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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

Amin, N.

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Bibliography

- Abdulrahimzai, B. M. (2009) *A Present of Prison : Notes of Abdul Malik Abul Rahimzai (in Dari language)*. Kabul, Afghanistan: Abdul Malik Abul Rahimzai Foundation, Shamshad Press.
- Abultaqi, H. (2013) 'Prisons and the Prisoners Rights (in Pashtu language)', *Qaza – the official publication of the Afghan Supreme Court*. Kabul, Afghanistan, (Dalaw 1391 & Hamal 1392), pp. 115-131; 107-118. Available at: <https://supremecourt.gov.af/dr/qaza-magazine> (Accessed: 20 March 2021).
- Adamec, L. W. (2011) *Historical Dictionary of Afghanistan*. 4th edn. Scarecrow Press (Historical Dictionaries of Asia, Oceania, and the Middle East).
- Adili, A. Y., Soroush, R. and Sadat, S. A. (2021) *The Stagnation of Afghanistan's State Institutions, Political Landscape*. Kabul, Afghanistan. Available at: <https://www.afghanistan-analysts.org/en/reports/political-landscape/the-stagnation-of-afghanistans-state-institutions-case-studies-of-the-supreme-court-senate-provincial-councils-and-the-constitutional-oversight-commission/> (Accessed: 8 April 2022).
- Afghanistan Analysts Network (2020) *Big Tent 'Democracy' – Afghanistan's loya jirgas, 1915 to 2020, AAN Dossiers*. XXVI. Kabul, Afghanistan. Available at: <https://www.afghanistan-analysts.org/en/dossiers/thematic-dossier-xxvi-big-tent-democracy-afghanistans-loya-jirgas-1915-to-2020/> (Accessed: 8 April 2022).
- Afghanistan Analysts Network (2021) *ICC Archive, ICC*. Kabul, Afghanistan. Available at: <https://www.afghanistan-analysts.org/en/tag/icc/> (Accessed: 20 March 2022).
- AFP (2021) 'Sunsets and squalor: Inside Afghanistan's largest prison', *World Ahram Online International*, 17 September. Available at: <https://english.ahram.org.eg/News/423263.aspx> (Accessed: 5 September 2022).
- Afsah, E. and Hilal Guhr, A. (2019) 'Afghanistan: Building a State to Keep the Peace', *Max Planck Yearbook of United Nations Law Online*, 9(1), pp. 373-456.
- Ahrar, M. A. (2010) *Priorn a Place for Rehabilitation and Penitentiary (in Dari language)*. Kabul, Afghanistan: Unknown.
- AIHRC (2009) *The Situation of Detention Centers and Prisons in Afghanistan*. Kabul, Afghanistan. Available at: <https://www.aihrc.org.af/home/research-reports> (Accessed: 20 March 2021).
- AIHRC (2012a) *Citizens Access To Justice: Report on Monitoring of Decree no 45 of the President of the Islamic Republic of Afghanistan*. Kabul, Afghanistan. Available at: <https://www.aihrc.org.af/home/research-reports> (Accessed: 20 March 2021).
- AIHRC (2012b) *The Situation of Human Rights in Afghanistan – 1391*. Kabul, Afghanistan. Available at: <https://www.aihrc.org.af/home/annual-reports> (Accessed: 20 March 2021).
- AIHRC (2012c) *Torture, Transfers, and Denial of Due Process: The Treatment of Conflict-Related Detainees in Afghanistan*. Kabul, Afghanistan. Available at: <https://www.aihrc.org.af/home/research-reports> (Accessed: 20 March 2021).

- AIHRC (2013) *The Situation of Human Rights in Afghanistan – 1392*. Kabul, Afghanistan. Available at: <https://www.aihrc.org.af/home/annual-reports> (Accessed: 20 March 2021).
- AIHRC (2014) *The Situation of Human Rights in Afghanistan – 1393*. Kabul, Afghanistan. Available at: <https://www.aihrc.org.af/home/annual-reports> (Accessed: 20 March 2021).
- AIHRC (2015a) *The Situation of Human Rights in Afghanistan – 1394*. Kabul, Afghanistan. Available at: <https://www.aihrc.org.af/home/annual-reports> (Accessed: 20 March 2021).
- AIHRC (2015b) *Torture and Ill-treatments in Detention Centers in Afghanistan – 1394*. Kabul, Afghanistan. Available at: <https://www.aihrc.org.af/home/research-reports> (Accessed: 20 March 2021).
- AIHRC (2019) *The Situation of Human Rights in Afghanistan – 1398*. Kabul, Afghanistan. Available at: <https://www.aihrc.org.af/home/annual-reports> (Accessed: 20 March 2021).
- AIHRC (2021) *Annual Report: The Situation of Human Rights in Afghanistan – 2020*. Kabul, Afghanistan. Available at: <https://www.aihrc.org.af/home/annual-reports> (Accessed: 20 March 2021).
- Alan, C. (2021) 'Inside the Hidden War Between the Taliban and ISIS', *The Wall Street Journal*, 26 August. Available at: <https://www.wsj.com/articles/isis-taliban-afghanistan-bombing-11630014684> (Accessed: 5 September 2022).
- Allison, G. T. (1971) *Essence of decision : explaining the Cuban missile crisis*. Boston : Glenview, Ill., [etc.]: Little, Brown ; Scott, Foresman and Company.
- Allott, A. N. (1980) *The limits of law*. London, UK: Butterworth.
- Almeida, B. (2022) *A Sociolegal Analysis of Formal Land Tenure Systems*. London: Routledge (Law, Development and Globalization).
- Amin, N. (2017) 'Imprisonment and relevant legislation: with a focus on a historical chronology of Pul-e-charkhi prison (in Dari language)', *Journal of Afghan Legal Studies*, 1(1), pp. 243-282.
- Amin, T. (1984) 'Afghan resistance: Past, present, and future', *Asian Survey*. JSTOR, 24(4), pp. 373-399.
- Amnesty International (2003a) *Afghanistan: police reconstruction essential for the protection of human rights*. ASA 11/003/2003. Available at: <https://www.amnesty.org/en/documents/ASA11/003/2003/en/> (Accessed: 20 August 2022).
- Amnesty International (2003b) *Afghanistan Crumbling prison system desperately in need of repair*. ASA 11/017/2003. Kabul, Afghanistan: Amnesty International. Available at: <https://www.amnesty.org/en/documents/ASA11/017/2003/en/> (Accessed: 28 November 2019).
- Amnesty International (2003c) *Re-establishing the Rule of Law*. ASA 11/021/2003. Available at: <https://www.amnesty.org/en/documents/ASA11/021/2003/en/> (Accessed: 28 August 2021).
- Andrews, D. *et al.* (1990) 'Does correctional treatment work? A clinically relevant and psychologically informed meta-analysis', *Criminology*, 28(3), pp. 369-404.
- Andrews, D. A., Bonta, J. and Wormith, J. S. (2011) 'The Risk-Need-Responsivity (RNR) Model: Does adding the good lives model contribute to effective crime prevention?', *Criminal Justice and Behavior*. SAGE Publications Inc, 38(7), pp. 735-755.
- Ansari Mashood (1399) *Afghan Prison Chief Introduced to Prosecution (in Dari language)*, *Tolonews*. Available at: <https://tolonews.com/fa/afghanistan-170183> (Accessed: 22 July 2022).

