires the programme to communicate smoothly with its target groups. The latter is more likely if prison-based intervention is mindful of other key principles, such as 'risk', 'need', and 'responsivity' (Palmer, 1992), all of which relate to the programmes' (in this case prison-based rehabilitation programme) target groups.

8.2 PRISONER CATEGORIES AND LIVING CONDITIONS

As discussed in Chapter 1, the prison population is generally divided into three categories, including national security crime, narcotics production, trade, and trafficking crime, and general crime prisoners (see 8.2 above). In terms of size, the national security category is the largest group of prisoners, followed by general crimes, and drug trafficking crimes. Further, two distinct behavioural patterns or personality types are noticeable: the rebellious type, seeking to completely refuse the validity and legitimacy of the government, and hence the prison system, as well as pushing to change

prison routines; or, the conventional type, who plays by the rules, whilst adapting to the prison routines along with the rest of its population.

The Taliban, general fanatics, and anti-government elements (including fanatics from abroad), fall under the first type, because they are also naturally and ideologically segregated. Such prisoners almost always come from similar backgrounds, and end up in prisons through similar processes. According to most of the interviewees, national security prisoners display a high sense of self-respect and avoid conduct such as adultery, drug abuse, gambling, etc., within the prison. The group also has self-proclaimed rules and an internal code of conduct, which are derived from traditional Afghan and Islamic values. By virtue of those rules, members of the group tend to reject prison authorities and contravene certain prison rules, such as the search and seize of self-made weapons and other illicit property which are often kept in their cells.

The group's attachment to these rules is apparently so strong that prisoners within it often resort to violence to prevent others violating them. For example, drug addicts, thieves, and gamblers have been bitten by members of the group in public, for not adhering to their rules. Even so, some prisoners favour the group, because it polices and controls unconventional conduct, and because it pushes against prison authority, which is the common enemy of everyone in the prison. However, according to the prison authorities, the majority of prisoners dislike the group, because of its odd behaviour, fanaticism, and the heinous crimes.

Most inmates within the general criminal population are from low income and illiterate social groups, despite having varied criminal backgrounds.¹ The proportion adhering to particular values is comparatively low within this category of prisoners. It has been observed that some of these prisoners became drug addicts shortly after entering prison, and that they are the least disciplined and value-driven people in the prison system. Drug addicts are a burden on the rest of the prison population, since many steal public or private property to satisfy their need for drugs. Furthermore, the prisoners in this category tend to be less concerned about their health and hygiene, hence other prisoners use force to keep them away from the general cells.

Drug traffickers are (comparatively) the smallest group in the prison and, although they stick to their own way of life, they are closest to the general criminals. They are generally more passive and less affected by

1 Complete information about prisoners' educational backgrounds was missing from the official databases of the GDPDC and Pul-e-charkhi. However, based on 2017 data and statistics on inmates' educational and employment backgrounds, compiled during my fieldwork, between 18-20% of the 9,391 prisoners at Pul-e-charkhi either stated that they were educated or appeared to be so. Of those who stated they were educated, their level of education varied from unofficial education to (a small number with) bachelor's and master's degrees.

prison conditions, because they are housed in a multimillion-dollar section that was renovated specifically for drug-related crimes and offenders (see 7.5.3 above). All the prominent drug dealers (and in this case, also people accused of corruption) reside in this area, and due to their enhanced living conditions most of them remain peaceful and participate willingly in the educational and rehabilitation programmes offered by the prison.

There are sub-groups within each of the three main categories of prisoner, including economically well-off, poor, and innocent prisoners. Those who are economically well-off, usually have supporters and allies both inside and outside of the prison, and consider prison to be less incarceration and more guesthouse. Members of this category are also linked to networks that can arrange (from inside the prison) almost all types of service available in the free world. Even though the type and degree of such services may differ from prisoner to prisoner, wealthier prisoners are generally given more rights and more freedom.

A second sub-category includes the disadvantaged, drug addicts, and mentally ill people. The majority of this group have no relatives, social networks, or other means of social support. In general, other prisoners can hire them for small tasks, such as cleaning, cooking, laundry, etc. However, when hired they are paid a minimum wage, which only allows them to obtain food and meet their basic needs. Mentally ill prisoners are held in the same part of the prison as drug addicts, and are therefore the most vulnerable within the harsh conditions of the prison. There is little social assistance available to them, and their accommodation is usually deplorable.

Finally, there is a unique group of prisoners in Pul-e-charkhi that I call 'the innocent prisoners'. The majority of this group are victims of judicial errors and flawed criminal justice processes, and hence they are no different from those living in the free world. Theoretically, they do not pose any threat to society and do not require any prison-based rehabilitation programmes. In spite of this, they remain locked up because of the dominant culture of incarceration within the criminal justice system. When listening to their stories and reviewing their files, it seemed that the police, prosecutors, and judges were all committed to applying ever increasing sentences and sticking to a highly punitive institutional culture, in the case of this category of prisoner.

As the innocent prisoners category is generally missing from the literature, even though it has a significant impact on the prison's capacity to implement its legal mandate, I would like to explain how judicial errors work in practice. Following the commission of a crime, the police typically investigate the crime scene and interview witnesses. They usually enquire about the details of the incident and nominate suspect(s), by following Article 80.2 of the Criminal Procedure Code 2014, for example.

Individuals who file a complaint must provide information regarding the crime and identify any suspect(s). In many cases, nominated suspects are unemployed, illiterate street boys, or 'strange-looking' individuals who happened to be at the scene at the wrong time. According to Article 80.3

of the Criminal Procedure Code 2014, after a complaint has been filed the police must conduct an investigation and notify the prosecutor of the occurrence of the crime within 24 hours. Article 87 of the code stipulates that the police have 72 hours from the time of the arrest to decide whether to release the suspect or to file a case and refer the suspect to a prosecutor.

In many cases, the police refer the case to prosecutors within the first 24 hours, literally without having gathered sufficient evidence. This is because the police are usually also working on counter-insurgency and other military operations, leaving them with little time and resources to pursue criminal investigations. The police expect prosecutors to have more time to conduct a thorough investigation and to determine guilt or innocence. Although the code grants prosecutors greater authority at the prosecution stage, they are typically less lenient towards the accused. Several factors come into play at this stage, including willingness to demonstrate higher performance records, which is an issue that is closely connected with prosecutor corruption.

The prosecutors usually free those who can pay, and continue pursuing those who are unable to pay, even when they are not guilty. The reason for this is that the number of charges might otherwise end up being too low to justify the existence of a prosecutorial service. The prosecutors' mindset is that the police are one step closer to resolving the crime incident. Therefore, if the police determine that further investigation is necessary, the prosecutor has a reason to remain cautious. This is when ordinary cases are most likely to become entangled in the criminal justice system. The further the criminal justice process proceeds, the lower the chances are for nominated suspects to be freed, and the poorer the suspect, the greater their chances of ending up in prison.

According to a leading prosecutor:

"If someone's name is included in a criminal case, regardless of how many facts are against or in favour of them, criminal justice actors will attempt to prove them guilty. In the event that the actors cannot prove guilt, they will not typically dismiss the person from further investigation, because that is considered a personal failure of the prosecutor – our criminal justice system is designed in this manner. It is punitive".

