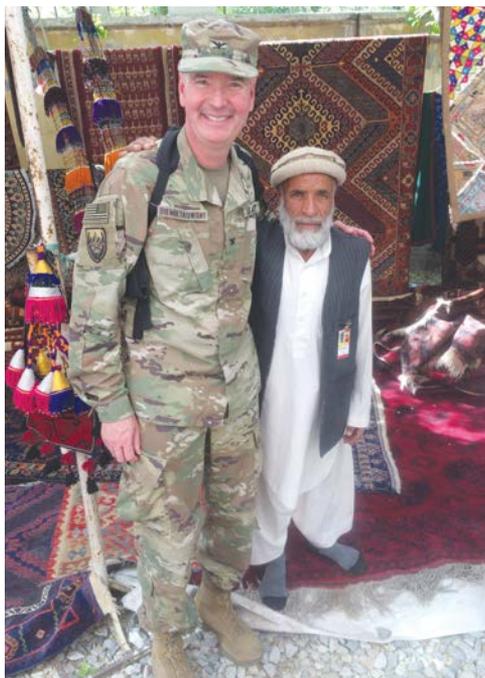


# From Commercial Litigation to Law in the Afghan War Zone



Left: Siemietkowski at Kabul market. Above: Siemietkowski (right) with Mohammed Farid Hamidi, attorney general of Afghanistan. Right: Siemietkowski, center, with colleagues in Kabul, standing in front of a "Mine-Resistant Ambush Protected" vehicle. Photos courtesy of John Siemietkowski.



Commuters in the DC metro area may dream of zipping overhead in a military helicopter, or cutting through the median in an armored vehicle. Army Reserve Attorney John Siemietkowski came close to that, when he traded the slog of his Washington commute for a stint in Afghanistan.

Colonel Siemietkowski, now recently retired from the Reserves, served as NATO's Counter-Corruption Director from October 2016 to September 2017. Currently a commercial litigation attorney in DC civilian practice, Siemietkowski swapped his business suits for body armor and his briefcase for a 9-millimeter pistol for a year.

As an officer in the Judge Advocate General's (JAG) Corps since 1988, Siemietkowski had held a variety of active-duty positions, including as a hospital general counsel, legal advisor at the U.S. Embassy in Paris, and professor of government contracts and fiscal law at the JAG School in

Charlottesville. A Reserve officer since 2002, Siemietkowski taught trial advocacy at the JAG School and was a criminal trial judge. In civilian practice, he has worked since 2002 for the Department of Justice's (DOJ) Commercial Litigation Branch in Washington, DC.

But in the summer of 2016, the Army asked Siemietkowski to deploy to Kabul, Afghanistan as part of Operation Resolute Support. Tasked initially with overseeing NATO's Rule of Law mission, Siemietkowski worked closely not only with U.S. forces, but also with colleagues from the U.S. Embassy, the United Nations Assistance Mission in Afghanistan (UNAMA), the European Union (EU), and multiple coalition embassies. Militaries from 39 nations comprise Resolute Support, requiring "Colonel S," as he was known, to operate in a multi-national and multi-lingual environment at his small, downtown Kabul base. Siemietkowski also worked closely with Afghan judges, prosecutors, and investigators.

"My year at Resolute Support was the most challenging — and most rewarding — experience of my professional career,"

Siemietkowski says. “The difficulties of being away from family combined with a grueling work pace were more than compensated by the sense of service and accomplishment, and amazing camaraderie.”

While in Kabul, Siemietkowski focused on developing and sustaining the nascent Afghan Anti-Corruption Justice Center (ACJC). “The ACJC was conceived of by my predecessor at Resolute Support, along with representatives from the United Kingdom’s Embassy and UNAMA,” he explains. “President Ghani decreed it into law in June 2016, and it officially opened just before I arrived in early October 2016.”

The idea behind the ACJC, Siemietkowski says, was to dedicate a court to prosecuting high-level corruption among government and private defendants. It was purposefully housed outside downtown Kabul, away from potential influence by Parliament, ministries, and the palace. The U.K. spent approximately \$2 million to build the ACJC a new facility, and the Resolute Support team and NATO oversaw that construction.

“We provided security advice, and members of the international community ponied up money for security screening equipment and other material,” Siemietkowski says. “Substantively, we encouraged the Afghan prosecutors to assemble evidence and begin bringing cases. We also had many discussions with prosecutors and judges to ensure the ACJC was operating within its jurisdictional limits.”

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Mentoring the ACJC involved its share of challenges. “The biggest task was garnering ACJC credibility in the face of a skeptical Afghan public,” he says. “Afghan prosecutors do not have a tradition of media relations as American prosecutors do, so we worked very hard at increasing Afghan media contact with the ACJC.”

Siemietkowski says they also needed to convince the Afghan government to allocate appropriate funds for the ACJC and ensure those funds reached the proper officials. There were more mundane challenges, too, like getting electric and Internet hook-ups to the new court facility and arranging septic disposal.

“For the new courthouse’s opening ceremony,” he says, “the Afghans literally ran a large extension cord from an adjoining Afghan military base to the new courthouse to power up the courthouse!”

Not surprisingly, living and working in Afghanistan also involved security challenges. Six weeks after his arrival, an enemy rocket hit Siemietkowski’s camp, landing about 50 meters from him. It did not explode, and fortunately no one was hurt. “Incoming” alarms frequently required Siemietkowski and his colleagues to seek shelter as the sound of rockets and car bombs rocked downtown Kabul outside camp walls. In May 2017, items flew around Siemietkowski’s living quarters and office as a truck bomb killed 150 Afghans just outside the diplomatic quarter. On one occasion, a helicopter in which he was flying dropped a flare, a sign that someone on the ground was potentially locking in on the chopper with a ground-to-air missile.

Siemietkowski thinks the Coalition’s counter-corruption accomplishments were well worth these risks, believing his mentoring of Afghan officials yielded demonstrable results: “When I arrived in early October 2016, the ACJC had just opened and was operating in temporary quarters. By the time I left in late September 2017, the ACJC had moved to permanent space and prosecuted approximately 72 defendants in about 30 trials. In a country beset with terrorist violence, some tangible successes like these give the Afghan people hope that the rule of law can succeed in their country.”

Siemietkowski credits his prior Army assignments and DOJ experience for preparing him for his Afghanistan counter-corruption mission: “Both institutions demand that attorneys be quick learners and hard workers, while also providing strong professional support networks.”

On the other hand, as he acknowledges, “Nothing can really prepare you for practicing law in a war zone!”