- Ansary, T. (2012) *Games without Rules: The Often-Interrupted History of Afghanistan*. PublicAffairs.
- APPF (2018) *Afghan Public Protection Force*, APPF official website. Available at: <http://nppf.gov.af/?lang=en> (Accessed: 1 November 2022).
- Arnscheidt, J., Rooij, B. van and Otto, J. M. (2008) *Lawmaking for Development: Exploration Into the Theory and Practice of Interenational Legislative Projects*. Amsterdam, the Netherlands: Leiden University Press.
- Atabay, T. and English, P. (2008) *Afghanistan: Implementing Alternatives to Imprisonment, in line with International Standards and National Legislation*. Vienna: UNODC. Available at: https://www.unodc.org/pdf/criminal_justice/Afghanistan_Implementing_Alternatives_to_Imprisonment.pdf (Accessed: 28 November 2019).
- Austin, J. (2017) Limits of prison education. *Criminology & Pub. Policy*, 16, p. 563.
- Avrotros (2019) *www.avrotros.nl, Situatie in Afghaanse gevangenis*. Available at: <https://opsporingverzocht.avrotros.nl/zaken/item/ooggetuigen-gezocht-van-situatie-in-afghaanse-gevangenis/> (Accessed: 18 February 2022).
- Awan, T. M. (2014) *An Islamic approach to rehabilitation of Muslim prisoners: an empirical case study*. London & New York: Sang-e-Meel Publications.
- Azad, A. and Kennedy, H. (2018) 'The Coming of Islam to Balkh', in *Authority and Control in the Countryside*. Leiden Stu. BRILL, pp. 284-310.
- Baczko Adam (2021) *How the Taliban Justice System Contributed to their Victory in Afghanistan, Items, Insights from the Social Sciences*. Available at: <https://items.ssrc.org/insights/how-the-taliban-justice-system-contributed-to-their-victory-in-afghanistan/> (Accessed: 30 August 2022).
- Banakar, R. and Travers, M. (2005) *Theory and Method in Socio-Legal Research*. London: Bloomsbury Publishing (Oñati International Series in Law and Society).
- Barfield, T. J. (2008) 'Culture and Custom in Nation-Building: Law in Afghanistan', *Maine Law Review*. Portland: Univeristy of Maine, 60(2), pp. 348-373.
- Barfield, T. J. (2010) *Afghanistan: A cultural and political history*. Princeton. Princeton: Princeton University Press (Princeton Studies in Muslim Politics).
- Bassiouni, M. C. et al. (2007) 'An Assessment of Justice Sector and Rule of Law Reform in Afghanistan and the Need for a Comprehensive Plan', in Istituto Superiore Internazionale di Scienze Criminali (ISISC) (ed.). Kabul/Rome: ISISC.
- Bean, P. and Nemitz, T. (2004) *Drug treatment: what works?* New York: Routledge.
- Beek, A. (2004) 'Prisons and its development history (in Dari language)', *Police Magazine*.
- Behuria, A., Ul Hassan, Y. and Saroha, S. (2019) 'US-Taliban Talks for Afghan Peace: complexities galore', *Strategic Analysis*. Routledge, 43(2), pp. 126-137.
- Blair, G., Imai, K. and Lyall, J. (2014) 'Comparing and Combining List and Endorsement Experiments: Evidence from Afghanistan', *American Journal of Political Science*. [Midwest Political Science Association, Wiley], 58(4), pp. 1043-1063.
- Blase, M. G. (1973) *Institution building: a source book final report*. Washington: Agency for International Development, U.S. Department of State.
- Blase, M. G. and Blase, L. E. (1984) 'Institution building in managing international development: A review of the literature', in Sharpe, M. E. (ed.) *Managing International Development MID*. Incorporated, pp. 25-38.
- Bonn (2001) 'Bonn Agreement', in *Agreement on provisional arrangements in Afghanistan pending the re-establishment of permanent government institutions*. United Nations General Assembly. Available at: <https://peacemaker.un.org/afghanistan-bonnagreement2001> (Accessed: 20 October 2022).

- Boone, M., van Swaaningen, R. (2013) *Regression to the Mean: Punishment in the Netherlands*. In: Ruggiero, V., Ryan, M. (eds) *Punishment in Europe*. Palgrave Studies in Prisons and Penology. Palgrave Macmillan, London.
- Bosworth, C. E. (2010) *Encyclopaedia Iranica – Saffarid Dynasty*, Iranica Foundation. Available at: <http://www.iranicaonline.org/articles/saffarids> (Accessed: 20 August 2019).
- Boucek Christopher (2009) *After Guantanamo: How Effective are Rehabilitation Programmes in the Muslim World?*, Carnegie Endowment for International Peace. Available at: <https://carnegieendowment.org/2009/02/11/after-guantanamo-how-effective-are-rehabilitation-programmes-in-muslim-world-pub-22731> (Accessed: 14 August 2022).
- Brown, B. S., Wienckowski, L. A. and Stolz, S. B. B. (2004) *Behavior Modification: Perspective on a Current Issue*. 5th edn. Long Grove IL, USA: Long Grove IL: Waveland Press Inc.
- Bryman, A. (2016) *Social research methods*. Fifth edit. Oxford; New York: Oxford University Press.
- B. S. Brown, L. A. Wienckowski, and S. B. Stolz (2004) *Behavior Modification: Perspective on a Current Issue*. Waveland Press Inc. 5th edn Long Grove IL.
- Carlotta, G. (2003) *New Afghan Constitution Juggles Koran and Democracy*, *New York Times*. Available at: <https://www.nytimes.com/2003/10/19/world/new-afghan-constitution-juggles-koran-and-democracy.html> (Accessed: 25 March 2022).
- Carlson, P. M. (2013a) 'Correctional Academic, Career, and Reentry Education', in Bartlett, J. and (ed.) *Prison and Jail Administration: Practice and Theory*. Carlson, P. Virginia: Christopher Newport University.
- Carlson, P. M. (2013b) 'Inmate Classification', in Jones and Bartlett (ed.) *Prison and Jail Administration: Practice and Theory*. third edit. Virginia: Christopher Newport University, pp. 52-58.
- Carrabine, E. et al. (2014) *Criminology, A Sociological Introduction*. 3rd edn. New York, USA: Routledge.
- Chandra, V. (2006) 'Warlords, Drugs and the "War on Terror" in Afghanistan: The Paradoxes', *Strategic Analysis*, 30(1).
- Choudhury, N. (2014) 'Pluralism in Legal Education at the American University of Afghanistan', *Suffolk Transnat'l L. Rev.*, 37(2), pp. 249-288.
- Christensen, M. (2012) 'Judicial Reform In Afghanistan: Towards a Holistic Understanding of Legitimacy in Post-Conflict Societies', *Berkeley Journal of Middle Eastern and Islamic Law*. Berkely Journal, 4(3).
- Christia Fotini and Semple Michael (2009) *Flipping the Taliban: How to Win in Afghanistan*, *Foreign Affairs*. Available at: <https://www.foreignaffairs.com/articles/afghanistan/2009-07-01/flipping-taliban> (Accessed: 20 April 2022).
- Clear, T. R. (2007) *Imprisoning communities: how mass incarceration makes disadvantaged neighborhoods worse*. New York: Oxford University Press (Studies in crime and public policy).
- Clear, T. R. and Austin, J. (2009) 'Reducing Mass Incarceration: Implications of the Iron Law of Prison Populations', *Harvard Law & Policy Review*, 3.
- Clemmer, D. (1940) *The Prison Community*. Boston: The Christopher Publishing House.
- Clinton, H. R. et al. (2011) *In Small Things Remembered, The Early Years of U.S.- Afghan Relations*. Meridian International Center. Available at: <http://www.meridian.org/in-small-things-remembered/president-eisenhower-is-welcomed-at-the-airport-by-king-zahir-shah-afghan> (Accessed: 31 December 2019).