The respondent rightly claimed that, *"interestingly, the same situation occurs at court level. The further the case proceeds through the criminal justice system, the more difficult it is for authorities to release an individual. Perhaps in such cases the court believes that all the steps involved in the prosecution process cannot be incorrect, hence they prolong the investigation, which also results in a longer detention for the accused. This consequently means that there is a backlog of court cases, which can take years to resolve."*²

2 Personal interview with an anti-corruption prosecutor – August 2016.

Many prison officials, including some within the Pul-e-charkhi management, believe that a large number of prisoners end up in prison due to faulty criminal justice policies and errors throughout the criminal justice process.

"The criminal justice system in Afghanistan is rife with pitfalls. The Law of Counter-Narcotics, for instance, stipulates the same level of punishment for individuals who trade, transport, possess, cultivate, or assist in drug trafficking. An interesting example is that of one Mullah (member of the clergy) who was sentenced to 16 years in prison for possessing opium. As you know, Mullahs are fed by society, through individual charities, and they also used to receive a percentage of the harvest from farmers. A few years ago, nearly everyone cultivated poppies in Helmand province, and the share for the district Mullah was only 2 kgs of opium, which was collected from all the villagers. The Mullah was a poor man and opted to trade the opium for wheat and rice, in order to feed his family. On his way to the bazaar the police arrested him and, ultimately, he was sentenced to 16 years in prison."

Quite a few individuals in Pul-e-charkhi are victims of judicial error. Many prisoners have raised concerns regarding the prosecutorial techniques used and punishments imposed upon them, as well as the striking and unjustifiable disparity in the punishments imposed on others for similar offences. One famous example of those concerns and judicial errors was a 35-year-old man in block four of Pul-e-charkhi. He received a sentence of 16 years in prison, because he was suspected of murdering his wife.

According to the prisoner, a murder did not occur at all. He claimed that his own in-laws did not like him, that they fabricated a case, and that they bribed the prosecutor to put him in prison. His lawyer had requested an autopsy, but the medical team and his in-laws did not allow his family to be present when the tomb was opened. After a few days, the inmate's brother opened the tomb on his own initiative and verified to the prisoner that nobody was buried there; it was empty. There were a few more cases of murder that were apparently more brutal and well-documented, compared to this case, yet they had received more lenient sentences.³

8.3 THE INTAKE PROCESS, DAILY LIFE, AND INTERESTS OF PRISONERS

Life in Pul-e-charkhi begins when prisoners pass the 'black door' and undergo a thorough screening process. The process includes collecting prisoners' personal histories, criminal records, educational backgrounds, health

3 This story was told in an exceptional interview, at which people from the prison's education division were also present and provided comparisons between this case and other similar cases. Later on, I checked some of the statistics about the types of crimes and length of sentences, which showed a variety of punishments were applied to similar crimes.

conditions, and risk assessments.⁴ The process typically occurs during the first to the seventh day of a prisoner's stay in an intake facility. Additionally, prison management gathers the information necessary to create a personal file for each prisoner during this period. Therefore, depending on the length of their stay and the overall workload, the quality and accuracy of the prisoners' files vary significantly.

At the end of the intake process, a 'classification committee' determines the prisoner's security level and accommodation at Pul-e-charkhi.⁵ In theory, the work of this committee is extremely important, because it determines the actual direction and future programmes that are made available to prisoners. Additionally, the process plays a crucial role in prison management, because proper classifications are a useful means of controlling the prison population, and ensuring the smooth implementation of programmes and an orderly prison environment (Rhodes, 2004; Carlson, 2013b).

Based on my observations of the committee's work, it comprises representatives from the security unit, the court liaison unit, the education unit, the industrial unit, a guardian of the daily duty roster, and a medical doctor. The committee meets once a week, usually on a Wednesday, to interview all prisoners gathered in the intake facility over that week. A small meeting room near the intake facility is used for holding committee meetings, and all the prisoners are asked to gather round it. A few friendly guards coordinate

4 According to Article 8 of the Prisons and Detention Centres Regulation (2007) [translation], "[A] committee of the following members shall be appointed to determine the physical, mental, and psychological condition of the prisoners and detainees at the time of intake: I. A medical doctor; II. A psychologist; III. A legal expert; and, IV. An officer from the relevant prison/detention centre, selected by the commander... The committee is responsible for considering the conditions provided in articles 6 and 7 of the regulation, during the intake process."

5 According to Article 10 of the Prisons and Detention Centres Bylaw (2007) [translation], "[A] commission with the following composition shall be formed in Kabul and other provinces of Afghanistan, to classify prisoners and detainees based on characteristics mentioned in paragraph 2 of this article: 1). An officer from the concerned prison or detention centre, selected and introduced by the chairman of that institution; 2). A doctor as a member; 3). A head of training and education unit as a member; 4). A psychologist as a member; and, 5). A prosecutor who is assigned to observing penitentiaries as a member. The commission shall classify prisoners and detainees considering to the following characteristics: 1). Age; 2). Criminal history; 3). The offence committed; 4). Duration of the sentence; 5). Drug addiction; 6). Health condition; 7). Nationality; 8). Personality and social status; and 9). Characters, behaviours, and common feeling. The commission shall consider paragraph 2 of this article during the classification of prisoners. It shall also consider the prisoners' and detainees' behaviour during their imprisonment, and keep in mind the necessary control mechanisms to classify the inmates for *maximum security*, *medium security*, or *minimum security regimes*; and prisoners can complain about their security classification on the bases of paragraphs 2 and 3 of this article. However, they shall submit a written complaint to the GDPDC. The prison administration shall study and consider their complaint, and take a necessary decision within one week."

queues, but they do not interfere with assignment, because the committee calls each prisoner in according to a predetermined order and follows the same procedure with each prisoner throughout the intake process.

When a prisoner enters the interview room, a committee member asks a few demographic questions, such as their name, age, birthplace, type of crime, etc. Afterwards, a random member examines the prisoner's appearance, from head to toe, and tries to make a judgement regarding his character. The same committee member then asks a few questions to ensure that his diagnosis is correct. In the event that a prisoner appears to be in poor health, or is showing signs of being a drug addict, the committee member's first assumption is that the prisoner is an addict.

Thus, he asks several further questions regarding the prisoner's supposed addiction, including *How frequently do you smoke? Have you ever smoked hash/crystal/heroin/marijuana? How many days can you survive without using drugs? Did you receive any joints whilst in the intake facility?* Intriguingly, most addicts tend to provide truthful answers, perhaps because they know they cannot mislead prison authorities. According to the committee members, over 95% of addicts can be identified, and there is no need for medical procedures. In spite of this, a medical doctor is always present with the committee, to double check.

In fact, the doctor sits in the corner of the interview room, where he examines each of the newcomers individually. Similar to the other members of the committee, the doctor does not use any technology, not even ordinary medical equipment, such as a stethoscope. He determines the prisoner's wellbeing, merely by looking at their physical condition, inspecting their mouth, and checking the palms of their hands. The court liaison officer then reviews a set of daily reports providing information on prison space availability and suggests a few options for the committee members to consider.

In making a final decision, the committee considers a rough combination of the prisoner's age, type of crime, length of sentence, security level, and drug addiction. At the end of the session, the committee assigns the new prisoner to a permanent facility. In total, the process takes around five minutes, and it is in no way aligned with the recommendations in the relevant legislation. Instead, it is a defective and flawed process that is at the root of several issues concerning the poor conditions of prison life.

