

DEPARTMENT OF DEFENSE BLOGGERS ROUNDTABLE WITH LIEUTENANT COLONEL PAM MCARTHUR,
COMMAND JUDGE ADVOCATE, AFGHAN REGIONAL SECURITY COMMAND-SOUTH VIA
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LIEUTENANT JENNIFER CRAGG, (Office of the Secretary of Defense for
Public Affairs): With that, we'll go ahead and get started for today. And I'd
like to welcome all of you to the Department of Defense's Bloggers Roundtable
for Tuesday, March 24, 2009. My name is Lieutenant Jennifer Cragg with the
Office of the Secretary of Defense for Public Affairs, and I'll be moderating
this call.

A note to the bloggers on the line today: Please clearly state your
name and the organization you're with prior to asking your question.

Today our guest is Lieutenant Colonel Pam McArthur. She's the Afghan
Regional Security Integration Command-South command judge advocate. She will
discuss the rule of law and mentoring of the Afghan army legal team. With that,
ma'am, I'm going to turn the floor over to you if you'd like to start with an
opening statement.

LT. COL. MCARTHUR: Thank you, Lieutenant. And thank you for that kind
introduction.

I am the ARSIC command judge advocate and the senior legal mentor to
the 205th Corps of the Afghan National Army in the southern region of
Afghanistan. I've also been -- had the opportunity to work in the rule of law
area as a legal mentor to the Afghan National Police.

I've had the unique and enjoyable position to mentor Afghan attorneys
and legal professionals in the Afghan National Army legal system. I work very
closely with their -- in their military justice system from the corps level down
and mentor Afghan National Army legal training as well oversee and mentor cases
from arrest through court martial.

I guess as a preliminary comment, I'd like to point out that the
military justice system in the 205th Corps was already functioning at a very
high level before I arrived here.

The corps legal staff was already processing cases, conducting courts
martial and generally handling the day-to-day business at a general Army corps.

In addition to the Afghan National Army, I come into contact with a
variety of other legal issues that arise through the Afghan National Police.

These issues tend to fall under the guise of rule of law and the enforcement of Afghan law and police procedure by the Afghan National Police.

I recently developed some training directed at Afghan constitutional rights as they pertain to Afghan police, and we are currently seeking to have this training approved by the Afghan National Police leadership for training to both the Afghans and the Americans.

LT. CRAGG: Great, ma'am. What we're going to do, go ahead and turn it over to the bloggers. We're going to go ahead and start with Andrew. He was the first one in line.

Andrew, please go ahead with your first question.

Q Colonel, Andrew Lubin here from The Military Observer. And thanks for taking the time to speak with us today.

LT. COL. MCARTHUR: Well, it's great to be here. Good to hear from home.

Q (Laughs.) We hope you say that when you -- at the end of the half-hour. But it's okay. Colonel, part of the rule of law is that everybody in that society accepts it, but Afghanistan, which has got a -- kind of a long history of bribery and corruption, you know, we may call it shaking people down, they're supplementing their salaries. How do you reconcile the two?

LT. COL. MCARTHUR: We really look at the rule of law as sort of a broad-spectrum approach. And, you know, from where I sit -- and you have to remember that I'm sitting on the Army side, and to a limited extent on the police side, it's kind of a united front. And when you look at corruption and the reasons for those kinds of things, it's sort of a -- it's sort of a broad spread. You can look at a million different reasons for it and how are you going to address all those reasons. So, you know, we look at it from the police side. We say, okay, we have to make sure, from where we sit as police mentors, that the police respect people's rights, that the police make sure that they are engaged with the judicial system and that the police are aware of their responsibilities.

Because you have to remember, we -- again, we are in the southern region, which -- there is a high level of kinetic activity, and the police are facing the same kinds of dangers that an Army faces, and IEDs and all kinds of other threats. And within the framework of that, they also have to do their policing mission -- you know, the day-to-day police business.

And, you know, you have to sort of touch on both, but you have to remember to emphasize, when we mentor, the rule-of-law aspects, such as Afghan constitutional rights.

And so as I said, from where we sit, I have not so much visibility into how they're doing on their court systems or the whole broad, as I said, approach to that, but we do work very closely with them and emphasize to them not taking bribes, not -- you know, that you are not for sale, that you don't shake people down.