- Cohen, M. D., March, J. G. and Olsen, J. P. (1972) 'A Garbage Can Model of Organizational Choice', *Administrative Science Quarterly*, 17(1), pp. 1-25.
- Constitution Commission (2003) *Analytical Report of People's Views and Recommendations for the Drafting of a New Constitution*. Kabul, Afghanistan. Available at: http://afghandata.org:8080/xmlui/bitstream/handle/azu/15033/azu_acku_pamphlet_knf2050_a53_2003_w.pdf?sequence=1&isAllowed=y (Accessed: 20 April 2022).
- Cooper, R. A. (1979) 'The English Quakers and prison reform 1809-23', *Quaker History*. Friends Historical Association, 68(1), pp. 3-19.
- Coyle, A. (2002) *Managing prisons in a time of change*. Edited by A. Coyle. London, UK: International Centre for Prison Studies.
- Coyle, A. (2004) 'Prison Reform Efforts around the World: The Role of Prison Administrators', *Pace Law Review*, 24(2), pp. 825-832.
- Cullen, F. T. (2013) 'Rehabilitation: Beyond Nothing Works', *Crime and Justice*. Encyclopedia of Crime and Justice, 42(1), pp. 299-376.
- Cullen, F. T. and Gendreau, P. (2000) 'Assessing Correctional Rehabilitation: Policy, Practice, and Prospects', *Policies, Processes, and Decisions of the Criminal Justice System*. Edited by J. Horney. Washington: Criminal Justice 2000, III(1-2), pp. 109-175.
- Dalrymple, W. (2013) *Return of a King: The Battle for Afghanistan, 1839-42*. Knopf Doubleday Publishing Group.
- Dobbins, J. et al. (2003) *America's Role in Nation-Building*. 1st edn. Santa Monica: RAND Corporation.
- Dorransoro, G. (2005) *Revolution Unending: Afghanistan, 1979 to the Present*. C. Hurst (CERI series in comparative politics and international studies).
- Duff, A. (2016) 'Legal Punishment', *Stanford Encyclopedia of Philosophy*, Winter 201 (Edward N. Zalta (ed.)).
- Duff, A. and Garland, D. (1994) *Introduction: thinking about punishment*. A & Duff. New York: Oxford University Press.
- Dupree, L. (1978) *Towards Representative Government in Afghanistan: Part II. Asia*.
- Dupree, L. (1979) *Red Flag over the Hindu Kush, Part II: The Accidental Coup*. Asia Serie. Hanover, NH: AUFS.
- Dupree, L. (1980) *Afghanistan*. Princeton: Princeton University Press (Princeton Legacy Library).
- David Farabee, 2005. *Rethinking Rehabilitation: Why Can't We Reform Our Criminals?*, ed. by AEI. American Enterprise Institute Press Washington DC.
- Eaves, E. (2004) 'The Judge Who Converts Terrorists', *Slate.com*, 18 May. Available at: <https://slate.com/news-and-politics/2004/05/the-judge-who-converts-terrorists.html> (Accessed: 5 November 2021).
- Eddy, J. (2009) 'Rule of Law in Afghanistan: The Intrusion of Reality', *Journal of International Cooperation Studies*, 17(2), pp. 1-23.
- Edwards, D. B. (2002) *Before Taliban: Genealogies of the Afghan Jihad*. University of California Press.
- Esman, M. J. (1972) 'The Elements of Institution Building', in Eaton, J. W. (ed.) *Institution building and development: from concepts to application*. Beverly Hills [CA]: Sage Publications, pp. 21-39.
- Farabee, D. (2005) *Rethinking Rehabilitation: Why Can't We Reform Our Criminals?* Edited by AEI. Washington DC: American Enterprise Institute Press.

- Farhang, M. M. S. (2000) *Afghanistan in The Last Five Centuries – Volume II (in Dari language)*. Tehran, Iran: Erfan press.
- Farr, G. (2020) 'The Afghan Peace Agreement and Its Problems', *E-International Relations*, pp. 1-4. Available at: <https://www.e-ir.info/2020/04/06/the-afghan-peace-agreement-and-its-problems/> (Accessed: 20 August 2022).
- Fazel, S. and Wolf, A. (2015) 'A systematic Review of Criminal Recidivism Rates Worldwide: current difficulties and recommendations for best practices', *PloS One*, 10(6).
- Fearon, J. D. and Laitin, D. D. (2004) 'Neotrusteeship and the Problem of Weak States', *International Security*, 28(4), pp. 4-43.
- Fergus McNeill and Hannah Graham (2019) 'Conceptualizing Rehabilitation: Four forms, two models, one process and a plethora of challenges', in Ugwudike, et al. (Eds.). *The Routledge Companion to Rehabilitative Work in Criminal Justice (1st ed.)*. Routledge.
- Fields, M. and Ahmed, R. (2011) *A Review of the 2001 Bonn conference and application to the road ahead in Afghanistan*. no 8. Edited by C. Nicholas Rostow and Phillip C. Saunders. Wahington DC, USA: National Defense University Press.
- Fishstein, P. and Amiryar, M. E. (2016) *Afghan Economic Policy, Institutions, and Society Since 2001*, United States Institute of Peace. Wahington DC. Available at: <https://www.usip.org/sites/default/files/SR383-Afghan-Economic-Policy-Institutions-and-Society-Since-2001.pdf> (Accessed: 20 April 2022).
- Foucault, M. (1977) *Discipline and punish: The birth of prison*. Alan Sheri. Edited by T. from the F. by A. Sheridan. New York, UAS: Vintage Books, Random House, Inc.
- French, N. N. (2008) 'The sarposa prison break', *Canadian Army Journal*, 11(2), pp. 8-16. Available at: <http://www.army.forces.gc.ca/caj/> (Accessed: 20 April 2022).
- Galeotti, M., Stacey, M. and Shumate, J. (1979) *Storm-333 KGB and Spetsnaz Seize Kabul, Soviet-Afghan War 1979*. Bloomsbury Publishing Plc. Available at: <https://www.kobo.com/nl/nl/ebook/storm-333> (Accessed: 15 February 2022).
- Garland, D. (2003) 'Penal Modernism and Postmodernism', in Blomberg, T. G. and Cohen, S. (eds) *Punishment and Social Control*. 2nd edn. Aldine Transaction (New Lines in Criminology).
- Gendreau, P. (1996) *The Principles of Effective Intervention with Offenders*. Edited by A. T. Hardin. Calif, Oaks, USA: Sage Publication.
- Ghani, A. and Lockhart, C. (2009) *Fixing failed states: a framework for rebuilding a fractured world*. illustrate. Oxford University Press.
- Ghaznawi, A. P. (2010) *Political Histroy of Contemporary Afghanistan 1352 Cope and The Republic of Daoud Khan (in Dari language)*. Tehran, Iran: Ihsan.
- Ghobar, M. M. (1978) *Afghanistan in The Course of The History (in Dari language)*. Re-print. Kabul, Afghanistan: Maiwand.
- GIRoA (2005) 'Peace, Reconciliation, and Justice in Afghanistan: Action Plan of the Government of the Islamic Republic of Afghanistan'. Kabul, Afghanistan: Islamic Republic of Afghanistan. Available at: <https://www.legal-tools.org/doc/17033d/> (Accessed: 20 April 2022).
- GIRoA (2013) 'National Priority Program Five – Law and Justice for All'. Kabul, Afghanistan: MoF – Governance Standing Committee.
- GIRoA – ANDS (2008a) 'Afghanistan National Development Strategy 2008 – 2013: A Strategy for Security, Governance, Economic Growth and Poverty Reduction – Volume I'. Kabul/Brussels: ANDS secretariat. Available at: <https://mof.gov.af/sites/default/files/2021-05/ANDS.pdf> (Accessed: 10 April 2019).