I would like to describe a few of the main concerns related to the committee's work. The committee does not have any specific rules or standardised interview procedures; there is not even an interview guide or checklist of questions to ask and issues to consider during interviews. Additionally, the committee did not have an internal code of conduct and mechanisms for resolving differences of opinion between committee members and issues like conflict of interest. As a result, they made subjective judgements without considering the technology, data, or prison records available.

The committee did not even use medical equipment to evaluate the prisoner's health. Even though the prisoners' files are incomplete, they could be a good starting point, but the committee does not use those files.

Instead, it uses brief tabular information, including the names, crimes, and sentences of individual prisoners. Subjective decision making seems to have become the norm, and the committee members appear to have unlimited authority and discretion when classifying prisoners. The decisions of the intake committee are final, and there is no complaint procedure and no mechanism to ensure that the process is accurate.

As a result, prisoners from diverse backgrounds are allowed to mix, establish relationships, and form groups. In situations where members feel attached to genuine social bonds, such as religious groups and political parties, they form more complex and obstinate groups. The faulty and negligent process presents an excellent opportunity for criminal networks, prison mafias, terrorists and national security criminals to manipulate newly incarcerated individuals, in order to advance their own agendas. These groupings have created a severe obstacle for prison administration, and have sometimes even prevented them from carrying out prison routines such as security checks and searches.

After prisoners are assigned to a cell, they are left on their own and are free to engage in ‘anything’ and ‘everything’ that is socially acceptable within the prison community. This is because the prison does not provide a comprehensive programme encompassing all of the prisoners’ activities within a single 24-hour period. The only planned activity common to all the Pul-e-charkhi prisoners is a daily two-hour stay in an open area. The walk in the open air is called *aftawee*, meaning to ‘expose the prisoners to direct sunlight’, which is its purpose. During those two hours, prisoners can meet their peers, talk to them, walk in an open space, or enjoy sitting somewhere and getting some fresh air.

The next significant planned activity is the official rehabilitation option, including the industrial and educational programmes, which are only available to a limited number of prisoners (see 8.4 below). This leaves the prisoners free to engage in their favourite activities within the confines of their prison cells. When asked to record their daily routine, from the time they wake up until the time they go to bed, prisoners reported doing the following activities: morning prayer, beading, watching television, body building, playing chess (or domestic versions of the game, known as *Dowazda Boza and Chaka*), playing cards, (in rare cases) storytelling, and evening prayer.⁶

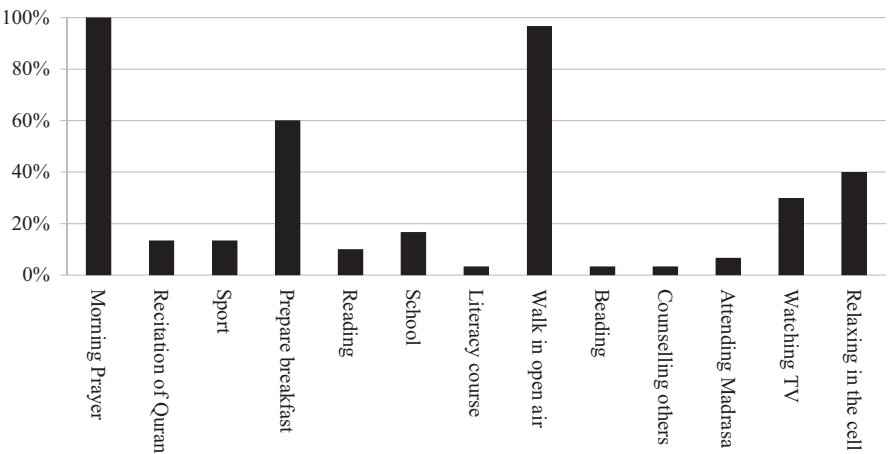
All the prisoners interviewed mentioned that they begin their day with morning prayer (100%), followed by a walk in the open air (97%). For a person adhering to a Muslim belief system, doing morning prayer and offering other prayers throughout the day could be a sign of good behaviour.

6 Beading is a kind of artwork that involves either stringing gemstones and crystal beads on a thread or thin wire using a sewing needle, or sewing them onto cloth. The material, shape, and size of the beads vary, depending on the type of art produced. Some prisoners use their time and skills to decorate personal accessories like pens and mobile phones with beadwork, to shape the beads into forms that are commonly used for jewellery, or to create other decorative items.

It could indicate a degree of rehabilitation and a likelihood of abstaining from future misconduct. Nevertheless, I could not determine whether prisoners were attending these prayers because they were taught to believe in good deeds, because they did not have an alternative activity, or because they were influenced by those with an Islamic orientation. In my opinion, the latter seems most likely.

Other activities listed by prisoners include: watching TV (30%); going to school (17%); recitation of the Quran (13%); sports (13%); reading something (10%); going to Madrasa (7%);⁷ attending a literacy course (3%); beading (3%); counselling other prisoners (3%); and other activities (7%). The figure below shows the daily engagement of prisoners in different activities, from the time they wake up until the time they go to bed, presented as taking place over the day.

Figure 3: List of common daily activities



I also asked the prisoners about activities that help them to relax and gain positive energy during the day. The participants cited sports, prayer, working, reading, walking, and schooling as helpful activities. The same question was posed to prison management, who gave equal preference to the activities preferred by prisoners. Thus, I can claim that both parties appeared to have similar values and to appreciate the same types of activities. In the prison managers' opinion, a good programme of engagement for prisoners is anything that is broad-based, accepted by all groups, does not contradict social or Islamic values, and provides moral or financial advantage to the prisoners.

7 A madrasa is a type of school mostly focussed on Islamic teaching. Whilst officially registered madrasas do exist in Afghanistan that are supported and monitored by the MoE, most other madrasahs, including those within the prison system, are not registered as official educational institutions; hence, they provide informal Islamic education to their students (see 8.4.4 below)

These characteristics were present in most of the activities prisoners reported as being beneficial to them, and they are listed in order of priority in the table below. Beading was of particular interest to prisoners and prison management alike. Perhaps this is because beading work keeps prisoners busy all the time, it does not need a workshop, it creates some financial incentives, it does not work against any values, and nobody in prison opposes it. However, the financial benefit it produces is not enough to support a family, and the supply and demand chain for beading products does not work appropriately.

Table 1: List of activities that help prisoners feel good

Types of activities that help prisoners feel good	Percentage
Sports, mainly limited to body building, morning exercise, and walking	20%
Doing five prayer sessions per day, as well as <i>Nafel</i> (supererogatory) prayers	17%
Working inside the cell and in the workshops within the industrial section	13%
Reading books, if available	10%
Walking in the open air during the Aftawee	10%
Going to school	10%
Reading and recitation of the Quran	7%
Attending the Madrasa (i.e. this takes place within the cell)	3%
Speaking with others and talking about life in and issues with the prison	3%

It is worth mentioning that the extent and degree of freedom that prisoners should have to use recreational facilities are highly debated across the globe. As a general rule, prisons offer recreational facilities such as gyms, weight lifting rooms, sports teams, games (cards, chess and bingo), arts and crafts, TV sets, and (in some cases) outdoor recreational facilities, such as intra-mural sports facilities (Hanser, 2013, p. 200). In line with this, I asked a hypothetical question about the type of recreational programme the prisoners wished to have at Pul-e-charkhi. The most favoured recreational activities listed were all sports activities, including chess, volleyball, football, body building, and wrestling. Only a small group of prisoners added the five daily prayers and reading books as their favorite recreational activities.

