
Second Quarterly Report
July 2018
Kabul, Afghanistan
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**Acronyms**

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<tr>
<td>ACJC</td>
<td>Anti-Corruption Justice Center</td>
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<td>AG</td>
<td>Attorney General</td>
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<td>AGO</td>
<td>Attorney General’s Office</td>
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<td>AIBA</td>
<td>Afghanistan Independent Bar Association</td>
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<td>CMS</td>
<td>Case Management System</td>
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<td>CBR</td>
<td>Capacity Building for Results</td>
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<td>CPC</td>
<td>Criminal Procedure Code</td>
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<td>DAG</td>
<td>Deputy Attorney General</td>
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<td>DG</td>
<td>Director General</td>
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<td>EUPOL</td>
<td>European Union Police Mission in Afghanistan</td>
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<td>GIRoA</td>
<td>Government of the Islamic Republic of Afghanistan</td>
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<td>HR</td>
<td>Human Resources</td>
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<td>IDLO</td>
<td>International Development Law Organization</td>
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<td>INL</td>
<td>Bureau of International Narcotics and Law Enforcement Affairs</td>
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<td>JSSP</td>
<td>Justice Sector Support Program</td>
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<td>MEC</td>
<td>Independent Joint Anti-Corruption Monitoring and Evaluation Committee</td>
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<td>MoE</td>
<td>Ministry of Education</td>
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<td>MoHE</td>
<td>Ministry of Higher Education</td>
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<td>MoIA</td>
<td>Ministry of Interior Affairs</td>
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<td>MoJ</td>
<td>Ministry of Justice</td>
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<td>MoLSAMD</td>
<td>Ministry of Labor, Social Affairs, Martyrs, and Disabled</td>
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<td>MoU</td>
<td>Memorandum of Understanding</td>
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<td>MRRD</td>
<td>Ministry of Rural Rehabilitation and Development</td>
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<td>NDS</td>
<td>National Directorate of Security</td>
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<td>NLTC</td>
<td>National Legal Training Center</td>
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<td>SC</td>
<td>Supreme Court</td>
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<td>UNAMA</td>
<td>United Nations Assistance Mission for Afghanistan</td>
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<td>VCA</td>
<td>Vulnerabilities to Corruption Assessment</td>
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<td>WG</td>
<td>Working Group</td>
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1. Background and Summary of the Report

His Excellency the Attorney General of the Islamic Republic of Afghanistan invited MEC to carry out a Vulnerability to Corruption Assessment (VCA) in the Attorney General’s Office (AGO). The practical work on the assessment started in October 2016. The main purpose of this VCA was to identify the vulnerability factors of corruption and recommend reforms and changes to reduce risks of corruption in the AGO. In July, 2017 MEC released its Special Report: Vulnerabilities to Corruption in the Afghan Attorney General’s Office. The Report included 51 recommendations for improving the transparency. MEC is monitoring implementation of the recommendations for 24 months. Reports of implementation of the recommendations of this VCA will be provided Quarterly, with this report being the second one.

A remarkable outcome after the issuance of this Vulnerability to Corruption Assessment in the AGO has been the firm commitment of the leadership of the AGO and other stakeholders to support implementation of the recommendations.

Observations of the MEC monitoring team this Quarter indicate remarkable improvements in the implementation of recommendations compared to the First Quarter. Currently, out of 51 total recommendations, 16 recommendations were completely implemented, 23 recommendations were partially implemented, 11 recommendations were implemented to a limited degree, and one recommendation was not implemented at all. These striking improvements of the implementation of the Committee’s recommendations since the First Quarter indicate reforms are underway at the AGO. The actions and reforms are as follows:

- Conducting comprehensive training programs including establishing the Directorate of Professional Trainings,
- Taking action to avoid conflict of interest among prosecutors,
- Preparation of job descriptions for all prosecutors,
- Tashkiel reforms, Ratification of Annex Number Two of the Criminal Prosecution Code regarding implementing exchanges for imprisonment and detention,
- Expanding activity at the Directorate of Monitoring Oversight of Jails to avoid illegal and unnecessary detentions,
- Signing a joint MoU among the National Directorate of Security (NDS), Ministry of Internal Affairs (MoIA), Ministry of Defense (MoD) and the AGO for effective combatting of administrative corruption crimes in the security and defense sectors of the country,
- Opening a reception and information center,
- Involvement of Provincial Appellate Prosecution in planning and budgeting,
- Improvement of necessary monitoring over prosecutors’ performance,
- Signing construction contracts of Appellate Prosecution Offices in Kapisa, Laghman, Daykundi and Khost Provinces,
- On-going construction of AG’s offices in Kandahar, Logar, and Urozgan Provinces and Aqcha District of Jowzjan,
- Construction of an AG’s Office for Istalef District of Kabul is planned for the year 2018.