- GIRoA – ANDS (2008b) 'National Justice Programme – Afghanistan National Development Strategy'. Kabul, Afghanistan: ANDS secretariat.
- GIRoA – ANDS (2008c) 'National Justice Sector Strategy – Afghanistan National Development Strategy'. Kabul, Afghanistan: ANDS secretariat. Available at: https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session5/AF/AFG_annexIV_Afghanistan_National_Strategies_on_Justice_Sector.pdf (Accessed: 10 April 2019).
- Girth, H. H. and Mills, C. W. (1946) *From Max Weber: Essays in Sociology Translated, edited, and with an introduction*. Translated. Edited by H. H. Girth and C. W. Mills. New York: Oxford University Press. Available at: <https://archive.org/details/frommaxweberessa00webe/page/n13/mode/2up?ref=ol&view=theater> (Accessed: 10 April 2021).
- Giustozzi, A. (2004) *Good state vs. Bad Warlords?, Crisis States Programme*. Working Paper 51. London. Available at: <http://www.crisisstates.com/Publications/publications.htm> (Accessed: 10 April 2019).
- Giustozzi, A. (2013) 'March towards democracy? The development of political movements in Afghanistan', *Central Asian Survey*, 32(3), pp. 318-335.
- Giustozzi, A. and Isaqzadeh, M. (2011) *Afghanistan's paramilitary policing in context: The risks of expediency*. Kabul, Afghanistan: Afghanistan Analysts Network. Available at: <https://www.afghanistan-analysts.org/en/special-reports/afghanistans-paramilitary-policing-in-context-the-risks-of-expediency/> (Accessed: 15 June 2022).
- Giustozzi, A. and Isaqzadeh, M. (2014) *Policing Afghanistan: The Politics of the Lame Leviathan*. Oxford University Press.
- Goodhand, J. and Sedra, M. (2015) *The Afghan Conundrum: intervention, statebuilding and resistance*. New York, USA: Routledge Taylor & Francis.
- Goodson, L. P. (2001) *Afghanistan's endless war: State failure, regional politics, and the rise of the Taliban*. University of Washington Press.
- Habib (2015) *Resisting Torture (in Dari language)*. Kabul, Afghanistan: Awista Cultural Foundation.
- Hakimi, M. J. (2021) 'The International Criminal Court's Afghan Dilemma: Complementarity and the Quest for Justice in Afghanistan', *Columbia Journal of Transnational Law*, 60, pp. 1-49.
- Hamdil, A. M. (2015) *The Law of Prison Administration (in Dari language)*. Kabul, Afghanistan: Ministry of Interior, Education Directorate.
- Hanser, R. D. (2013) *Introduction to Corrections*. Google Boo. Edited by R. D. Hanser. New York, USA: Sage publication Ltd.
- Haripoor, H. N. (1989) *An Overview of Policharkhi Prison of Kabul (in Dari language)*. Kabul, Afghanistan: Unknown.
- Hartmann, M. and Klonowiecka, A. (2011) 'Lost in translation: Legal Transplants Without Consensus-based Adaptation', in Mason, W. (ed.) *The Rule of Law in Afghanistan: Missing in Inaction*. Cambridge, New York, USA: Cambridge University Press, pp. 266-298.
- Bin Hassan, A. S. R. (2015) 'The Mufti-Mustafti Approach to Religious Rehabilitation', *Counter Terrorist Trends and Analyses*, 7(3).
- Hiebert, F. (2016) *The Silk Road in Afghanistan, National Geographic Archaeology*. Available at: <http://www.nationalgeographic.org/audio/silk-road-afghanistan/> (Accessed: 18 August 2019).

- Hollin, C. R. (2002) *An Overview of Offender Rehabilitation: Something Old, Something Borrowed, Something New*. Leicester, UK: University of Leicester.
- Holth, P. (2005) 'Two Definitions of Punishment', *Behavior Analyst*, 6(1), pp. 43-48.
- Husainkhail, N. M. (2013) *Prison and the Inmates' Rights Under Islamic Law (Feqah) and Modern Law (in Dari language)*. Open Islamic University of Iran.
- Hyden, G. (1999) 'Governance and reconstitution of political order', in Joseph, R. (ed.) *State, Conflict and Democracy in Africa*. Boulder: Rienner.
- ICC (2022) *Situation in the Islamic Republic of Afghanistan*. Available at: <https://www.icc-cpi.int/afghanistan> (Accessed: 20 March 2022).
- International Center For Prison Studies (2009) *Alternatives to Imprisonment in Afghanistan*. International Center For Prison Studies. Available at: <http://www.prisonstudies.org/sites/default/files/resources/downloads/afghanreporticps-versionfeb09.pdf> (Accessed: 28 November 2019).
- International Crisis Group (2003) *Afghanistan's Flawed Constitutional Process – Asia Report 56*. Kabul/Brussels. Available at: <https://www.crisisgroup.org/asia/south-asia/afghanistan/afghanistans-flawed-constitutional-process> (Accessed: 28 November 2019).
- Ishii, Y. (2021) 'Situation in the Islamic Republic of Afghanistan', *American Journal of International Law*, pp. 688-694.
- Jalali, A. A. (2006) 'The Future of Afghanistan', *Parameters*, 36(1), pp. 4-19.
- Jalali, A. A. (2016) *Afghanistan National Defense and Security Forces: mission, challenges, and sustainability*, *Peaceworks* No. 115. no 115. Washington, DC. Available at: www.usip.org (Accessed: 26 August 2022).
- Jason, C. H. (2022) 'More Secret Prisons and Abductions Amid Diplomacy Talks for Afghanistan', *Clearance Jobs*, 17 February. Available at: <https://news.clearance-jobs.com/2022/02/17/more-secret-prisons-and-abductions-amid-diplomacy-talks-for-afghanistan/> (Accessed: 6 September 2022).
- Al Jazeera (2021) 'Once inmates, Taliban now in charge of a Kabul prison', *Al Jazeera*, 14 September. Available at: <https://www.aljazeera.com/gallery/2021/9/14/inmates-taliban-charge-kabul-prison> (Accessed: 6 September 2022).
- Johannes van den Brand and Roagna, I. (2010) *Terminal Evaluation Report of Project AFG/R87 – Prison System Reform in Afghanistan Extension to the Provinces*. Vienna: UNODC. Available at: https://www.unodc.org/documents/evaluation/ProEvals-2009/ProEvals-2010/terminal_evaluation_report_r87-1_rev.pdf (Accessed: 28 November 2019).
- Johnston, H. (2016) 'Prison Histories, 1770s-1950s – Continuities and Contradictions', in Yvonne Jewkes, B. C. and J. B. (ed.) *Handbook on Prisons Second edition* Edited by. Second Edi. New York, USA: Routledge.
- Junaid, A. (2021) 'Afghan Peace Process: Prospects and Challenges', *Pakistan Social Sciences Review*, 5(1), pp. 505-515.
- Jupp, J. (2011) *Legal transplants as tools for the reform of Afghanistan's criminal law framework. An evaluation of the Interim Criminal Procedure Code 2004 and the Counter Narcotics Law 2005*. University of Sussex. Available at: <http://sro.sussex.ac.uk/39232/> (Accessed: 28 November 2019).
- Jupp, J. (2013) 'Legal Transplant as Solutions for Post-Intervention Criminal Law Reform: Afghanistan's Interim Criminal Procedure Code 2004', *American Journal of Comparative Law*. Hein Online, 61(1), pp. 50-92.

- Kakar, K. (2020) *Lessons from the 2004 Constitutional Process for the Intra-Afghan Peace Negotiations*. Kabul, Afghanistan.
- Kakar, M. H. (1979) *Government and Society in Afghanistan: The Reign of Amir Abd Al-Rahman Khan*. University of Texas Press (CMES Modern Middle East Series).
- Kakar, M. H. (1995) *Afghanistan: The Soviet Invasion and the Afghan Response, 1979-1982*. Berkeley. Los Angeles. London, USA: University of California Press.
- Kakar, M. H. (1997) *Afghanistan: The Soviet Invasion and the Afghan Response*. California, USA: Berkeley: University of California.
- Kallie, S. (2019) *Who Were the Mujahideen of Afghanistan?*, ThoughtCo. Available at: <https://www.thoughtco.com/the-mujahideen-of-afghanistan-195373> (Accessed: 20 February 2022).
- Kamali, M. H. (1985) *Law in Afghanistan: a study of the constitutions, matrimonial law and the judiciary*. Leiden: Brill (Social, economic and political studies of the Middle East; vol. 36. 821546686).
- Kaplan, R. D. (2001) *Soldiers of God With Islamic Warriors In Afghanistan and Pakistan*. Vintage Ed. New York: Vintage Books, Random House, Inc.
- Kohzad, A. A. (2018) *Afghanistan History – Tareekh-E Afghanistan (in Dari language)*. Vol I. Amazon Digital Services LLC – KDP Print US.
- Kristina, A. et al. (2017) *An Introduction to the Law of Afghanistan*. 4th edn. Edited by M. Galland et al. Stanford, CA: Afghanistan Legal Education Project (ALEP). Available at: <https://law.stanford.edu/publications/an-introduction-to-the-law-of-afghanistan-4th-ed-2017/> (Accessed: 28 November 2021).
- Landenberger, N. A. and Lipsey, M. W. (2005) 'The Positive Effects of Cognitive-behavioral Programs for Offenders: A Meta-analysis of Factors Associated With Effective Treatment', *Journal of Experimental Criminology*, 1(4), pp. 451-476.
- Lau, M. (2002) *Afghanistan's Legal System and its Compatibility with International Human Rights Standards*. Geneva. Available at: <https://www.icj.org/afghanistans-legal-system-and-its-compatibility-with-international-human-rights-standards/> (Accessed: 28 November 2019).
- Lee, J. L. (2019) *Afghanistan: A History from 1260 to the Present*. Reaktion Books.
- Listwan, S. J. et al. (2013) 'The Pains of Imprisonment Revisited: The Impact of Strain on Inmate Recidivism', *Justice Quarterly*, 30(1), pp. 144-168.
- Losel, F. (1995) 'The efficacy of correctional treatment: A review and synthesis of meta-evaluations', in James McGuire (ed.) *What works: reducing reoffending*. West Sussex, England: John Wiley & Sons.
- Luke Mongelson (2012) *The Great Taliban Jailbreak*, GQ. Available at: <https://www.gq.com/story/taliban-jailbreak-luke-mogelson-june-2012> (Accessed: 8 April 2022).
- Mack, G. (2012) 'Jurisprudence', in Al, G. B. et (ed.) *Princeton Encyclopedia of Islamic Political Thought*. online. Princeton: Princeton University Press.
- Mackenzie, D. L. (2005) 'The Importance of Using Scientific Evidence to Make Decisions About Correctional Programing', *Criminology and Public Policy*. The American Society of Criminology, 4(2), pp. 249-258.
- MacKenzie, D. L. (2006) *What Works in Corrections: Reducing the Criminal Activities of Offenders and Delinquents*. New York, USA: Cambridge University Press.
- Maggetta, N. and Seidman, R. B. (1987) 'Legal Drafting and the Defeat of Development Policy: The Experience of Anglophonic Southern Africa', *The Journal of law and religion*. New York, USA: Cambridge University Press, 5(2), pp. 421-472.