In practice, Pul-e-charkhi does not provide all of its prisoners with a regular 24-hour programme. Moreover, there is no recreational function, and the limited scope of rehabilitation available to some prisoners has been undermined, because of the prison’s limited resources, poor leadership, and widespread corruption. This leaves the vast majority of prisoners susceptible to harsh prison conditions. It remains to be seen how prisoners will cope with the consequences of the undesirable and adverse conditions in Pul-e-charkhi that are discussed in the next section (see 8.5 below).

8.4 REHABILITATION PROGRAMMES IN PUL-E-CHARKHI

As discussed before, the Afghan prison system generally employs two broad schemes of rehabilitation: education programmes and industrial programmes. The two forms of programme are supervised by the Prison Administration's Education, Rehabilitation and Discipline Division. Both programmes are examined more closely in the following sub-sections.

8.4.1 Prison-based education and literacy programmes

The relevant literature suggests that prison-based education plays a role in helping prisoners reorient their lives after serving time in prison (Wilson and Anne Reuss, 2000, pp. 12-15; MacKenzie, 2006; Carlson, 2013a, p. 18; UNODC, 2017, p. 2). Afghanistan's prison system has pursued educational programmes, including adult literacy and formal education, as an integral part of its rehabilitation strategy, ever since the adoption of the third Prisons and Detention Centres Law in 1983. Post-2001, the programmes have been offered according to: the general provisions of the 2004 Constitution (concerning free education for all citizens); and, specific provisions in the Prisons and Detention Centres Law 2007, and the Prisons and Detention Centres Bylaw 2007.⁸

The prison system generally offers official school and literacy programmes, as well as several unofficial forms of education, known as *Madrassa*. Whilst *Madrassa* is run solely on prisoner resources, the school and literacy programmes are part of the MoE's mandate – they are 'official' because they are supposed to be taught according to the national curriculum. In other words, the MoE is generally responsible for ensuring that prison-based educational services are provided in line with the approved national curriculum. If the ministry cannot provide the requested services due to a lack of resources (or for any other reason), it should provide technical assistance (including teaching materials) and resolve formalities, such as quality assurance and the accreditation of educational programmes, so that prisons can implement the programmes using their own human resources.

8 Article 43 of the Afghan Constitution (2004) also provides for the right to education. It states that, "education is the right of all Afghan citizens and it shall be offered up to a bachelor level. [The service shall be provided by] state educational institutions, free of charge. To expand opportunities for equal educational attainment, and to provide mandatory intermediate education throughout Afghanistan, the state shall devise and implement effective programmes and prepare the ground for teaching in native languages, in areas where these are spoken." Likewise, According to Article 21 of the Prisons and Detention Centres Bylaw 2007 [translation], "...prison administration shall provide educational and vocational training programmes that aim to help inmates understand the social damage caused by acts of crime, as well as strengthening their sense of responsibility, social discipline, humanitarian values, respect for others, and respect for cultural norms and values."

8.4.2 The official school programme

Pul-e-charkhi is served by an official school programme that is administered by the MoE. Schooling starts at secondary education level, due to the prison age distribution and general education norms.⁹ In theory, graduates of the school are entitled to receive the same certificate as students in ‘the free world’, but this specific aspect of prison-based education has been associated with problems, which intensified after the 2020 reform (see the epilogue, below).

According to the prison’s education department, in 2018 and 2019 Pul-e-charkhi prison school had 29 active classes, spanning grades 6-10.¹⁰ The classes were offered at six different locations within the prison and catered for 996 prisoners, or about 10% of the prison population. In addition to one permanent member of staff (the school principal, appointed by the MoE), the school had 41 volunteer instructors who were chosen from within the prisoner community. There were a number of security restrictions and other guidelines concerning the operation of the school, which stipulated that the majority of classrooms should be located at the end of corridors and outside the main wings.

Whilst those rules were beneficial for security and order within the prison, prisoners enrolled in the school often found learning under such conditions challenging. They had to deal with several security measures and internal rules (which varied between different parts of the prison), in order to gain access to their classrooms. Therefore, prisoners had different experiences of the education programmes, depending on the location of their classrooms, and the population and criminal backgrounds of other prisoners in the block.

The official school programme also suffered from a low rate of prisoner participation, which seemed to be for several reasons. According to my (admittedly small) survey of prisoners in Pul-e-charkhi, over one quarter of the respondents who attended the school stated that it lacked the necessary qualities and routinely repeated lessons, which made the experience boring and ineffective for many students. Due to poor connections with the MoE and a lack of resources, the school relied mostly on old educational materials, as it was not possible to obtain new ones.

Despite this negative impression, about 83% of my respondents were aware of the existence of the official school and that it was accessible to them. Although less than half of them (43%) were registered, all of them

9 The official school system in Afghanistan consists of primary, secondary (divided into grades 7-9 as lower secondary, and grades 10-12 as higher secondary), vocational, and tertiary education. There is a primary school in the female section of Pul-e-charkhi, which is for children living with their imprisoned mothers. *Madrasa*, however, is not an official programme and it therefore does not carry any formal credentials.

10 The prison school did not have any students in grades 11 and 12, so before 2019 nobody had graduated from there. In the meantime, tertiary education was not yet on the prison agenda.

were enrolled in the programme. The age distribution of those admitted was 18-30 (around 72% of the prisoners interviewed) and 31-40 (around 27% of those interviewed). The majority of prisoners new to the programme said that the school's quality was average. They based their judgements on the fact that education enriches their skills and facilitates their daily lives in prison. They said that, at the very least, the school provided them with some lessons, books, and real people, who talked to them as real teachers would.

When it comes to prisoners who did not attend the school, they were generally unwilling or unable to attend educational programmes due to a lack of interest, poor quality lessons, age, and/or limitations imposed on them by the prison regime. Some prisoners claimed that, after they had been attending the official school for three years, they were promoted to higher grades without making any effort. The following year they were taught by the same teacher, using the same books and educational materials. Some prisoners claimed to have spent eight years in prison, with seven more to go; they attended two/three grades in the official school, where they witnessed a repetitive cycle of 'poor quality and tiring school programmes and teachers. In the end, they decided to quit because it was not a wise use of their time.'

Interestingly, the school principal also questioned his own programme and his mission as principal. He admitted that the school is a 'boring programme, going in a meaningless direction'. The principal added that the programme lacked everything a school needs, including a dedicated and informed management team, official teachers, office space, classrooms, and even a properly functioning connection with the MoE as its parent institution. He added that the programme is a daily routine of classes which have to be repeated every day, for many hours, and that it involves many prisoners. Whilst the prison administration agreed to the schooling and teaching requirements on paper, in practice they discourage it and do not collaborate to ensure that it runs properly.

The lack of understanding and cooperation from the prison administration, and the lack of interest and capacity on the part of the MoE, has resulted in a boring and meaningless programme. Due to the inter-institutional dynamics and scarce resources, the prison school is not very attractive. Prison security has restricted prisoners' access to all the official educational programmes that involve regular classes outside of the lockup area. In the meantime, due to the poor quality of classes and the flawed admission processes, many prisoners have no particular interest in participating in the programme. In turn, this causes the programme to remain low priority for both the prison administration and the MoE.