Other Ministries and rule of law related institutions including the Supreme Court, Ministry of Justice, Ministry of Higher Education, Ministry of Interior Affairs, Afghanistan Independent Bar Association (AIBA) and National Legal Training Center (NLTC), showed interest and preparation to implement MEC’s recommendations. The entities also shared updates regarding implementation of the Committee’s recommendations.
2. Status of Implementation of Recommendations at a Glance

The MEC team identified practical steps for each recommendation and determined specific indicators to ensure the effective implementation of recommendations and measure progress. Indicators have been shared with the AGO and other related stakeholders. Stakeholders were encouraged to share their opinions with the MEC team to enrich the report.
A recommendation was defined as ‘completely implemented’ when all practical steps regarding the recommendations were implemented. When half, or more than half, of the identified practical steps were completed, the recommendation was classed as ‘partially implemented’, which demonstrates 50 percent or more implementation. If the recommendation was at its most basic level, or only a practical step was identified (or part of that step was put in place) then the recommendation was classed as ‘limited implementation,’ indicating up to 25 percent implementation. If no action had been taken to implement the recommendation, it was classed as ‘not implemented.’

Problems which hindered implementation of recommendations were legal modification issues, changes in context or situations, or other specific, justified reasons given by the implementing entity. In such cases necessary reforms for revising the recommendation and its practical implementation will be taken in account.

3. Recommendations

The 51 recommendations issued by MEC cover broad areas relating to education and licensing; case management; investigation; sentences and detention; legal representation and awareness; organizational reform, planning and budgeting, and oversight and complaints. The recommendations include providing better education for prosecutors, providing more resources for investigations, improving facilities, reforming organizational structures and improving planning and budgeting. Other recommendations include strengthening the relationship and transparency in the AGO’s interaction with other agencies, encouraging
cooperation from government agencies, improving case tracking and reducing the reliance on detention and prison sentences, and providing oversight of prosecutor activities. Out of the 51 recommendations, 24 recommendations are exclusive to the AGO, 19 recommendations are related to the AGO and other implementing partners, and the remaining eight recommendations are related to AI BA, Supreme Court, MoHE, MoJ, MoIA and NDS.

4. Follow-Up Method For Implementing Recommendations

MEC’s work does not end with merely doing assessment of vulnerability to corruption in Government offices and providing recommendations, but what emerges is a new level of cooperation between MEC and relevant entities, which allow for better implementation of recommendations.

Following the issuance of the Special Report on Vulnerability to Corruption Assessment in the AGO in June 2017, the follow-up of the implementation of recommendations started in October 2017. MEC follows up on the implementation for the next 24 months in the form of Quarterly Reports.

MEC, in close cooperation with the AGO and other related organizations, collects necessary information for preparing the Quarterly Monitoring reports. The Quarterly format is analytical and includes achievements and major challenges. Additionally, MEC conducts further interviews for more clarification and assurance on the implementation process, as well as thoroughly reviewing documents, making observations, Provincial trips, and field visits. An authorized representative for each issue has been determined, and a number of individual and group meetings and interviews have been conducted with authorities in Kabul, Parwan and Herat Provinces.

5. Key Findings and Important Achievements

- A Directorate for Professional Trainings has been established in the AGO for the capacity building of prosecutors. Training programs for professional capacity building of prosecutors on various subjects have started, covering 57 trainings. Moreover, on May 22, 2018, an MoU was signed between AGO and MoHE. Based on this MoU, prosecutors and staff of the AGO can study their post-graduate education in the fields of Criminology and Public Administration at Kabul University.¹
- Employing and deployment of professional prosecutors for 20 Districts throughout the country -- many that have not had prosecutors for eight years.²
- AGO’s leadership has paid special attention to the reduction of violence against women by establishing a Deputy Attorney General (DAG) for Elimination of Violence Against Women, Juveniles, and Human Rights Support. The DAG has so far investigated 2,293 cases related to buying and selling, physical violence, injury, illegal and unjust firing, forced prostitution, rape, prevention from studying and work, not involving the women in inheritance, conflicts, marriage before a legal age, prevention from marriage, compulsory marriage, and compulsory work.³
- Previously transportation was one of the most important problems for prosecutors throughout the entire country, but currently this problem has been partly resolved.⁴