- Maley, W. (2020) *The Afghanistan Wars*. Bloomsbury Publishing (Twentieth Century Wars).
- Marquette, H. and Beswick, D. (2011) 'State Building, Security and Development: state building as a new development paradigm?', *Third world quarterly*. Routledge, 32(10), pp. 1703-1714.
- Martin, F. A. (1907) *Under the Absolute King*. Digilized. London & New York: Harper and Brothers. Available at: <http://www.archive.org/details/underabsoluteami00martcich> (Accessed: 10 April 2022).
- Martinson, R. (1974) 'What works ? Questions and Answers About Prison Reform', *The Public Interest*, 35(c), pp. 1-33.
- Martinson, R., Palmer, T. and Adams, S. (1976) *Rehabilitation, Recidivism, and Research*. Edited by M. Matlin. New Jersey , USA: National Council on Crime and Delinquency.
- Mashal Afghan News (2021) *The prison staffed by inmates released by the Taliban*, BBC News on Youtube. Afghanistan: Youtube. Available at: <https://www.youtube.com/watch?v=AjQNOjvtFYo> (Accessed: 12 May 2022).
- McPherson, T. (1967) 'Punishment: Definition and Justification', *Analysis*, 28(1), pp. 21-27.
- Mehran Weeda (2018) 'Neopatrimonialism in Afghanistan: Former warlords, new democratic bureaucrats?', *Journal of Peacebuilding & Development*, 13(2), pp. 91-105.
- Meri, J. W. (2005) *Medieval Islamic Civilization: An Encyclopedia*. Routledge. Taylor & Francis (Routledge Encyclopedias of the Middle Ages).
- Ministry of Justice (1976) *Penal Code*. Islamic Republic of Afghanistan: Official Gazette No 347, Issue 5 October 1976 (13 Mizan 1355). Available at: http://old.moj.gov.af/Content/files/Pages/OfficialGazetteIndex_D-header.htm (Accessed: 12 May 2021).
- Ministry of Justice (1983) *Law of Application Imprisonment in Prisons*. The Democratic Republic of Afghanistan: Official Gazette No 523, date January 1983 (15 Jaddi 1361). Available at: http://old.moj.gov.af/Content/files/Pages/OfficialGazetteIndex_D-header.htm (Accessed: 12 May 2021).
- Ministry of Justice (2000) *Law on Application of Imprisonment in Prisons*. Islamic Emirate of Afghanistan: Official Gazette No 793 date May 2000 (20 Jamadi-ul-awal 1421). Available at: http://old.moj.gov.af/Content/files/Pages/OfficialGazetteIndex_D-header.htm (Accessed: 12 May 2021).
- Ministry of Justice (2004) *Inerim Criminal Procedure Code*. The Islamic Republic of Afghanistan: Official Gazette No 802, Issue 25 February 2004. Available at: http://old.moj.gov.af/Content/files/Pages/OfficialGazetteIndex_D-header.htm (Accessed: 12 May 2021).
- Ministry of Justice (2006) *Charter for the Industrial Enterprise of Prisons*. The Islamic Republic of Afghanistan: Official Gazette, issue no 883, 20th April 2006 (31 of Hamal 1385). Available at: http://old.moj.gov.af/Content/files/Pages/OfficialGazetteIndex_D-header.htm (Accessed: 12 May 2021).
- Ministry of Justice (2007) *Regulation of Prisons and Detention Centers*. The Islamic Republic of Afghanistan: Official Gazette No 935 January 2007 (15/10/1386). Available at: http://old.moj.gov.af/Content/files/Pages/OfficialGazetteIndex_D-header.htm (Accessed: 12 May 2021).
- Ministry of Justice (2017a) *Law on Manner of Processing Publishing and Enforcing of Legislative Documents*. The Islamic Republic of Afghanistan: Official Gazette No 1246 date 2017 (Hoot 1395). Available at: http://old.moj.gov.af/Content/files/Pages/OfficialGazetteIndex_D-header.htm (Accessed: 10 June 2020).

- Ministry of Justice (2017b) *Penal Code*. The Islamic Republic of Afghanistan: Official Gazette-Extraordinary Issue No 1260, date 15 May 2017. Available at: http://old.moj.gov.af/Content/files/Pages/OfficialGazetteIndex_D-header.htm (Accessed: 12 May 2021).
- Ministry of Justice (2020) *Law of Prisons and Detention Centers*. Islamic Republic of Afghanistan: Official Gazette Issue No 1375 April 2020 (28/1/1399). Available at: http://old.moj.gov.af/Content/files/Pages/OfficialGazetteIndex_D-header.htm (Accessed: 12 May 2021).
- Morgan, D. (2010) *Essential Islam: A Comprehensive Guide to Belief and Practice*. Praeger/ABC-CLIO (Online access with subscription: Proquest Ebook Central).
- Morgan, M. J. (2007) *A Democracy is Born: An Insider's Account of the Battle Against Terrorism in Afghanistan*. Praeger Security International.
- Mukhopadhyay, D. (2009) *Warlords As Bureaucrats: The Afghan Experience*. New York, Massachusetts Avenue, 1779: Carnegie Endowment for International Peace. Available at: www.CarnegieEndowment.org/ (Accessed: 20 April 2022).
- Naylor, T. (2011) 'Deconstructing Development: The Use of Power and Pity in the International Development Discourse', *International Studies Quarterly*. Oxford Academic, 55(1), pp. 177-197.
- NSIA (2018) *Afghanistan Statistical Yearbook 2017-18*. Kabul, Afghanistan. Available at: <https://nsia.gov.af/library> (Accessed: 9 September 2019).
- NSIA (2019) *Afghanistan Statistical Yearbook 2018-19*. Kabul, Afghanistan. Available at: <https://rise.esmap.org> (Accessed: 9 September 2019).
- NSIA (2020) *Afghanistan Statistical Yearbook 2020*. Kabul, Afghanistan. Available at: <https://nsia.gov.af/library> (Accessed: 12 August 2021).
- Nur, A. V. and Nguyen, H., (2022) *Prison Work and Vocational Programs: A Systematic Review and Analysis of Moderators of Program Success*. Justice Quarterly, pp.1-30.
- Nyrop, R. F. and Seekins, D. M. (1986) *Afghanistan: a country study*. 5th edn. Washington, D.C: The American University (Area handbook series).
- Omrani, N. (2010) *Afghanistan and the Silk Road: The land at the heart of world trade, The United Nations Assistance Mission In Afghanistan*, Afghanistan Updates No.22. Available at: <https://unama.unmissions.org/afghanistan-and-silk-road-land-heart-world-trade-bijan-omrani> (Accessed: 18 August 2019).
- Onishi Norimitsu (2001) *A Nation Challenged: The New, Old Order; Afghan Warlords and Bandits Are Back in Business*, *New York Times*. Available at: <https://www.nytimes.com/2001/12/28/world/nation-challenged-new-old-order-afghan-warlords-bandits-are-back-business.html> (Accessed: 20 April 2022).
- Online Etymology Dictionary (2017) *Rehabilitate: Origin and meaning of rehabilitate, Etymonline*. Available at: <https://www.etymonline.com/word/rehabilitate> (Accessed: 13 July 2022).
- Otto, J. M. (1993) 'Politics, Administration and Rural development in Egypt', in Asmerom, H. K. and Jain, R. B. (eds) *Politics, Administration and Public Policy in Developing Countries: Examples from America, Asia and Latin America*. Amsterdam, the Netherlands: VU University Press, pp. 103-133.
- Otto, J. M., Stoter, W. S. and Arnscheidt, J. (2008) 'Using Legislative Theory to Improve Law and Development Projects', in Arnscheidt, J., Rooij, B. Van, and Otto, J. M. (eds) *Lawmaking for Development: Exploration Into the Theory and Practice of Interenational Legislative Projects*. Leiden, Netherlands: Leiden University Press, pp. 53-74.

