

US PRIORITIES AT PARWAN: \$60 MILLION PRISON BUILT QUICKLY, \$2.7 MILLION COURTHOUSE LANGUISHED



The incomplete courthouse at Parwan.

In a report issued today (pdf), SIGAR provides details on how a project to build a courthouse at the Parwan complex languished with incompetent construction and poor oversight. It was only after SIGAR provided a draft version of their report that the contracting authority changed the status of their stop-work order from one that would have allowed the contractor to receive the rest of the funds without completing the work to a status that prevented a huge financial reward for shoddy and incomplete work.

But this courthouse project does not sit in isolation. The Parwan complex, and its predecessor, the prison at Bagram, have a deep history that provides a microcosm of the atrocities and incompetence that the US war in Afghanistan has come to represent. Never forget that it was at Bagram where Joshua Claus murdered innocent taxi driver Dilawar. Dilawar was murdered at Bagram only a few short days after Habibullah was murdered there, as well. But the US had grand plans for the Bagram air

base complex. From the background section of the SIGAR report:

The U.S. and Afghan governments signed a Letter of Agreement in 2006 that committed to improve governance by enhancing the administration of justice and rule of law. A key element in implementing this strategy was the development of a criminal justice facility known as the Justice Center in Parwan (JCIP). JCIP was designed to provide a secure facility for transferring Afghan combatants from U.S. military custody into the Afghan criminal justice system. The U.S. government was to assist with building, equipping, and operating the JCIP, as well as mentoring and training Afghan government personnel assigned to the facility. JCIP was planned as a complex of 11 buildings—a courthouse, offices, laboratory facilities, meeting hall, and housing—located adjacent to the existing Parwan Detention Facility, which is next to the Bagram Airfield north of Kabul. The courthouse was expected to be the centerpiece for Afghan national security trials.

But even though there was a detention facility at Parwan when that agreement was signed in 2006, the US quickly saw that its plans to detain thousands of Afghan citizens meant that a much bigger prison was needed. And indeed, a shiny new \$60 million prison was opened in 2010. And yet, the contract on the courthouse at Parwan wasn't signed until 2011:

On June 13, 2011, DOD's Bagram Regional Contracting Center (BRCC) 3 awarded a \$2.38 million firm fixed-price contract (W91B4N-11-C-8066) to CLC Construction Company (CLC) to build a courthouse at the JCIP complex.⁴ The design documents called for construction of a 2-story courthouse, including 4 courtrooms, 6

judge's chambers, 23 individual offices, and 4 holding cells. CLC was given 155 days to complete the project after the notice to proceed was issued on July 16, 2011. The contract also required CLC to perform engineering, review, verification, and concept design functions. On November 11, 2011, the contract was modified to increase the height of the courthouse ceilings and, as a result, the contract value was increased from \$2.38 million to \$2.67 million.

It does seem that 155 days is a very short time frame for a construction project of over \$2 million, especially if engineering and concept design are also included. But CLC fell behind immediately and what work they did was ridiculously incompetent:

Our site inspection on May 15, 2013, found that construction of the 2-story JCIP courthouse was incomplete and that the overall quality of CLC's workmanship was poor and could result in structural failures. Our inspectors estimated construction was about 15 percent complete and was limited to several exterior walls, concrete footings,⁶ concrete supporting columns, and rebar placement.

We observed numerous cracks in the concrete, exposed rebar in the concrete, and honeycombing⁷ in the concrete columns. We also noted incomplete pours of concrete resulting in cold joints,⁸ which could lead to future structural failure (see photo 2), and rebar that was bound together with wire instead of welded (see photo 3).

It appears that the oversight officer assigned to the job was not up to the task, but the contracting agency claimed he was qualified:

The CJIAF-435 COR told us that he felt unqualified to determine whether CLC was performing according to the contract's technical specifications. However, according to CJIAF-435 officials, the CJIAF-435 COR's military experience as a construction engineering supervisor qualified him to fulfill his responsibilities.

[CJIAF-435 = Combined Joint Interagency Task Force-435; COR = Contracting officer's representative]

So, good old JTF-435, the group responsible overall for prisons in Afghanistan, had authority over this project and assigned the COR. They had no trouble getting their \$60 million prison facility built and opened, but they just couldn't be bothered to make sure the courthouse got built, so they assigned oversight to someone who couldn't do the job.

It just seems that US only cares about imprisoning people in Afghanistan, not processing them through the courts. Recall that the handover of the Parwan prison itself to Afghan control has been delayed many times because the US wants some prisoners detained indefinitely without a court review. It should come as no surprise, then, that the courthouse construction project languished and died under JTF-435 control.