¹ AGO official website
² List of new Prosecution offices recently activated in Districts
³ List of cases of violence against women.
⁴ AGO’s report 26/2/1397 and findings of MEC working team in Parwan and Herat Provinces
• Job descriptions for all prosecutors have been finalized throughout the country. A new appraisal system and a new Department of Evaluation of Professional Attorneys’ Performance has been established in the AGO Tashkiel.

• Since the appointment of His Excellency Mr. Farid Hamidi as the AG, employment of females in different Departments of the AGO has noticeably increased. Female employment has increased from 3 percent to 20.7 percent.

• Construction of Attorney General buildings in Nuristan, Daykundi, and Khost Provinces, including necessary buildings such as a conference hall, a warehouse, and a reception center for clients, as well as a mosque.

• Creation of an Human Resources Management System, with more than 3600 staff of the AGO registered in this system.

The UN Assistance Mission for Afghanistan (UNAMA), in its latest report issued on May 15, 2018, has mentioned the firm commitment of AGO’s leadership for transparency and accountability, and the increase of integrity in the AGO office. The report was optimistic about the progress of AGO in anti-corruption, including its role in the High Council of Rule of Law and Anti-Corruption.

6. Implementation of Recommendations

**Recommendation 1:** Currently stage courses for new graduates of Law and Sharia are conducted by the Afghanistan Independent Bar Association (AIBA) and the National Legal Training Center (NLTC). Previously judges were attending professional law stage courses at NLTC, but the judicial authorities have their own professional legal stage program. MEC has recommended conducting a unified and comprehensive program. This recommendation was well noted and accepted by AIBA, NLTC, MoJ and the AGO, but the Supreme Court disagreed with this MEC recommendation.

The leadership of NLTC strongly supported conducting professional legal ‘stage’ courses based on MEC’s recommendation. If the leadership of the Supreme Court does not agree with the integration of stage courses, then the NLTC suggests with the integration of legal ‘stage’ courses for creation of a more unified language among judiciary staff, however, it is not clear if the Supreme Court will accept this solution.

Based on NLTC report, more than 200 individuals including, many attorneys attended legal trainings annually.

Findings of the MEC monitoring team in Parwan and Herat Provinces indicated that conducting legal courses for prosecutors in Provinces is ineffective due to the lack of professional experts for teaching prosecutors. The Director of the Appellate Court of Herat Province stated that if the program is conducted at the Provincial level, the quality will drop; therefore, the best solution is to have an institute or an academy at the national level, as provided in Egypt. The current stage programs now mostly focus on generalities, and there’s a need for judges to learn at a more professional standard, because civil, criminal and commercial sections are different from each other and each have their own issues.

However, during month of May 2018 the Defense Lawyers stage Program was officially inaugurated in Herat Province and the curriculum of the course was in line with the MEC recommendation; it contained practical work as well.

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6 AGO’s report 26/2/1397 and findings of MEC working team in Parwan and Herat Provinces
7 AGO’s official website
7 ‘Stage’ courses are specialist training programs to build professional capacity
Considering the above issues, so far, this MEC recommendation is classed as “partial implementation.”

**Recommendation 2:** MEC recommended the separation of Law faculty from other fields. Currently most of the Government and private universities have combined Law and Political Science and teach them together. Based on MoHE reports, Law and Political Science Departments of universities and institutes of higher education are discussing this issue and seeking a legal and logical solution to separate Legal studies from Political Science studies. Since this process is lengthy and requires technical facilities, human and financial resources, any practical implementation of this recommendation will take over a year.

According to the MoHE report, there are 121 institutes of higher education that have Law faculty at their institute and teach this subject. 109 institutes are private and among these seven teach Law separately from Political Science. At the 12 institutes of higher education in the Government sector, Law and Political Science are taught together.

The MEC recommendation also included the reduction of Law Faculties and enrollment based on the real needs of the country. The process of establishing private institutes of higher education has been stopped after the President’s Decree. However, annual production of graduates from Law Faculties remains above requirements.