- Palmer, T. (1975) 'Martinson Revisited', *Journal of Research in Crime and Delinquency*, 12(2), pp. 133-152.
- Palmer, T. (1983) 'The Effectiveness Issue Today: An Overview', *Federal Probation*, 47(2), pp. 3-10.
- Palmer, T. (1992) *The Re-emergence of Correctional Intervention*. California, UAS: Sage Publications.
- Palmer, T. (1995) 'Programmatic and Nonprogrammatic Aspects of Successful Intervention: New Directions for Research', *Crime & Delinquency*. New York, 41(1), pp. 100-131.
- Parkinson, S. (2010) *Means to What End? Policymaking and State-Building in Afghanistan*, *Synthesis Paper Series*. Kabul, Afghanistan.
- Pashtoon, A. (2017) 'The Impact of Culture on Policing in Afghanistan', in *Our Latest Longest War: Losing Hearts and Minds in Afghanistan*. Chicago and London: University of Chicago Press.
- Patman, M. S. (1991) *Bitter Memories: Policharkhi the Murdering Spot for Afghans (in Pashtu language)*. Peshawar, Pakistan: Society of independent Afghan writers (Wafa). Available at: http://www.afghandata.org:8080/xmlui/bitstream/handle/azu/15119/azu_acku_ds371_2_pay82_1370_w.pdf?sequence=1&isAllowed=y (Accessed: 9 September 2019).
- Perathoner, M. et al. (2011) 'Italy and the Rebirth of the Rule of Law in Afghanistan: The Italian contribution to justice reform over a decade 2001-2011'. Italian Development Cooperation Office – DGSC. Available at: <https://www.slideshare.net/search/slideshow?searchfrom=header&q=Perathoner%2C+Michela> (Accessed: 10 July 2020).
- Peters, G. (2009) *Seeds of Terror: How Heroin is Bankrolling the Taliban and Al Qaeda*. Kindle edn. Thomas Dunne Books.
- Ponzio, R. J. (2011) 'Implementing the Bonn Agreement for Afghanistan, 2001 to 2005', in Ponzio, R. J. (ed.) *Democratic Peacebuilding: Aiding Afghanistan and other Fragile States*. Onlin edn. Oxford: Oxford University Press. Available at: <https://oxford.universitypressscholarship.com/10.1093/acprof:oso/9780199594955.001.0001/acprof-9780199594955-chapter-4> (Accessed: 9 September 2019).
- Prashad, V. (2021) 'Afghanistan's long struggle with reforms and conservatism', *Frontline*, 10 September. Available at: <https://frontline.thehindu.com/cover-story/afghanistans-long-struggle-with-reforms-and-conservatism/article36036857.ece> (Accessed: 18 June 2022).
- Rahbari, S. (2018) 'From Normative Pluralism to a Unified Legal System in Afghanistan?', *Asian Journal of Law and Society*, 5(2), pp. 289-314.
- Rashid, A. (2001) *Taliban: Militant Islam, Oil, and Fundamentalism in Central Asia*. Yale University Press (Nota bene / Yale University Press).
- Rashid, A. (2010) *Taliban: the power of militant Islam in Afghanistan and beyond*. New [rev.]. London, UK: Tauris.
- RFE (2022) 'Scared Straight: Taliban treats drug addicts with a heavy dose of prison', *RFE/RL Gandahara, Radio Azadi*, 4 April. Available at: <https://gandhara.rferl.org/a/taliban-drug-addicts-prison-/31785402.html> (Accessed: 6 September 2022).
- Rhodes, L. A. (2004) 'Custody and treatment at the divide', in *Total Confinement: Madness and Reason in the Maximum Security Prison*. California, USA: University of California Press, pp. 131-143.
- Riggs, F. W. (1964) *Administration in developing countries : the theory of prismatic society*. Edited by D. . MacKean. Boston, Mass.: Houghton Mifflin company.

- Robert, M. P. (2009) *Afghanistan's police: The weak link in security sector reform*. 227. Wahington DC. Available at: www.usip.org (Accessed: 25 August 2022).
- Rome Conference (2007) 'Rome Conference on the Rule of Law in Afghanistan – Joint Recommendations', in, pp. 1-5.
- Ron Renard et al. (2013) *Independent Project Evaluation of the Criminal Justice Cluster: AFG/T03 – Criminal Justice Capacity Building – Extension to the provinces AFG/R87 – Prison System Reform in Afghanistan – Extension to the Provinces AFG/R86 – Strengthening Anti-corruption Me*. New York, USA. Available at: https://www.unodc.org/documents/evaluation/Independent_Project_Evaluations/2013/AFG_Cluster/03_Project_Cluster_Evaluation_Afghanistan_Criminal_Justice_Cluster_JULY2013.pdf (Accessed: 20 September 2019).
- Rostar, M. O. (1990) *The Policharkhi Prison: A Communist Inferno in Afghanistan (in Dari language)*. Lahor, Pakistan: Al-Arabia.
- Rotberg, R. I. (2007) *Building a New Afghanistan*. Washington DC: Brookings Institution Press.
- Rothman, D. J. (1971) *The Discovery of the Asylum: Social Order and Disorder in the New Republic*. Boston: Little Brown and Co.
- Rotman, E. (1990) *Beyond Punishment: A New View on The Rehabilitation of Criminal Offenders*. New York, USA: Greenwood Press, Inc.
- Rubin, B. and Hamidzada, H. (2007) 'From Bonn to London: Governance Challenges and the Future of Statebuilding in Afghanistan', *International Peace-keeping*, 14(1), pp. 8-25. Available at: <http://www.tandfonline.com/doi/abs/10.1080/13533310601114236> (Accessed: 9 September 2019).
- Rubin, B. R. (2004) 'Crafting the Afghan Constitution', *Journal of Democracy*, 15(3), pp. 5-19.
- Runion, M. L. (2007) *The History of Afghanistan*. Greenwood Press (Greenwood histories of the modern nations).
- Ruttig, T. (2013) *Islamists, Leftists and a Void in the Center. Afghanistan's Political Parties and where they come from (1902-2006)*, Konrad Adenauer Stiftung. Available at: <https://www.afghanistan-analysts.org/publication/other-publications/islamists-leftists-and-a-void-in-the-center-afghanistans-political-parties-and-where-they-come-from-1902-2006-2/> (Accessed: 29 August 2019).
- Ruttig, T. (2014) *Flash from the Past: Long Live Consensus – a look back at the 2003 Constitutional Loya Jirga, Political Landscape*. Kabul, Afghanistan. Available at: <https://www.afghanistan-analysts.org/en/reports/political-landscape/flash-to-the-past-long-live-consensus-a-look-back-at-the-2003-constitutional-loya-jirga/> (Accessed: 25 March 2022).
- Sachitra, V. and Wijewardhana, N. (2020) The road to develop prisoners' skills and attitudes: an analytical study of contemporary prison-based rehabilitation programme in Sri Lanka. *Safer Communities*, 19(1), pp. 15-34.
- Sadr, O. (2021) *The Republic and Its Enemies: The Status of the Republic in Afghanistan*. Kabul, Afghanistan: Afghan Institute for Strategic Studies (AISS).
- Schneider, I. (1995) 'Imprisonment in Pre-Classical and Classical Islamic Law', *Islamic Law and Society*, 2(2).
- Scott, Z. (2007) *Literature Review on State-Building*. London. Available at: <http://www.gsdr.org/docs/open/hd528.pdf> (Accessed: 24 February 2022).
- Seidman, A. and Seidman, R. B. (2009) 'ILTAM: Drafting Evidence-Based Legislation For Democratic Social Change', *Boston University Law Review*, 89(2), p. 435.