According to the principal, the school has recently been used more for corruption, political favours, and other non-educational purposes. He added that it was beyond his power to control, because a corrupt and powerful circle of officials had infiltrated the educational system and was manipulating its admission process, daily programmes, and prison

resources. He continued, stating that these officials aimed to admit some prisoners to the programme, merely so that they could qualify for special treatment and pardon decrees, in exchange for money. The principal's allegations were confirmed by other people outside of the prison system, and they seemed to be accurate, at least in part.

In addition to my observations of the prison, I recall from my work in monitoring presidential decrees that attendance and good performance at the prison school was often put forward as a 'personality change' factor, and hence a basis for pardoning a prisoner.

8.4.3 The adult literacy programme

The Adult Literacy Programme at Pul-e-charkhi offers courses for reading, writing, and numeracy skills, and targets prisoners who were not able to participate in any formal education before entering the prison but who are interested in attending formal or vocational education whilst in prison. According to the head of the prison's education division, the MoE and a number of other non-governmental organisations assist with the literacy programme, and 85 educated prisoners volunteer to teach the courses. In 2017 and 2018, about 79 courses were taught. The courses took place once a week, and ran for approximately 90 minutes each; in total, 1,910 prisoners benefitted from the courses.

However, based on my personal observations, the literacy programme was nothing more than a name, much like the official school programme. I did not see any physical classrooms (not even a corner of a prison corridor) which were reserved for literacy programmes. I also did not see any printed materials or a planned schedule for the literacy programme. If it exists at all, the literacy programme runs on an ad hoc basis, as an internationally funded project operating via non-government and civil society organisations. The programme therefore qualifies only as educationally motionless activities that are (allegedly) intended to create a false impression of the prison's facilities and human rights situation.

8.4.4 Madrasa as prison-based education

Pul-e-charkhi also has an informal education programme called Madrasa. Although the Ministry of Haj and Islamic Affairs claims the ownership of all Madrasas, its sessions run independently and on the prisoners' own initiative. The service is intended to benefit prisoners who have special educational (primarily Islamic) interests. The prison administration is not directly involved in delivering a specific curriculum or services; instead, relatively well-trained clerics and mullahs manage and teach the courses.

Besides the main Madrasa, which is predominantly controlled and taught by national security prisoners, there are other ad hoc Madrasas of a

similar nature which stem from both the Ministry of Haj and Islamic Affairs and prisoners' own initiatives. Madrasas exist in many locations in different blocks and, ironically, the quality of classes and level of student availability are both better than for the more official education programmes. Logically, factors such as interest, access, and reach have played an essential role in this regard. For example, in contrast with the official school programme, prisoners are not required to ask anyone for permission to attend classes, because they do not need to leave the lockup area to 'go to' Madrasa sessions.

Different sessions and courses take place at many locations that are normally accessible to most prisoners. Although it is difficult to estimate the exact number of classes, and the coverage of madrasas, due to dynamic themes and timing, the majority of prisoners benefitted from them, either via direct participation or simply because they would hear the lectures happening in their cell, without actually attending in person. It is important to note that not all Madrasa classes are the same. For example, a class on topics such as daily prayer might last for hours. In contrast, a class about *Hadith* could take anywhere from several months to several years to teach, depending on the topics and teachers.¹¹

In addition to their accessibility, Madrasas have a set of rules that are based on traditional values, such as honor and respect, as well as Islamic teachings. Almost everyone, even if they are not part of the Madrasa, observes and adheres to these rules. The majority of prisoners rate the Madrasas as imparting better quality and discipline, which is why many of them are willing to participate in at least some Madrasa sessions.

8.4.5 Assessment of target group factors for the education programmes

Interest: There is an exceptionally low rate of participation in the official school programme, which can be seen in the total number of 996 participants, representing less than 10% of the prison population. The majority of the prison population are illiterate and in need of education, but this also partly explains their low participation rate.¹² Indeed, low participation is not only due to issues with access and technical difficulties; it generally relates to prisoners' levels of interest as well.

11 *Hadith* is an Arabic word meaning 'new'. It can also mean: 'statement', 'talk', 'story', 'conversation' or 'communication'. In the context of Islamic teaching, a hadith technically means 'the narration of the sayings, doings or approvals of the prophet Muhammad' (pbh).

12 As indicated earlier, the prison's official school programme starts at secondary school level, due to age limits. Those who end up in prison are usually 18 or older, which is well beyond the minimum age limit for primary education. Such prisoners presumably already have primary level literacy, and if not, it is better that they qualify for a literacy course than for primary school level education.

When exploring reasons for the low participation rate, it becomes evident that the official school programme is tiring, as it is built on a sequence of repeated lessons. At best, it offers poor quality education due to a serious lack of books, teaching materials, and teachers. Thus, many prisoners who know about the school programme are not interested in it. Some prisoners claim that they attended the official school for three or four years, and that they were mechanically promoted to higher grades without doing any proper exams at the end of the year. The following year, they were taught by the same teacher using the same books and materials, which made the programme very dull to follow.

The school is also increasingly being used for purposes other than education. Particular prisoners can take advantage of the programme, in order to qualify for unique treatments and pardon decrees. Hence, there are many opportunities for corruption, and this has become the main reason for official institutions' lack of interest and cooperation in the programme. The issue is so significant, that the MoE has had difficulty recognising the school's certificates, and this is now another factor that discourages students from enrolling in the school.

The Adult Literacy Programme, which runs in parallel with the official school, has similar issues with prison security limitations and teachers, so the prisoners are not interested in it as a continually ongoing prison-based education programme. In addition, the programme has been struggling with graduate accreditation, making it even less interesting for prisoners. On the whole, prisoners seem more interested in the unofficial programme of Madrasas, which is primarily due to their quality of service and discipline, as well as being easily accessible.

Access: Prisoners' access to the official school programme is limited by several factors, including prison security, overcrowding, the location of classes, and the limited number of classes and teachers. As discussed previously, due to limited resources and coordination issues, the official school programme is offered to only a limited number of prisoners (see 7.3.3 above). Even if prisoners qualify for the programme, they might not gain access to it. This is due, in part, to the absence of a dynamic leadership, and there are no mechanisms in place to create alternatives, or to redirect interested prisoners to other accessible educational programmes.

Access to the prison school is problematic, even for those admitted to the programme. In the first place, the programme schedule (and sometimes the location of classes) varies, and even if this were not the case classes are usually barely accessible and are hardly conducive to education. In almost all cases prisoners have to go outside of their wing, and sometimes outside of the building, to access their classrooms. They must obtain authorisation for this from the security section, and they must follow the internal rules and procedures every time they leave the building. However, these rules vary from block to block within the prison. Hence, prisoners' access to the programme is seriously restricted by the internal order and prison security.

The unofficial education (Madrasa) programme is better, in terms of access. The numerous programmes offered are almost always flexible in terms of timing, and will normally be at a time that would suit all (or most) prisoners. All Madrasa sessions take place within the lockup area, the prayer room, or inside prison cells, so that prisoners do not need permission to leave the wing to attend classes. The biggest Madrasa is within the national security block, where prisoners have access to a big area for five sessions of prayer, and they can visit without security restrictions; this is also where most of the Madrasa classes take place.