**Recommendation 3:** Regarding the recommendation to revise the Law Faculty curriculum, especially with respect to the involvement of religious subjects and more practical work in law faculties (based on the MoHE report), the Academic Board of General Directorate of Integration of Academic Affairs was assigned to review and revise the curriculum of Law and Sharia.

MoHE conducted a national gathering for standardizing the curriculum. This included representatives of Ministries, Government independent offices, and representatives from different levels of society. The agenda for this national gathering was comprehensive. The Academic Board of the DG for Integration of Academic Affairs officially instructed all Government and private institutes of higher education to consider MEC’s recommendation and implement it.

According to MoHE report, the issue of the revision is in process.

**Recommendation 4:** This recommendation addresses AIBA and relates to improvements in license issuance for defense lawyers and has been implemented. According to AIBA reports, the graduates from Law and Sharia, need to receive the circular form from AIBA after passing the attorney test which includes full identification, qualification, etc. This form will be referred to the relevant university, Revenue Department of MoF, MoIA, and Ministry of Labor, Social Affairs, Martyrs & Disabled (MoLSAMD) for review and approval. After payment of membership fee and verification of educational documents by MoHE, the applicant will swear an oath. The attorney license is annually renewed by AIBA. This recommendation is considered implemented.

According to the AGO authorities’ statement, there is a similar mechanism whereas MoLSAMD reviews newly employed prosecutors’ documents and assures that the individual does not have another Government job.

**Recommendation 5:** Regarding continuous legal trainings for prosecutors, AGO has started the work on a new Law for Organization and Authorities of the AGO and the conditions of continuous trainings for prosecutors are part of that.

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8 MoHE report, Jadi 1397
9 MoHE report, Sawr 1397
AIBA believes that there is no need to modify the Law but the recommendation can be implemented by bringing reforms and changes in policies and other documents. This recommendation is well noted and accepted.

**Recommendation 6:** This recommendation is about employing prosecutors and consideration of their qualifications. Article 28 of the AGO’s Law stipulates the employment of prosecutors through competitive, fair and unbiased processes. Additionally, the issue has been included in the modified Law of the Organization and Authorities of the AGO. Currently prosecutors are employed based on a procedure including passing the professional legal studies period successfully and competition. Currently out of 1200 applicants for prosecution positions, 482 individuals have been shortlisted. After their documents have been reviewed, and based on need, qualified candidates will be employed.

**Recommendation 7:** This recommendation is related to assigning AGO prosecutors outside the capitol. The AGO has a Working Manual for assigning prosecutors from the Central AGO to Provinces for investigation of specific cases. Assigned prosecutors will report to the Central AGO after completion of their investigation. The main purpose of this recommendation is obtaining assurance of transparency in assigning prosecutors from Central AGO to Provinces, from one Province to another, or from Province to District locations. After detailed discussions with authorities, MEC accepts that the current system is sufficient since the AG is authorized to assign prosecutors for special cases, based on need and justified as an operational procedure.

Further, the AGO has ordered all prosecutors in Kabul and Provinces to officially inform the HR Directorate of the AGO of the assignment and non-assignment of attorneys; if they are not present for their assignment, they will be fired, according to Law. In evidence, an HR letter regarding the Appellate Prosecutor of Badakhshan Province on the appointment of one of the prosecutors was shared with the MEC team.

**Recommendation 8:** A committee has been formed to work on the job description of prosecutors according to Articles 13 to 18 of the Law of Organization and Authorities and Articles 145 to 167, and 168 to 177 of CPC. For implementation of this recommendation, the General Directorate of Human Resources has prepared the job description for all prosecutors; a sample was shared with the MEC team. Moreover, to improve prosecutors’ performances, a new evaluation system has been created, and the Department of prosecutors’ performance evaluation has been added to the Tashkiel. This recommendation is classed as implemented.

**Recommendation 9:** All prosecutors in the case of misdemeanor detain the accused for up to 7 days, and in the case of felony detain the accused up to 15 days, in accordance with Article 100 of the CPC. If needed, they can request the related court for extension of detention. Moreover, Article 149 of the CPC compels prosecutors to complete the investigation and the case considering an extension of the detention of misdemeanor for 27 days and the felony for 75 days. If the defendant is not under detention, the investigation can be extended to 90 days for a misdemeanor, and up to 180 days for more serious crimes.