And within their framework, there is a -- there are ways of handling cases like that that are handled by two Afghan attorneys that we work very closely with in Kandahar, and we prosecute those cases. And I have been present

when we have handled police misconduct. So to the extent, you know, it's within where I sit, we most certainly do face those issues and confront the very energetically.

And our Afghan counterparts are not -- you know, it's not as though they turn a blind eye either. There are enormously courageous leaders in the police that are faced with those issues and have to confront them themselves.

Q Hey, guys, since there's only two of us, can I follow up -- three of us, can I follow up?

Q Sure.

Q Chuck, if that's okay?

LT. CRAGG: Yes, go ahead.

Q But Colonel, I spent a fair amount of time in (the south of your area ?) with 205th Corps, when Tom McGrath was over there. The ANCOps (sp) are successful because they're retraining the local ANPs. And it seems, what I see when I was there, they're -- maybe on your level they're all for rule of law and -- (inaudible) -- but they're still shaking down the villagers for \$3 here, \$4 there. And they're selling out the missions, the ANA missions, to the Taliban. Isn't that still the problem? I mean, that really doesn't seem to have changed in the last two or three years.

LT. COL. MCARTHUR: You know, we can mentor on those issues. Obviously, we can't follow people around and -- down to that level. And I'm sure from your experience, you probably saw it, and I'm sure that you have some kind of anecdotal or personal experience. But from where we sit, the only thing I can say is that we address those problems when we find out about them. I mean, for example, we go out and we find out that someone has been doing something like that and we prosecute them.

And there's actually -- but, as I said, I don't have -- you're right, I may not have visibility all the way down to the lowest, you know, police officer, you know, patrolling, that he might do something like that. But what I can say is --

Q And that's the issue, because that's the one -- he's the face of the government with the local elders and local villagers.

LT. COL. MCARTHUR: Yeah, well, you know, well, there are a number of things we're doing. You know, we're making sure -- you know, some of that we felt was caused by, you know, problems in the pay system, that they weren't getting paid. So through a number of mechanisms here, they're getting -- you know, they're getting paid more reliably. They're being expected to uphold much higher professional standards.

So, you know, I can't fix that, you know, as I said, you know, so there's always going to be something anecdotally going on. But we have to kind of take a -- take a step back and say that that can happen in our own society, so it's a little disingenuous of us to throw rocks at -- you know, at folks here in this environment where, you know, because of the -- you know, obviously, the economic standards and things like that where, you know -- as I said, it's a little disingenuous to throw rocks at them for that kind of thing.

They are enormously brave men and they -- you know, they -- as I said, they are facing the threats that an army faces. They are not -- you know, it's not like they're walking around in, you know, downtown Long Island and Levittown and, you know, you're sort of generally safe. You are -- you know, you are in a combat zone.

So, you know, I know that doesn't excuse it, but to some extent, you know, they're not -- I don't see that as a real big -- not that it's not important, but it's not the biggest issue, because they're not -- they're very, very much in a combat situation and they're not -- there is not as much patrolling or general work of that nature going on. They are -- you know, they're driving down the road and getting blown up by IEDs.

Q Okay. Thank you.

LT. CRAGG: Okay, let's go ahead and go to Chuck, and then we'll go to Beth. Chuck, please go ahead.

Q Good evening, Colonel. Chuck Simmins from America's North Shore Journal.

LT. COL. MCARTHUR: Hi.

Q I'm going to kind of follow up on Andrew. Our justice system -- the western justice system, the American justice system -- has its roots that go back 2,500 years, so that when you and I discuss things like corruption in the police department, we have a common framework and a common expectation.

Afghans have a different history. Afghans have a different basis for their justice system. How do you find a common ground that -- where we share similar values, such as police officers not taking bribes? And how do you convince anyone, any Afghani, that -- that the things that we have value for should -- they should have value for?

LT. COL. MCARTHUR: Well, what I've found really enlightening since I came here was that their values are the same as ours. They have -- they place enormous value on fairness and on honesty and on telling the truth.

And the trials that I've sat in and the people that I've met -- you know, simply because you're in an environment that hasn't been -- you know, that has been through enormous changes over the, you know, the past 30 years doesn't mean that those values are not present. They're not really being expressed, you know, very forcefully or very evidently to us, but they are there. And I have sat in court martials where, you know, where the fundamental fairness and an honesty and lack of corruption are things that people are enormously concerned with.