- Seidman, A., Seidman, R. B. and Abeyesekere, N. (2001) *Legislative Drafting for Democratic Social Change*. London; Boston: Kluwer Law International, 2001.
- Seidman, R. B. and Seidman, A. (1994) *State and law in the development process: problem-solving and institutional change in the Third World*. Edited by R. B. Seidman. Basingstoke [etc.]: New York, NY: Macmillan; St. Martin's Press (International political economy series 048693405).
- Senior, J. (2012) 'Healthcare', in Jewkes, Y. & H. J. (ed.) *Handbook on Prisons*. Routledge.
- Shah, S. M. (2009) *Afghanistan National Development Strategy Formulation Process: Influencing Factors and Challenges*. Kabul: Afghanistan Research and Evaluation Unit. Available at: <https://areu.org.af/publication/904/> (Accessed: 9 September 2019).
- Sherman, L. (2007) 'The Power Few: Experimental Criminology and The Reduction of Harm', *Journal of Experimental Criminology*, 3(4), pp. 299-321.
- SIGAR (2014) *Pul-i-Charkhi Prison: After 5 Years and \$18.5 Million, Renovation Project Remains Incomplete*. 15-11. Virginia. Available at: <https://www.sigar.mil/allreports/index.aspx?SSR=5> (Accessed: 20 August 2021).
- SIGAR (2020) *Afghanistan's Justice Sector Case Management System: Seized or Forfeited Assets Were Not Tracked and Nationwide Implementation is Not Complete*. 20-20. Available at: <https://www.sigar.mil/allreports/index.aspx?SSR=5> (Accessed: 20 August 2021).
- SIGAR (2021) *Hamid Karzai International Airport: Despite Improvements, Controls to Detect Cash Smuggling Still Need Strengthening*. 21-15. Wahington DC. Available at: <https://www.sigar.mil/allreports/index.aspx?SSR=5> (Accessed: 20 September 2022).
- SIGAR (2022) *Police in conflict: lessons from the U.S. experience in Afghanistan*. 22-23. Virginia. Available at: <https://www.sigar.mil/allreports/index.aspx?SSR=5> (Accessed: 20 September 2022).
- Singh, R. (2002) 'Emergency Loya Jirga shapes Afghanistan's future', *India Quarterly*, 58(2), pp. 173-86.
- Sinno, A. H. (2011) *Organizations at war in Afghanistan and beyond*. Cornell University Press.
- Skinner, M. (2008) 'Counterinsurgency and State Building: An Assessment of the Role of the Afghan National Police', *Democracy and Security*, 4(3), pp. 290-311.
- Sky, E. (2006) 'The lead nation approach: The case of Afghanistan', *RUSI Journal*, 151(6), pp. 22-26.
- Smith, S. S. (2011) *Afghanistan's Troubled Transition: Politics, Peacekeeping, and the 2004 Presidential Election*. First Forum Press.
- Spearit (2012) 'Religion as Rehabilitation? Reflections on Islam in the Correctional Setting', *Whittier Law Review*, 34(29). Available at: https://scholarship.law.pitt.edu/fac_articles/500 (Accessed: 20 September 2020).
- Stromseth, J., Wippman, D. and Brooks, R. (2006) *Can Might Make Rights? Building the Rule of Law after Military Interventions*. digital ed. Cambridge: Cambridge University Press.
- Suhrke, A. and Borchgrevink, K. (2008) 'Negotiating justice sector reform in Afghanistan', *Crime, Law and Social Change* 2008 51:2. Springer, 51(2), pp. 211-230.
- Suhrke, A., Harpviken, K. B. and Strand, A. (2004) *Conflictual peacebuilding: Afghanistan two years after Bonn*, *Development Studies and Human Rights*. Bergen, Norway: Chr. Michelsen Institute.
- Sykes, G. M. C. (1958) *The society of captives: a study of a maximum security prison*. Princeton, NJ: Princeton University Press.

- Tanner, M. S. (1995) 'How a Bill Becomes a Law in China: Stages and Processes in Lawmaking', *The China quarterly* (London). Cambridge, UK, 141(141), pp. 39-64.
- Tanner, M. S. (1999) *The Politics of Lawmaking in Post-Mao China*. Oxford: Oxford University Press (Studies on Contemporary China).
- Tarling, R. (1979) *Sentencing Practice in Magistrates' Courts*. London, UK: HMSO.
- Tarzi, A. (2012) 'Islam and Constitutionalism in Afghanistan', *Journal of Persianate Studies*, 5(2), pp. 205-243.
- Tarzi Amin (2005) *Afghanistan: Who Exactly Is The Enemy?*, *Radio Free Europe, Radio Liberty*. Available at: <https://www.rferl.org/a/1063214.html> (Accessed: 20 April 2022).
- Tellis, A. J. (2009) *Reconciling with the Taliban? Toward and alternative grand strategy in Afghanistan*, *Carnegie Endowment for International Peace*. New York Massachusetts Avenue, 1779. Available at: www.CarnegieEndowment.org/pubs (Accessed: 20 April 2022).
- Terrill, R. J. (2016) *World Criminal Justice Systems: A Comparative Survey*. 9th edn. Taylor and Francis. Available at: <https://www.perlego.com/book/2192687/world-criminal-justice-systems-a-comparative-survey-pdf> (Accessed: 20 September 2021).
- The Week (2021) 'Taliban executes former IS-K chief', *The Week*, 19 August. Available at: <https://www.theweek.in/news/world/2021/08/19/taliban-executes-is-k-chief-a-year-after-afghan-govt-jailed-him.html> (Accessed: 5 September 2022).
- Their, A. et al. (2003) *Afghanistan's political and constitutional development*. Edited by A. Their. Overseas Development Institute.
- Thier, J. A. (2004) *Reestablishing the Judicial System in Afghanistan*. no 19. Stanford: Stanford Institute for International Studies. Available at: <https://cddrl.fsi.stanford.edu/> (Accessed: 20 September 2020).
- Thier, J. A. (2006) 'The Making of a Constitution in Afghanistan', *N.Y.L. Sch. L. Rev.*, 51(3), pp. 556-579.
- Thiessen, C. (2013) *Local Ownership of Peacebuilding in Afghanistan: Shouldering Responsibility for Sustainable Peace and Development*. Lanham: Lexington Books.
- Tilly, C. and Ardant, G. (1975) *The formation of national states in Western Europe*. Edited by C. Tilly, G. Ardant, and Social Science Research Council. Committee on Comparative Politics. Princeton, N. J.: Princeton University Press (Studies in political development ; 8. 821696343).
- Tondini, M. (2006) 'The Role of Italy in Rebuilding the Judicial System', *Military Law and Law of War Review*, 45(1&2), pp. 79-118.
- Tondini, M. (2007) 'Rebuilding the System of Justice in Afghanistan: A Preliminary Assessment', *Journal of Intervention and Statebuilding*, 1(3), pp. 333-354.
- Tondini, M. (2009) 'Justice sector reform in Afghanistan: From a "lead nation" approach to a "mixed ownership" regime?', *Transition Studies Review*, 15(4), pp. 660-673.
- Tondini, M. (2010) *Statebuilding and Justice Reform: Post-Conflict Reconstruction in Afghanistan*. London & New York: Routledge Taylor & Francis (Cass Series on Peacekeeping).
- UN Security Council (2006) 'The Afghanistan Compact', in *Security Council, SC/8641*. New York. Available at: <https://www.un.org/press/en/2006/sc8641.doc.htm>.
- Una, A. et al. (2009) *An Introduction to The Criminal Law of Afghanistan*. Stanford, USA: University of Stanford.