The AGO has issued a circular for implementation of this recommendation to all Provincial Directorates. This instructs all prosecutors and staff to perform their work in accordance with the authority of the AGO to avoid congestion of cases. In case of a lack of capacity, the Head of Prosecution is instructed to pay attention to capacity building. According to the workload at level 1 Provinces, 10 professional and administrative positions were added, and in other Provinces, 2 professional positions were added. The MEC team travelled to Parwan and Herat Provinces and determined that previously there had been problems in professional capacity, though

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10 Meeting with authorities of AGO, 3 Dalw 1396
11 Copy of letter (2228) 2/3/1397 DG HR
12 Criminal Procedure Code
13 Circular, Jadi 2, 1396
these were partly resolved in Herat by adding 10 staff (7 professional positions and 3 administrative positions). The prosecutors in Parwan and Herat have commented that requirements of higher education were a factor. However, with the new support for reform, five prosecutors who did not have higher education in Herat were pushed to take early retirement and five competent females who have completed their practical work will soon replace them. To achieve implementation of this recommendation, the AGO has accomplished the following:

- Preparation and approval of the 1397 Tashkiel, with an increase of 923 positions;
- Transferring of 147 competent administrative staff to professional positions, among which 62 were in the central AGO and 85 in Provinces;
- Employment of 103 females who had higher education and were qualified as prosecutors;
- Employment of 30 qualified females as the Heads of Departments of Elimination of Violence Against Women in the center and Provinces;
- Employing and deploying professional prosecutors to 20 Districts without Attorney General representatives.

Based on these accomplishments, this recommendation is classed as implemented.

Recommendation 10: According to the AGO, 850 prosecutors and staff utilize e-attendance systems (fingerprint scanning). This includes staff of the Anti-Corruption Justice Center and the Anti-Corruption and Prosecution Office for Counter-Narcotics. Reportedly, the system will be implemented in all offices by end of the current year.

The observations of the MEC monitoring team during a field mission to Parwan and Herat Provinces showed that prosecutors and administrative staff were attending their jobs regularly and that there was strict monitoring of attendance by the responsible authorities. However, due to security problems, prosecutors, judges, defense lawyers, and Legal Aid providers' work within insecure Provinces remains a serious challenge.

Recommendation 11: According to the AGO, the draft format of the Conflict of Interest Form has been prepared for prosecutors. This was finalized by the Legislative Committee of the AGO and sent to the High Council for ratification. A draft section of the Conflict of Interest Form stipulates: “...during the official working time, except for assigned duties, I don’t do any personal task (advocacy, consultancy, trade), or other tasks, which impair my main assignment.”

The Code of Conduct and Professional Standards for Prosecutors, Article 19, stipulates “Prosecutors are not dependent on any entities which may influence values, and bias the professional conduct of attorneys, or weaken the public trust in an impartial and fair judiciary for the follow up of legal cases.” It further states that prosecutors, while holding a job “...can’t be involved in any commercial or social tasks which will have a negative impacts on the attorneys’ fair judgment and ethical performance of his assignment and influence him to misuse his attorney’s position or encourage attorneys to engage in activities which may lead to conflict of interest.”

Directorate General of Human Resources has prepared a Conflict of Interest Form, which will be provided to all prosecutors. Completed forms will be kept in the HR Department of the AGO with the prosecutor’s application.

14 Conflict of Interest form
15 Code of Conduct and Professional Standards of Prosecutors
**Recommendation 12:** According to AGO reports, approximately 1200 police officers and prosecutors have been trained through support from the European Union Police Mission in Afghanistan. The AGO is committed to joint training programs between the police and prosecutors, in cooperation with MoIA, to build skills for investigating criminal cases. The DAG for Elimination of Violence Against Women, Juvenile Violations, and Human Rights Support has conducted a training program for coordination in cooperation with IDLO. This is focused on solving family violence and conflict through unofficial justice and mediation.

**Recommendation 13:** This recommendation is about the cases which have been referred to the AGO by detectives and other Ministries. The AGO previously sent a chart\(^{16}\) of the follow-up of cases at the High Office of Oversight and Supreme Audit Office, including sending hundreds of these cases back for information. Examples of these letters and chart have been inspected by the MEC team. The AGO has also officially informed MoIA about the cases referred to the AGO.

**Recommendation 14:** The AGO is applying strict measures to assure all cases are recorded in the case management system. The case management system is currently being used in all 34 Provinces. Since the beginning of 1391 the AGO has entered 384,144 cases in the case management system. For speed in recording cases, 2 positions have been added in all Attorney General’ Offices across the country on the 1397 Tashkiel.