Reach and enforcement: These factors should, in theory, pose less of a concern for prison programmes, primarily due to the nature of the prison environment, in which programmes and their target groups are strictly controlled, and wilful behaviour is generally limited. However, in the case of Pul-e-charkhi, the official educational programmes can hardly reach the Taliban and national security prisoners, which is the biggest group of prisoners. Due to their particular behaviours, explained in (8.2 above), this group has proven pretty difficult for the education programmes, in terms of reach and enforcement.

When looking at prison-based education in the broader context of the prison institution's legal mandate, there appears to be a clear lack of enforcement. This can be attributed mainly to issues related to the programme's reach and the programme's design, but also to poor leadership and resources.

8.4.6 The prison-based work and vocational training programme

Another prison-based rehabilitation scheme within the Afghan prison system is the vocational training and work programme. The primary objective of this programme is to train prisoners and provide them with employment opportunities in a small-scale manufacturing activity; therefore, it is also referred to as the 'industrial programme'.¹³ A work and vocational programme was part of Pul-e-charkhi's original design, hence the industrial programme has been standard practice since the prison first operated under the PDP (see 6.2.1 above).

The prison-based work and vocational programmes have an independent infrastructure; namely, workshops and separate accommodation facilities for prisoners who are admitted to the programme.¹⁴ At the time of

13 It is important to note that the term 'industrial' in this context does not refer to conventional industrial activity, or mass production; rather, it is the name of a programme that runs a few small workshops within the prison boundaries.

14 Block Five is used to accommodate prisoners working within the industrial programme. Although this block is within the main prison zone, it has an access route to the three large hangars, which are used as workshops and in which all of the industrial activity happens.

my fieldwork, the prison-based work and vocational training programme involved six initiatives, including carpet making, tailoring, shoe making, carpentry, metal work, and blacksmith work. These initiatives are set up as workshops, recruiting prisoners for training and income generation, both for the prison institution and for the programme itself.

According to the head of the prison enterprise division, the programme has the capacity to recruit up to 750 prisoners, but at the time of my fieldwork approximately 500 prisoners were enrolled as workers and trainees, and only around 145 prisoners actually worked there.¹⁵ The head of the department was very enthusiastic about the industrial programmes and, in his opinion, most programme participants were developing positive behaviours and attitudes, which helped them to focus on their work and learning process.

The prison authorities and their international reform partners, including the CSSP, claimed to have been working on transforming the programme from a 'cottage program in to a sustainable satellite program'. There were plans to create new industries, such as carpet shearing and washing, as well as automotive repairs. At some point, the programme also made some contractual commitments to make police uniforms and underwear. In order for the prison to meet its obligations, the CSSP procured a number of commercial grade sock machines and thermal fabrics. High-tech machines were actually brought to the prison and parked at one of the prison shops, but nobody could operate them.

Similarly, the so-called 'sustainable satellite programme', and the related business ideas proposed by its international helpers, were unknown to the prison system in general. According to my observations, there were hardly any properly planned activities within any of the six workshops and, with the exception of a few models that respondents claimed had been produced in the prison, I did not personally see any specific product which had been manufactured via the prison industrial programmes.

The prisoners enrolled in the programme hardly engage in any professional work or planned vocational training. Instead, they spend their time in the workshops cleaning the shop and occasionally repairing broken items, such as beds and chairs. This points not only to a troubled prison-based work and vocational training programme, but also to a flawed implementation process and the limited extent to which the prison's legal mandate is being fulfilled at Pul-e-charkhi.

15 The leadership qualities and connections of the directorship are discussed above, but (in brief) his department is responsible not only for management, business development, and marketing of the section, but also for maintaining supply and demand, and for building relationships with the programme's stakeholders and customers beyond the prison walls.



Metalwork shop (source: GDPDC media)



Tailoring/sewing shop (source: GDPDC media)

Although the prison authorities (and some of their international partners helping with prison reform) saw the industrial programme primarily as a source of institutional income generation, with added potential to help train prisoners, the majority of the prisoners themselves (and another group of the international partners) saw it as a training opportunity to educate prisoners, which also had the potential to generate some income for the prison (Ron Renard *et al.*, 2013, p. 68).

As part of the prison's legal mandate, prison-based work and vocational training were also influenced by several other factors. Prison security and corruption were two major factors for all activities within Pul-e-charkhi, presenting a significant issue for prison-based rehabilitation programmes. For example, the authorities decided to shut down the prison bakery, as it was a threat to the security of the prison. In addition, due to security protocol, all prisoners working in the industrial workshops had to work between 8.00 a.m and 3.30 p.m, because they had to be in their residential building by 4.00 p.m to participate in a headcount.

Some of the workshops could have remained open for longer hours if prisoners had worked in shifts, as this would have accommodated greater scope for timing and work opportunities. Outside the prison, carpet industry employees traditionally work in shifts, which is mainly due to the intensity and nature of carpet making work. Similarly, many factories allow their workers to operate in shifts around the clock. Whilst this may not be a very attractive idea outside of prison, it can perhaps be useful for mitigating shortages in infrastructure and resources inside prison.

Finally, confusion between the income generation and training functions of the programme resulted in existential problems for prison-based work and vocational training. The industrial programme's structure is not aligned with the State-owned Enterprises Law, a problem which has never been resolved. Due to this structural issue, the MoF decided to prevent it from accessing its own money, which had been generated over time. Therefore, the prison administration preferred to contract out its workshops to individual prisoners, who were then responsible for managing the workshops and interacting with their fellow prisoners.

In this case, in addition to helping private vendors (i.e. the prisoners themselves) reach agreements with the Technical and Vocational Training Directorate (TVT), prison administration also supported the vendors in setting up vocational training in their respective workplaces. The immediate effect of this approach was serious limitations on the reach and enforcement of the programme as a general prison-based rehabilitation scheme. The business owner had a strong role in deciding who would be admitted, instead of decisions being made via rules and procedures. The programme also clearly deviated from workable and recommended prison-based rehabilitation ideas, particularly from the perspectives of differential treatment and an amenability framework.

8.4.7 Assessment of target group factors for the work and vocational training programmes

Interest: The industrial section, its workshops, and residential area are located separately from the general prison population. All prisoners registered in the industrial programme live in the industrial building. Amongst the benefits of the area is that it is better equipped, less crowded, and has relatively fewer security restrictions. To that end, irrespective of the programme's contents, almost the entire prison population is interested in some version of the programmes, mainly due to the facilities offered.

Access: Similar to the education programme, access to the work and vocational training programmes is restricted to a limited number of prisoners. Although most prisoners in Pul-e-charkhi expressed an interest in the prison's industrial programme, the service was not accessible to all prisoners, due to the limiting factors of the prison security conditions, and the prisoners' work histories and criminal records. In the meantime, widespread corruption and the prison mafia played a significant role. For example, rich prisoners would outweigh ordinary prisoners in the competition for access to the industrial and prison-based work programme.

That is not only because of the programme capacity, it is also due to a flawed and corrupt admission process. In accordance with the Prisons and Detention Centres Bylaw (2007), all prisoners with relevant educational or work experience can register as candidates for work and vocational training. However, there are limited spots, and so many prisoners qualify for these programmes. The prison administration has therefore developed a procedure for admission to these programmes which is flawed and tainted by corruption.

According to the procedure, all interested prisoners must apply to the court liaison section of the prison and provide proof that they have relevant experience and are not high risk or violent criminals. An assessment is conducted after prison administration has received a request to cross-check the applicant's background and behaviour. This step is known as 'initial evaluation and screening', and its data provide a long list of potential candidates for industrial and vocational training programmes. However, there is no time limit for the process or specific responsibilities for responding to prisoners' application for the programme.