So it seems like a misnomer to portray the Afghans as people that don't have those values. Those values are very much here and they -- it's -- as I said, it's just -- it was enormously enlightening to see that, because I sort of had that -- I was a little bit nervous about that coming over here. I didn't know what to expect.

Q Well, and in -- to follow up --

LT. COL. MCARTHUR: They're here already.

Q Yeah. To follow up, are the Afghans basing their military justice system on any one model, or are they amalgamating a number of different countries' method of military justice?

LT. COL. MCARTHUR: Their military justice structure -- at this point, about two miles from where I'm sitting -- is a complete office of a staff judge advocate that we would have at any United States Army corps.

Q So they're modeling after us right now.

LT. COL. MCARTHUR: Well, on the military side. On the civilian side, it's a little bit different, but the military side is almost identical. They have legal advisers down to brigade level. They have three judges that sit full time at the corps, because they have a three-judge system. They don't -- they don't call in a visiting judge, like we do. They have three that sit there permanently. And they have a staff judge advocate, a deputy staff judge advocate, a prosecutor, defense attorneys, legal NCOs, CID investigators, and they are enormously professional people. I've worked with all of them.

Q Thank you.

LT. CRAGG: Okay, Beth, please go ahead with your question. Q Ma'am, thank you so much for joining us. I have -- since there's only three of us, I'm going to be like the others and jump in with a couple of questions. But first, I'd like for you, if you could, to speak to just the challenge that you mentioned that the police face, that they are in a combat situation facing challenges that an army would face, as well as being peacekeepers. And how do they balance that? What's the practical guidelines that they're using out on the streets for this?

LT. COL. MCARTHUR: Well, you know, I only see it from the rule of law side. I'm the lawyer. I'm not a police officer and I'm not an operational person. So I see it only from the side. So I really can't speak too much to that, because it's a little outside my lane.

I'm just saying from what I've seen, you know, what reports come in and when I go to work with them on higher-level ideas, like when we mentor them on the Afghan constitution -- which, by the way, is very, very similar to ours, and I try to impress upon them, you know, confessions have to be voluntary; people have the right to a defense attorney; if someone won't let you in their home, you have to go get an order from a court -- you know, they are -- you know, you can just see on their faces and from the environment that I'm actually standing in when I'm having these words with them that it's a different environment than saying that to a police officer back home. You're in -- it's a little more rustic.

So you know, you can see, you know, that some of these concepts, when, you know, these guys have to travel around and face an assault, potentially, by Taliban, you know, you know, much like an army unit, that when you go to mentor, to some of these other areas, that it's a little foreign because of this different environment. So it's --

Q Certainly.

LT. COL. MCARTHUR: It's -- like I said, it's just tough. I couldn't speak to the balance, like when they go out on any given day, what they see.

I'm not on -- that far on the front line. But I guess it -- from what I've seen, that dynamic is there.

Q Can you speak just a few moments to the mentoring program that you mentioned that you're hoping will be accepted by the upper chain in the police department? What are the key missions of this mentoring program?

LT. COL. MCARTHUR: With the -- it's basically a set of training that -- where I took the Afghan constitution and the Afghan -- some of the Afghan legal concepts and their international treaties to which they have become a signatory and said: Okay, how does this pertain to the police force because of the combat environment? And eventually the kinetics will start to settle down, and they will do more conventional policing. How does their constitution and the fact that they need to be aware of it walk its way down from the constitution to the average police officer?

So I kind of went and looked at all the -- their constitution, some of their statutes and walked it down to Mr. Police Officer, this is why I'm standing in front of you saying you have a constitution, and it is not only your responsibility to be the arm of force of your government, but it is also your responsibility to protect the rights of the people in your areas.

So they -- you know, they kind of need to know both.

So it was exciting to see that their constitution had so many provisions that were just like ours, and to be able to say, okay, you know, the -- you are the guardians of this. And in that sense, like I said, it (walked it?) right down to, you know -- you know, innocent till proven guilty. That's Article 25 of the Afghan constitution. Crimes must be -- there's a due-process provision under Article 27. Voluntary confessions under Article 30; right to a defense attorney, Article 31. Article 38, can't go in the house without a warrant.