Observations of the MEC team from the trip to Parwan and Herat Provinces demonstrated that the case management system is operative in both these Provinces, but the system in the Districts has faced serious problems due to insecurity, lack of electricity, internet etc. It was observed that the cases related to Districts are instead recorded in the Provincial systems. Authorities in the AGO reported that the implementation of systems have had specific problems. As a result, both electronic and manual systems are being used in practice to manage risk. Additionally, police are not fully equipped with the case management systems as the first source of detection and detention. Consequently, when the AGO receives cases from the police, they must refer to the traditional, manual system. Currently the Supreme Court, with assistance of the Justice Sector Support Program (JSSP) and the Bureau of International Narcotics and Law Enforcement Affairs (INL), is leading the implementation of the case management system.

**Recommendation 15:** This recommendation is focused on providing necessary facilities and equipment for Prosecution Offices in Districts, as well as the utilization of the electronic case management system by Prosecution Offices in Provinces and referral entities.

Observations of the MEC team from the trip to Parwan and Herat Provinces demonstrated that the case management system related to cases in Districts are instead recorded in the Provincial systems.

**Recommendation 16:** The AGO has issued a circular\(^{17}\) to all Appellate Prosecution Offices which stipulates: “In Provinces where the case investigation cannot be done comprehensively, due to insecurity, the Director is authorized to refer the case for investigation to neighboring Districts.” Transferring such cases is done under strict and special conditions. The related Province is asked to prepare a report and the Attorney Board of Advisors will evaluate it. Based on the recommendation of the assigned Review Committee, the AG decides about the transferring of cases between Provinces.

\(^{16}\) Chart of cases of HOOAC and SAO referred to AGO and actions taken

\(^{17}\) Circular, Jadi 2, 1396
Recommendation 17: According to the AGO report\textsuperscript{18}, the offices in the field should be using the email and case management systems to speed up the procedures in identifying crimes and at the level investigation, based on Section 12, Articles 270 to 274, of the CPC.

Recommendation 18: The purpose of this recommendation is to unify the numbers of cases between the Supreme Court, the AGO, and MoIA. Regarding case investigations, the AGO pays special attention to differences in case reports. The AGO has issued specific orders to the Statistic Department and Directorate of Investigation to study, analyze, and unify the number of cases so that in the future they can prepare Quarterly and Annual Reports.

Based on Supreme Court reports, primary, appellate, and Supreme Court cases are recorded in the case management system. There is a Monitoring Board overseeing the case management system for Civil and Criminal systems, and therefore, the Supreme Court suggest it is more effective if the responsibility for unifying the number of cases remains with the Monitoring Board.

Recommendation 19: This recommendation addresses those Government employees who do not clearly respond the investigating inquiries (Istelam) of the AGO. According to the AGO report, there is a legal solution. Paragraph four, Article 11, Law on Structure and Authority of AGO, stipulates: “Suspending and banning from travelling, and other financial and precautionary steps against detainees, and removing them, are within the authority of the AG,” in such cases. Orders dismissing some high ranking Government employees who did not provide necessary documents for an investigation team were shown to the MEC monitoring team\textsuperscript{19}.

Recommendation 20: This recommendation is related to taking actions regarding conditional freedom in criminal cases, except when there are known dangers and the risk of escape. Articles 105 to 111 of the CPC specify this type of case and permit freedom based on a bond, or guarantee. Article 195 stipulates: “The AGO and court can, having a reason of evidence and based on their own decision or request of the detainee or his representative, release the detainee based on guarantee (or without it)”\textsuperscript{20}. Articles 105 to 111 clarify the issue and the recommendation is considered implemented.

Recommendation 21: One of the most important achievements of the AGO is the approval of the Tashkiel of the Directorate of Professional Training. This aims to improve the professional capacity of prosecutors. The strategic plan for training programs for building professional capacity in the AGO in 1397 has been shared with the MEC monitoring team. Training programs have been prepared and designed based on a training needs assessment conducted by the AGO. According to this plan, the Directorate of Professional Training has conducted 20 training programs in Kabul, Badakhshan, Balkh, Kandahar, Nangarhar and Herat in the first Quarter of 1397. These training programs included including document collection, the principals of prosecution, and databases. Additionally, six training programs on Criminal Codes have been conducted for Directors in the central AGO. In total, 684 prosecutors, including both males and females, benefited from the training programs.