A selection committee, consisting of the director of the prison, its administrative deputy, the commander of the security unit (known as *Qet-tah*), the director of the industrial section, a court liaison representative, and commanders of the blocks where the prisoners reside, gather and interview the applicants. It is entirely up to the committee to drop people from the longlist, assign them to specific programmes, or give them a probationary opportunity. There are no guidelines for why and how these selections should be made.

Reach and enforcement: In the case of the industrial programme, reach and enforcement is complicated. This is because, in addition to inter-institutional politics, the latter programme involves financial incentives and commercial matters, which make the already troubled programme implementation vulnerable, and susceptible to misuse and corruption. For example, due to the privatization of workshops the entire function has been intertwined with a number of private institutions, small companies, and individuals. In this regard, a number of institutions and individuals interact with the work and industrial programmes at Pul-e-charkhi. In most cases, the interests of these institutions and individuals affect the broad reach and fluent enforcement of the programmes. For example, due to the privatisation of workshops, the entire function has become intertwined with a number of private institutions, small companies, and individuals.

The programme also fails to engage in substantial reformatory (or otherwise useful) activities that are beneficial to the prisoners. This is perhaps one of the main reasons why people already admitted to the programme were mostly passing time in the workshops. There is a clear correlation between a company's lack of business and the lack of employment opportunities for the prisoners within the programme. This approach to privatisation, backed by widespread corruption in the system, has also affected some of the productive initiatives of the industrial programme, such as the carpet making shop and bread making factory, which were two major areas where the prison industrial programme could have made a difference.

In this way, the reach and enforcement of the minimal work opportunities were not only severely limited, they were also blocked by the involvement of business interests, poor management, and widespread corruption.

8.5 PRISONERS' COPING MECHANISMS

As Clemmer (1940) and Sykes (1958; 2020) described, prisons have a unique social structure, consisting of a chain of social hierarchy and a value system that contrasts with and sometimes contradicts the outside world's values. Therefore, prisoners inevitably face a variety of challenges whilst incarcerated, and it is usually prison-based official programmes that assist prisoners in coping with those challenges. However, as the entire prison population cannot participate in such programmes – some prisoners do not need to, some are not interested, and some do not fit the programme criteria (including issues of access) – there are other coping mechanisms for prisoners to turn to.

Based on my observations, prisoners in Pul-e-charkhi cope with unwelcome prison conditions by adopting one, or a combination, of the following two approaches: 1) Amalgamating within different social classes inside the prison; and, 2) Negotiating a compromise for a better quality of life in prison. Both approaches echo many of the dynamics discussed under the 'adoption and importation' phenomenon discussed in (Sykes, 1958; Western and Sykes, 2020).

8.5.1 Andiwali as a coping mechanism

Andiwali is a specific type of friendship between prisoners who have similar economic, social, and educational backgrounds and similar character traits, which when put together create a bond between them. Individuals who are part of *Andiwali* are referred to as *Andiwals*, and they possess equal rights and equal social status.¹⁶ The group often stays united around the values that brought them together. During times of need, they share resources such as money and food, and protect and watch each other's backs. In addition to sharing resources and offering support to each other in combating all sorts of prison issues, the network members also assist each other with social and personal issues, such as family problems, outside the confines of the prison. Thus, the *Andiwali* network is well-established and it functions as a safety net for all its members, who depend on it as if it were their family.

Membership of an *Andiwali* is not automatic, and it requires a great deal of effort; new potential members can even be subjected to life-threatening tests. For this reason, certain prisoners always remain outside *Andiwali* circles: mentally ill people, drug addicts, and those who are economically disadvantaged. The latter category is not entirely excluded, and if they happen to be part of an *Andiwali*, as a result of qualities such as honesty and education, they are generally regarded as suitable candidates to hire for cleaning, cooking, laundering, etc. The group members would, in return, pay them a minimum wage, with which they can buy food and other supplies to help them survive in prison.

8.5.2 Corruption and prison system faults as coping mechanisms

The second coping mechanism prisoners have is the result of prevalent corruption and complex weaknesses within the prison system and its management. Certain groups of prisoners have the opportunity to negotiate better prison conditions and the system reaches a compromise with them. Although every prisoner would like to live in the best facilities available, this is only possible for a limited number of idiosyncratic prisoners who can prove their worth to top management. One of the reasons that prison management is an attractive career option for individuals already engaged in corrupt activities is that the negotiations necessary for this process to happen involve levels of give and take that are rarely seen in most state institutions, and thus need to have been honed elsewhere.

16 Although all members have equal social status within the group, one member is usually seen as the group's leader and representative. The representative of the group typically has some charisma, or is an elder in the group, and is considered to be more knowledgeable, productive, and respected. The leader of the group is usually the person who originally promoted it.

In Pul-e-charkhi, two main categories of prisoner find their way to an unfettered lifestyle: the economically well-off; and those associated with powerful political and criminal networks. Both categories use certain channels to reach decision makers within the prison, and to negotiate things they desire within the prison, including better living conditions. Both categories of prisoner are also supported by influential figures from outside the prison, so they usually achieve better prison conditions, one way or another. Nevertheless, such conditions can be difficult to retain over an extended period of time; therefore, ongoing agreements need to be established.

Various deals, such as the provision of services on-site, may involve enrolment in official prison programmes, and access to mobile telephones, food, drugs, and the like. As a general rule, as long as the prisoner purchases these services, they can enjoy all the other benefits, as if they were living in a guesthouse. Therefore, rich prisoners have greater opportunity to stay in better accommodation for a longer time. For example, the owner of the old Kabul Bank and a few other businessmen have rooms that are equipped with air conditioning, and they can choose who lives with them, what to eat, and when to eat.

Many high-ranking government officials imprisoned for corruption (such as former Afghan Central Bank officials) are also considered members of the 'rich' prison population. Although I did not see any specific examples during my observations, many prisoners asserted that the wealthy could arrange virtually anything to be brought in from outside, citing a long list including things like alcohol, drugs, and sex workers, all of which are strictly prohibited outside of the prison. This was also confirmed by prison officials, who stated that they had witnessed many such examples of illegal procurement; they had attempted to stop it, but the process seemed never ending and they did not know who was behind it all.

Political strongmen also tend to enjoy a similarly favourable position, due to their disobedience and violent conduct in prison. These prisoners include, for instance, members of the Taliban and prison gangs, and some members of the drugs mafia.¹⁷ In contrast with the wealthy, they do not enjoy the same freedoms, but they do have certain other rights and privileges. For example, due to their high social capital within the prison, the Taliban typically impose their own rules within the confines of their cells and sometimes even within whole wings (where they are housed).