And it was -- it was just -- it was fun to see that, and it was exciting, and, you know, that's just kind of what we wanted to say, given that, you know, they do a lot of fighting, but they also need to know these other things which are important to police. So we're pushing that through and hoping that that will be something that, you know, they also are interested in doing.

Q Can -- what is the public perception of the police department at this time? Do you have any feel for that?

LT. COL. MCARTHUR: I shouldn't say. You know --

Q Okay. Certainly.

LT. COL. MCARTHUR: -- anything from where I sit is anecdotal.

Q Certainly. Okay. Thank you.

LT. CRAGG: Okay. If possible, let's go around the horn. We have a -- we have at least about 10 more minutes. Let's go to Andrew, then Chuck, and then Beth one more time.

Andrew?

Q Yeah. Colonel, I want to keep following up on this. I'm not sure where you're -- the -- you're in -- you're based in Kandahar, correct?

LT. COL. MCARTHUR: Yes, sir.

Q Are you able to get out to the -- I mean, the -- part of rule of law is that when the police -- when the ANP is going there -- and shake down the locals, that means you have no rule of law. So yeah, maybe up on your level you got somebody on trial and they court-martial him, whatever. But the local villager doesn't see that. He just sees one more generation of shakedowns by the police, which means that government's not worth anything, so why should he contribute to that? I mean, you've -- it strikes me that, if not you personally, people got to get down; that's the level that you have a rule of law or you don't. Otherwise you got this --

LT. COL. MCARTHUR: Well, that's why you have --

Q -- don't you have this society of (forcing ?) educated people, and everybody else doesn't?

LT. COL. MCARTHUR: Well, what we have is the police mentor teams that are out there with the police, and we have embedded training teams with the army. And they're our kind of eyes on the front -- on the front. And also, in those same areas, we have PRTs, the provisional reconstruction teams, which have, you know, rule-of-law people present there and people working on the development of the justice system.

And in addition, I get out and around to the various FOBs, and just by being there, you know, I can talk to them and go out. I go out with the PMTs and meet with the police: the police leaders, the provisional chief of police or district chief of police to talk to them about their issues. And in the course of just being there, you know, we can address those kinds of things.

But it's impossible to think that we could ever follow around every single ANP officer or, you know, employee and make sure that they didn't do some low level of corruption. I don't think that would be very realistic.

Q Well, no, you can't, not any more than you can do that in New York City.

But in New York City, the cop walks in there and he -- other than the guys who turn around and have a DUI here and there, you have -- you have a group of police who understand the system.

And if you don't -- if you have cops who don't understand the system, then they're worse than -- aren't they worse than having no cops?

LT. COL. MCARTHUR: I'm not sure what you mean that the police don't understand their own system. It's been --

Q If the idea -- if he wants to become an ANP because he doesn't really care about law and order, he just uses it a) as a job and b) he wants to shake people down so he can make more money at that, that's different than a cop who's going to turn around and want to turn around and provide some law and order.

These people don't -- the ones I've seen and I've spent, you know, most of my time up in the, you know, 201st Corps but, you know, some down in your AO -- they're not looking at this to be cops. They're just looking at this as a way to shake people down and make some money.

And so if you can't follow them around, you've got to replace them, because they're not doing the job, which is why the ANCOP program is -- was so successful.

LT. COL. MCARTHUR: I couldn't speak to that characterization, you know, of Afghan national police.

(Cross talk.)

I mean, to suggest that that, you know, that's a profile of them, I don't know how well-founded that is or not, that that's sort of outside my lane. All I know is, when I go out on the mentoring missions, when we have allegations of police misconduct, that they are aggressively pursued. And that would include down to that level. I just personally can't say I have ever seen that.

I have seen allegations of police misconduct where, you know, we would go out there and meet with the leaders and we'd actually see -- I actually saw a provincial chief of police arrest a district chief of police and imprison him.
Q Great. Okay, thanks.

LT. COL. MCARTHUR: So you can't say that that, you know, that that isn't someone who is enormously concerned with doing the right thing and, you know, taking a very brave move in the face of that.

Q Okay, fair enough. Thank you.

LT. CRAGG: Sorry, ma'am. I didn't mean to interrupt you. But let's go ahead and give Chuck and then Beth any last questions; either two of you.