Other training programs are included in the strategic training programs of this directorate such as stopping torture, investigation processes, collection of crime evidence, home search, human and personal property search, attachment and seizure, sexual crimes, violence issues, preliminary inquest of administrative

\textsuperscript{18} AGO report 26/2/1397
\textsuperscript{19} Proposal 14/1/1397 and approval of AG for pending jobs of two government’s high ranking staff
\textsuperscript{20} AGO report, 26/2/1397 and CPC
corruption cases in courts, general principals of fair trial, crime scene procedures, bribery, misappropriation and its related crimes, theft, forgery and removal of documents, and forensics.

**Recommendation 22:** The AGO recognizes that analysis of crime evidence, forensic expansion in Provinces, investigation of fingerprints, ballistic issues, and providing necessary equipment as the important activities to be completed and supports them continuously. According to interviews with the AGO, they have raised these issues with the authorities of MoIA and MoPH many times.

The existence of properly equipped Criminal Forensic Laboratories in each Province is an important issue with regards to providing justice that’s fair and supportive of comprehensive investigations. They acknowledge that in most cases, the results from Forensic Laboratories are the basis of court judgments.

Findings from the MEC monitoring team Provincial missions showed there was a well-equipped Criminal Forensic Laboratory in Herat province, with only DNA testing equipment still required. However, in Parwan Province, there was no Criminal Forensic Laboratory, and as in most Provinces, the judiciary entities there complain about the lack of such Laboratories and equipment.

**Recommendation 23:** This recommendation is related to the provision of transportation for prosecutors to visit crime scenes, detention centers, or investigation sites. When prosecutors use private transport, there is the problem of reimbursement. Previously transportation was one of the most important challenges for prosecutors. However, as the result of the AGO leadership efforts, this problem has reportedly been resolved.

According to the Director of the Parwan Appellate Prosecution Office, a sufficient number of transportation vehicles have been provided to them. The Appellate Prosecution office in Herat received two vehicles from IDLO and two vehicles from the central AGO and has received fuel for both vehicles to resolve the transportation problem. However, the transportation problems at the District level and in insecure areas remain a serious problem.

**Recommendation 24:** Security is one of the most serious problems for prosecutors, judges, defense lawyers and Legal Aid providers in insecure Districts. For a partial resolution of this problem, for instance, the Herat AGO representative has signed an MoU with the Province Military Council for secure transportation of attorneys in insecure districts, whereby prosecutors travel in military convoys to go to the field, and are taken to their residence in the same military convoys. Regarding their per diem, Paragraph 4, Article 75 of the Transport, Per Diem and Allowance Regulation Manual stipulates: “...if a civil servant travels on land a distance of 20 to 150 kilometer, per day, he deserves to receive 1000 AFN per diem.”

**Recommendation 25:** According to the AGO report, a committee has already been established to prosecute the cases related to Ministers. Reportedly, the cases of five former Ministers have already been sent to an authorized court for legal judgment.

**Recommendation 26:** Regarding this recommendation, Article 176 of the CPC states, “...after referring the case to court, the prosecutor has to coordinate the preliminary investigation period of the case with the corresponding office and officially inform the people who are required to be present.” According to the AGO report, this Article is being implemented.

Observations from Provincial missions of MEC’s monitoring team show that judiciary trials are conducted publicly and the agenda of sessions is sent a few days ahead of time to prosecutors, defense lawyers, judges, prison wardens and all other people who are required to attend and ask them to be present for the trial. Based on these observations, there no longer appears to be a problem in this regard.
This recommendation is considered implemented.

**Recommendation 27:** This recommendation is related to mechanisms for regulating the amount of time for notice to attorneys and prosecutors for trials. According to Supreme Court reports, Article 207 of the CPC, in case of criminal cases the court must inform the parties five days before trial. According to article 130 in the Law of Civil and Commercial Trial Principles, in civil cases, the defendant and defense lawyer must be informed 10 days beforehand. Since the Laws have stipulations in this regard, there is no need to have any new mechanism.

The MEC monitoring team observations during Provincial missions found that open trials are being conducted in accordance with established Laws; the agenda of the trials are communicated to prosecutors, defense lawyers, judges, prison wardens and all other people required, asking them to be present for trial, and there were not any problems observed.

This recommendation is considered implemented.