- UNAMA (2011) *Treatment of Conflict Related Detainees in Afghan Custody*. Kabul, Afghanistan.
- UNAMA (2019) *Treatment of Conflict-Related Detainees in Afghanistan: Preventing Torture and Ill-treatment under the Anti-Torture Law*. Kabul, Afghanistan. Available at: https://unama.unmissions.org/sites/default/files/afghanistan_-_report_on_the_treatment_of_conflict-related_detainees_-_17_april_2019.pdf (Accessed: 20 September 2022).
- UNAMA and OHCHR (2021) *Preventing Torture And Upholding The Rights of Detainees in Afghanistan: A Factor for Peace – Afghanistan Torture Report*. Kabul, Afghanistan. Available at: <https://www.ohchr.org/sites/default/files/Documents/Countries/AF/2021report/2021-Torture-Public-Report.pdf> (Accessed: 20 September 2022).
- United Nations (2015a) 'Thirteenth United Nations Congress on Crime Prevention and Criminal Justice', in United Nations (ed.) *Doha Declaration*. New York: United Nations.
- United Nations (2015b) 'United Nations Standard Minimum Rules for the Treatment of Prisoners – The Nelson Mandela Rules'. United Nations General Assembly.
- United States Institute of Peace (2004) 'Establishing the Rule of Law in Afghanistan'.
- UNODC (2007) *Afghanistan: Female Prisoners and their Social Reintegration – Developing Post-Release Opportunities for Women and Girl Prisoners*. Vienna Austria. Available at: https://www.unodc.org/pdf/criminal_justice/Afghanistan_Female_Prisoners_and_their_Social_Reintegration.pdf (Accessed: 20 September 2022).
- UNODC (2017) *Roadmap for the development of prison-based rehabilitation programmes, criminal justice handbook series*. eBook. Edited by R. Allen, P. Meissner, and M. Jourdan-Ethvignot. Vienna: English, Publishing and Library Section, United Nations Office at Vienna. Available at: https://www.unodc.org/documents/justice-and-prison-reform/17-05452_ebook.pdf (Accessed: 20 September 2022).
- UNODC (2021) *Transforming policy into action: the legacy of the Doha Declaration Global Programme*. Available at: https://www.unodc.org/documents/dohadeclaration/Doha_Declaration_Achievements_Report_-_2016-2021.pdf (Accessed: 20 September 2022).
- Van der Meulen, E. and Omstead, J. (2021) *The limits of rehabilitation and recidivism reduction: Rethinking the evaluation of arts programming in prisons*. *The Prison Journal*, 101(1), pp.102-122.
- Wardak, A. (2004) 'Building a post-war justice system in Afghanistan', *Crime, Law and Social Change*. Springer Nature, 41(4), pp. 319-341.
- Wardak, A. (2011) 'State and Non-state Justice System in Afghanistan: The Need for Synergy', *Journal of International Law*. Philadelphia: University of Pennsylvania, 32(5).
- Wardak, A. (2016) 'A Decade and Half of Rebuilding Afghanistan's Justice System: An Overview', in Wardak, A. (ed.) *Supporting Primary Justice in Insecure Context Afghanistan and South Sdan*. Leiden: Van Vollenhoven Institute for law Governance and Development, pp. 5-23.
- Wardak, A. and Braithwaite, J. (2013) 'Crime and War in Afghanistan Part II: A Jeffersonian Alternative', *British Journal of Criminology*, 53, pp. 197-214.
- Wardak, A., Saba, D. and Kazem, H. (2007) *Bridging Modernity and Tradition: Rule of Law and the Search for Justice*. Islamabad: Army Press.

- Watson, A. (1993) *Legal Transplants: An Approach to Comparative Law*. 2nd edn. University of Georgia Press.
- Weber, M. and Parsons, T. (2003) *The Protestant Ethic and the Spirit of Capitalism*. Dover Publications (Dover Books on the American Indians).
- Wehr, K. and Aseltine, E. (2013) *Beyond the Prison Industrial Complex: Crime and Incarceration in the 21st Century*. 1st edn. Taylor and Francis.
- Weinbaum, M. G. (1980) 'Legal Elites in Afghan Society', *International Journal of Middle East Studies*. Cambridge University Press, 12(1), pp. 39-57.
- Western, B. and Sykes, G. M. (2020) *The Society of Captives: A Study of a Maximum Security Prison*. Princeton University Press.
- Wilder, A. (2007) 'Cops or Robbers? The Struggle to Reform the Afghan National Police', *Afghanistan Research and Evaluation Unit*, (July), p. 94. Available at: <https://areu.org.af/publication/717/> (Accessed: 20 September 2022).
- Wilson, D. and Anne Reuss (2000) *Prison(Er) Education: Stories of Change and Transformation*. Anne, eds. Waterside Press.
- Wilson, D. B., Gallagher, C. A. and MacKenzie, D. L. (2000) 'A Meta-analysis of corrections-based education, vocation, and work programs for adult offenders', *Journal of Research in Crime and Delinquency*. Sage Publications, Inc., 37(4), pp. 347-368.
- Wilson, J. A. and Davis, R. C. (2006) 'Good Intentions Meet Hard Realities: An Evaluation of the Project Greenlight Reentry Program', *Journal of Criminology and Public Policy*, 5(2), pp. 303-338.
- Woods, L. and Yousif, E. (2021) *Warfighting vs Institution-Building: America's Chronic Contradiction in Afghanistan, The National Interest*. Available at: <https://nationalinterest.org/blog/middle-east-watch/warfighting-vs-institution-building-america-s-chronic-contradiction> (Accessed: 18 February 2022).
- World Prison Brief (2021) *Afghanistan prison population update, World Prison Brief: online database*. Available at: <https://www.prisonstudies.org/country/afghanistan> (Accessed: 10 December 2021).
- Zulfiqar, A. (2020) *Prisons, Abolition and Islamic Legal Discourse, Islamic Law Blog*. Available at: <https://islamiclaw.blog/2020/10/29/prisons-abolition-and-islamic-legal-discourse/> (Accessed: 14 August 2022).

Curriculum Vitae

Najib Amin is an Afghan lawyer and development practitioner born in 1976. He received his basic and primary education in Kabul, Afghanistan. Najib studied law at Kabul University and earned a master's degree in Law and Economics from Bologna University, Italy. In 2016, he became an external PhD candidate at the Van Vollenhoven Institute for Law, Governance, and Society at the Leiden Law School of Leiden University where he also wrote this dissertation.

Najib began his career as an assistant lecturer of law at Kabul Law School, in 2001. In due course, he became an associate professor there, teaching Theoretical Criminology, General Criminal Law, and International Criminal Law courses, up until the end of 2020. In addition to his academic role, Najib served in other key capacities, which provided him with extensive experience in policy formulation, leadership, and organisational development.

From 2002 to 2004, Najib led the research and analysis department of the Afghan Constitutional Drafting and Constitutional Review Commissions and later served as Chief Rapporteur for the Afghan Constitutional Loya Jirga, which adopted the Afghan constitution in 2004. During 2004, 2007, and 2008, Najib also assisted the Asia Foundation with the design and implementation of Afghanistan's largest public opinion surveys.

Between 2008 and 2014, Najib served as Undersecretary for the Cabinet of the Islamic Republic of Afghanistan and Deputy Director General of the Office of Administrative Affairs. He resumed his government work in 2017 as Commissioner for the Independent Administrative Reform and Civil Service Commission of Afghanistan and Director General of the Civil Service Appointments Board until the end of 2020. His latter role involved overseeing Afghan government's public sector reforms and putting together a merit-based civil service appointments system.

In 2021 Najib advised the Afghan government on the situation of the Islamic Republic of Afghanistan at the International Criminal Court (ICC). As the government's focal point, Najib liaised with the ICC and facilitated inter-governmental coordination, mainly within domestic justice institutions. In addition to these engagements, Najib played a substantive role in all Jirgas and Loya Jirgas held from 2002 to 2021, and led policy and content management of the Loya Jirgas from 2008 to 2019.

In the range of books published by the Meijers Research Institute and Graduate School of Leiden Law School, Leiden University, the following titles were published in 2022 and 2023

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