They even punish or reward other prisoners according to their own set of rules. With their access to self-made weapons (or weapon-like equip-

17 Whilst this is not a predominant phenomenon, individuals and networks of prisoners operate organised crime within Pul-e-charkhi. Despite having no corporate identity (as such), they function in perpetuity as drug dealers, extortionists, and leaders of terrorism and other crimes. For instance, quite a few of the National Security prisoners have been suspected of leading terrorist operations from within the prison. It is also believed that some of the drug mafia imprisoned in Pul-e-charkhi led their enterprises from inside, which meant they had more resources and became more bossy and powerful than the majority of ordinary prisoners.

ment) and a somewhat considerable influence over other prisoners, the Taliban is capable of introducing new routines and rituals that allow them to remain relevant in the prison context.¹⁸ For example, whenever there is an official event in the prison the Taliban's flag and banner are displayed, instead of the officially recognised flag of the Islamic Republic of Afghanistan. Search operations rarely visit the Taliban's quarters, hence the prison police avoid regularly visiting them for checks and controls. When prison police do attempt to carry out checks and controls, they often encounter resistance from prisoners and are subjected to disturbance. As a result of their unity of command and adherence to the same values, the Taliban often cause prison riots.¹⁹

8.6 A COMPARATIVE OBSERVATION FROM BALKH PRISON

The available statistics echo the existence of three categories of inmate in Balkh prison. The categories include: general criminals, drug trafficking criminals, and national security criminals. However, unlike Pul-e-charkhi, where the majority of prisoners belong to the national security group, at Balkh prison about 95% of prisoners belong in the general criminals' category. Thus, it can be assumed that almost all the Balkh inmates have been arrested and prosecuted in compliance with regular court procedures. In the context of the overall national prison population, Balkh hosts about 6% of prisoners. Similarly, the population of Balkh accounts for 4% of overall general criminals, and less than 1% of overall national security prisoners.

The prison has an industrial department, which was used in the past to operate vocational programmes such as tailoring and carpet making. However, at the time of the fieldwork the only production-oriented activity was beading and tailoring, which kept only a small number of prisoners busy. These activities were very small-scale, and could not promise any considerable financial benefit for the prisoners. The only benefit it could have was to keep them busy and prevent them from engaging with each other negatively whilst serving their sentences.

18 See BBC News, *The prison staffed by inmates released by the Taliban* (Mashal Afghan News, 2021).

19 For example, National Security inmates connected with the Taliban initiated a serious hunger strike in August 2018. The strike claimed prisoner rights to pardon decrees. It lasted for ten days and had over 4,000 participants. It escalated in its final days, involving several inmate and prison administration deaths and casualties. It finally came to an end when National Assembly members and some other politicians got involved. Inmates who have been imprisoned for national security crimes, corruption, and violence against women are generally excluded from pardon decrees. There were two exceptions to this rule in the 20-year history of Pul-e-charkhi, including the peace deal with Hizb-e-Islami of Hekmatyar in 2018, and the peace deal between the US and the Taliban in 2021. The latter resulted in 5,500 Taliban prisoners being freed. In all other cases, National Security inmates have never been given access to pardon decrees.

Although the northern provinces of Afghanistan are famous for their carpets, this specific project failed, because of the allegedly corrupt practices at the GDPDC. The project was reportedly provided with poor quality material, which resulted in bad quality products, and nobody wanted to buy them. As a result, prisoners who had worked day and night to produce them were not paid for their work and the project was closed down. From that point onwards, the daily programmes at Balkh prison were limited to school, literacy courses, language and computer classes, and a few Islamic education sessions (i.e. Madrasa).

However, none of these programmes had a fixed daily plan or predetermined schedule. In addition, none of the prisoners interviewed listed the prison education programme as their favorite activity. This is perhaps due to the fact that programmes like school and literacy have very poor content and teachers, that classes are not conducted regularly, and that there are limited measures in place to promote and encourage participation in either of the activities. To this end, most of the school-age prisoners, as well as those in need of literacy courses, are generally engaged in playing chess or 'carom board', which were the most favored activities for (43%) and (26%) of the prisoners interviewed.

Other activities for the prisoners included simply hanging out with other inmates in the prison yard, or engaging in activities such as beading, watching TV, and doing sports. Unlike Pul-e-charkhi, self-employment opportunities, such as working for the economically well-off, laundering, and barbering, are not common at Balkh prison. Many prisoners in Balkh believed that helping others for money was unethical, and contrary to their local values. Many prisoners reported that if someone needs help inside the prison, almost every other capable prisoner would volunteer to help them.

8.7 CONCLUSION

Engaging in morally or materially beneficial activities would be a natural, rational choice for almost all the prisoners. Indeed, the two prison-based rehabilitation programmes offered in Pul-e-charkhi were of genuine interest to the vast majority of prisoners. However, since the programmes do not have a proper underlying design, in almost every respect, they follow poor copies of international standards. This culminated in confusion about the programmes' objectives and, consequently, poor performance in terms of their rehabilitative function.

In recent years, prisoners' access to the programmes, as well as the programmes' quality and (in some cases) reach have been the source of significant problems. Additionally, implementation of the two programmes has been hindered by inadequate human capacity, insufficient financial resources, poor leadership and institutional coordination, and widespread corruption. Thus, it is hard to see the programmes as serious prison-based interventions, because they rarely address the needs of their target groups.

As a matter of fact, prison authorities often bend the programmes to suit their own personal and group interests, or to financially benefit the prison institution.

There is also a mismatch between the majority of the prison population in Pul-e-charkhi and the idea of rehabilitation as a universal prison legal mandate. For instance, the official school and the industrial programmes, albeit not well situated, aim to address implementation of the prison's legal mandate for rehabilitation, but the prison is packed with National Security, drug trafficking, drug addicted, and mentally ill prisoners. These categories do not qualify for any of the programmes, either on the basis of 'prisoners' amenability criteria', or through any other logical frameworks. They therefore require a more specific type of intervention, such as those of *Mahmood Al-hitar*, and others (see 5.2 above).

Therefore and in view of the two programmes offered at Pul-e-charkhi, it is difficult to assert that the prison is inclined to carry out its legal obligations and address the rehabilitation needs of all its prisoners. This is because the programmes have an empty design, there is a mismatch between mandate and programme outputs, and there are flaws in defining the education and industrial programmes as the ultimate goal for implementing the prison's legal mandate. The programmes not only fail to include most of the ordinary prisoners, they also overlook everyone in the majority National Security group.

With this in mind, a thoughtful observer might wonder how the prisoners actually spend their time in Pul-e-charkhi, and whether there is anything available that would help them desist from committing further crimes. This can be answered in part by looking at the social constructs and life within the prison, as well as the broader social context. The latter is discussed before (see 8.2 above), but regarding the former, it is clear that money, political connections, and Andiwali are the three mainstream methods of coping with prison life.

The concept of Andiwali and the bonds that result from it are likely to have lasting effects on the prisoner, and those effects might continue well beyond their prison term, although it is important to emphasise that this can go in either a positive or negative direction, depending on the Andiwali circle that a prisoner joins. For example, individuals associated with a more politically oriented stream are more likely to adopt its values, others might become brainwashed by fundamentalists if they join such Andiwali groups, and still others who join an Andiwali group living in poor prison conditions later suffer from the addictions and diseases that are rife in such environments.

As far as Balkh prison is concerned, although it operates within an infrastructure that hardly qualifies as a prison, it still functions as the prison of an important city in Afghanistan, hosting over 800 prisoners (including 75 female prisoners and their children). The prison operates only nominal prison-based rehabilitation programmes, which in no way come close to the programmes applied at Pul-e-charkhi (even though the latter also does

not operate any standardised rehabilitation programmes). Yet, prisoners in Balkh live in a friendly environment and hang out with each other. There are only very limited records of prison fights or violent behaviour at Balkh, and the chance of such incidences occurring was reportedly very slight.