Q Yeah. Yeah, I have one. Can you hear me?

LT. CRAGG: Yeah. Please go ahead.

LT. COL. MCARTHUR: Yes, yes.

Q Okay.

Do you have -- do you know, is the military rule of law discussed at all, during the training that Afghan soldiers undergo? Are they -- are they --

LT. COL. MCARTHUR: I don't know. In their basic training, you mean.

Q Yeah, and in the non-common officer training.

LT. COL. MCARTHUR: I do know that we conduct training among the brigades and we travel around to the various provinces and conduct -- well, actually, our Afghans, we go with them. They train one another, but we go with them and support them on their effort -- the training.

Q At what rank level though?

LT. COL. MCARTHUR: It will depend on --

Q Well, the ordinary, you know, PFC or corporal, are they learning that they have rights in the Afghan army, or -- I mean, how is the ordinary Joe?

LT. COL. MCARTHUR: Oh, absolutely. When we go into these various sites, there's different training that our legal people -- we'll either bring an SJA or a deputy SJA or one of the other legal leaders to train, but there are certain levels of training that are designed for the common soldier and there are certain levels of legal training that are designed for the leaders.

Normally, we would go out and we would gather the leaders together on Day One and give them their higher level military justice training, and then the next day gather available soldiers to conduct, you know, what soldiers need to know. They need to know that there is a punishment system. They need to know that -- you know, that they have rights. And it's a -- it's great to do and it's very, very enjoyable.

We will often leverage it with some other kind of training; in other words, if soldiers are being gathered for weapons training, we'll say, okay, we have a group here, let's get in an hour of legal training for them. Let's train them on the non-judicial punishment system. Let's train them on some other aspect of their rights because we simply have them together and it's a good time to leverage that kind of opportunity.

Q All right. Thank you.

LT. COL. MCARTHUR: So, the answer to your question is we do it at both levels, both at the leader level and down to the soldier level.

Q Okay. Thank you very much. LT. CRAGG: Okay, Beth, and then we'll turn it back over to -- go ahead, Beth.

Q Thank you. Ma'am, if I could just get a couple of personal things for the personal side of my blog. How long have you been in Afghanistan?

LT. COL. McCARTHUR: About seven months now.

Q Okay. And this is your first tour?

LT. COL. MCARTHUR: In Afghanistan, yes, ma'am.

Q Okay. Did you -- were you deployed to Iraq?

LT. COL. MCARTHUR: No, ma'am.

Q Okay. So I guess I can't ask how does this compare with the Iraqi police force.

Just on a scale of one to 10, 10 being where you want it to be and perfect, where would you say you are in the process of training the police force on the constitution and its implementation in regard to their responsibilities?

LT. COL. MCARTHUR: We're just beginning that right now, so --

Q Okay.

LT. COL. MCARTHUR: -- I'd have to say we're at the beginning. I couldn't rate its success or, you know, anything along -- it's kind of -- it's just anticipated at this point.

Q Certainly. Thank you.

LT. CRAGG: Thank you, Beth. And, then, ma'am, I'd like to turn it over to you if you'd like to close with a closing statement.

LT. COL. MCARTHUR: Sure. I've been here about seven months and it's been extremely rewarding and, you know, I came here like anyone else sort of not knowing what to expect, and what I found that was -- you know, the Afghan people were smart and they were justice-minded and they were very aware of events in their country as it pertains to the legal system. So they're aware of cases and legal conflicts all over their country.

We work very hard with them in the justice and law arenas, and I've always been impressed with their expertise and their commitment and their dedication. And I have to say with the character and determination of the leaders that I've seen and the legal professionals and the soldiers and police that I have enormous confidence in the potential for success in this country as I guess as you measure it by Afghan independent operation and ownership of all their legal mechanisms. LT. CRAGG: Thank you, ma'am. And a note to everyone on the call, today's program will be available online on Defenselink's bloggers page on that -- (audio break) -- have a story based on today's call as well as an audio file and the print transcript.

I'd like to say thank you, Lieutenant Colonel McArthur for attending today's DoDLive Bloggers Roundtable and as well the bloggers on the call.

This concludes today's event and thank you so much, ma'am.

LT. COL. MCARTHUR: Thank you.

LT. CRAGG: Thank you.

END.