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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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Citation

Amin, N. (2023, June 22). *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*. Meijers-reeks. Eleven International Publishing, The Netherlands. Retrieved from <https://hdl.handle.net/1887/3626666>

Version: Not Applicable (or Unknown)

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Note: To cite this publication please use the final published version (if applicable).

Propositions relating to the dissertation

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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1. The history of Afghanistan has been marked by a checkered and incomplete process of state-building due to internal and external dynamics, both of which appear to be obstructing progress in the foreseeable future as well.
2. Internal oppositions between 'historical blocks' have usually sparked tensions, rebellion, and civil unrest. It appears that the resolution of underlying internal tensions in Afghanistan is the key to a long-term solution and a prerequisite for sustainable development.
3. State-building demands more than establishing state institutions and training people. The process of state-building requires some level of synergy within relevant institutions that play a role, even if it is a marginal or small role.
4. Afghanistan's criminal justice system has been characterised by its punitive nature and misuse on the part of political elites and ruling governments throughout its history.
5. Afghanistan's prison system has historically been rudimentary and under-resourced. The birth of the Pul-e-charkhi has been a step towards improvement of the criminal justice system, albeit disputed.
6. After 2001, the international community and donors exerted a significant amount of influence on all major reform initiatives. These resulted in lopsided and sectoralised projects that failed to improve state institutions and, in fact, contributed to state fragmentation and incoherence.
7. Prison institutions appear to have primarily been concerned with conducting the War on Terror rather than fulfilling their normal function of dispensing justice and rehabilitating prisoners. The prison-based intervention programmes would at best qualify for a poor photocopy of international standards.

8. The legal reform initiative resulted in numerous 'project laws', which did more harm than good to the overall body of laws.
9. The Doha peace process and the Doha agreement, which were intended to resolve the ongoing war that had been at the core of Afghanistan's problems, also disrupted the reform and state-building processes and returned the country to its pre-2001 condition. As such they were exemplary for the post-2001 international involvement in Afghanistan.
10. The intentions of the international community in post-2001 reform of Afghanistan were not necessarily harmful, even though it is beyond doubt that they lacked the precise analysis, attention, specialised domestic knowledge required for thoughtful, well-coordinated approaches to reform.
11. The fact that Afghanistan's prison system is not equipped with advanced technologies (apart from a limited number of security cameras) has been a consequence of limited resources, and yet one of the most intelligent moves made during the post-2001 prison reform was not to push for them.
12. In the Afghan prison system, general social life has had a positive impact on the reduction of extreme isolation that is more prevalent in the Global North.