**Recommendation 28:** This recommendation is focused on the preparation of a manual to encourage courts to rule for an acquittal if the Supreme Court does not provide sufficient evidence for a case. According to the Supreme Court report, if a detainee’s innocence is proved in trial, Article 5 of the Criminal Code stipulates acquittal is the principal outcome. So long as the authorized court has not condemned a person as a criminal, he is innocent, and Article 25 of the Constitution stipulates that he be acquitted. Therefore, there is no need to prepare a new mechanism or conduct a training program.

Attending and completion of a 2-year judiciary professional studies stage is one of the conditions for pursuing a legal profession. These studies includes comprehensive theoretical and practical trainings that include the issue have been raised in this recommendation.

This recommendation is considered implemented.

**Recommendation 29:** Regarding appeal processes, AGO has issued an official letter which instructs all Appellate Court prosecutors: “...during investigation and legal decisions regarding appeal cases, related Appeal Prosecution Offices must act in accordance with Section 11 of the CPC (Articles 246 to 262) and refrain from taking opposite decisions in similar cases.”

Article 246 of CPC stipulates: “…when a detainee or his legal representative and defense lawyer disagree with a preliminary court’s decision, they must submit their disagreement to an Appellate Court either directly or through an authorized court.”

Since Articles 246-262 of CPC have clear stipulations distinguishing appellate cases, this recommendation is considered implemented.

**Recommendation 30:** The purpose of this recommendation is to prepare and design a Professional Code of Conduct, which forbids prosecutors and judges to see or have contact with one another outside the court to discuss a case.

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21 Criminal Procedure Code
22 Civil and Commercial Procedure Law
23 Observations of MEC monitoring team to Herat and Parwan Provinces
24 Penal Code
25 Circular, Jadi 2 1396
26 Criminal Procedure Code
Article 12 of the Professional Code of Conduct\(^{27}\) compels prosecutors not to receive any instructions, whether official or unofficial, during an investigation they are responsible for, or from other authorities or people whom may influence the case. They further must report to a senior prosecutor, in a timely and immediate manner, any attempt of a Government employee to order, instruct or influence the responsible prosecutor.

Moreover, Article 15 of this mechanism stipulates, “…prosecutors must respect the position and responsibility of other judiciary sectors including police, prosecutors and judges, and may not take actions which may incorrectly impede or stop their activities.” Article 18 of this mechanism obligates the prosecutors not to use the technical information they have gained during an investigation for their own personal interests.

According to the SC report, all judges’ performances are in accordance with the Professional Code of Conduct.

This recommendation is considered implemented.

**Recommendation 31:** This recommendation is about penalties replacing terms of imprisonment. The New Afghanistan Penal Code, which has been approved, has specific clarifications on this issue.

Penalties replacing imprisonment have been included in Articles 148-168 of the Penal Code and Articles 325-328 of the CPC. Due to cooperation of the AGO with Presidential Decree number 267, which was approved according to the Second Annex of the CPC on replacements for imprisonment with ratification number 201 (13/12/1396) from the GIROA cabinet, this Decree is implementable.\(^{28}\) Annex 2 of the CPC has 8 Sections and 67 Articles regarding replacement of imprisonment, where Article 4 provides clarification regarding conditions for replacement of imprisonment.

This recommendation is considered implemented.

**Recommendation 33:** This recommendation is focused on the expansion of activities of the Directorate of Detention and Supervision. For implementing this recommendation, the AG has ordered the Directorate to create monitoring committees to observe and support the rights of detainees. For attaining this goal, the Directorate will reportedly start with police in Districts to stop illegal detentions, torture and punishment of detainees. The Directorate monitors the sites on a daily ongoing basis. Assigned committees also carry out this activity in Provinces by supervision of Appellate Prosecution Offices. According to the approved plan of this Directorate the assigned delegation monitored Police Districts 2, 3, 4, 5, 8, 9, 10, 12, 16, and 17 on the 28th and 29/1/1397. The assigned team prepared its observation report, collected detainees’ photos, and observed the Incident Activity Logbooks of 1396 and 1397. During the visit, Heads of Police Districts and criminal detectives shared the problems they faced.

The plan for release of prisoners in Detention Centers\(^{29}\) was finalized in accordance with Paragraph Two, Article 37 of Prisons and Detention Centers Law, as well as Article 27 of Prisons and Detention Center Regulation Mechanism, and these were deemed practical. A copy of plans was shared with the MEC Monitoring team.

This recommendation is considered implemented.

**Recommendation 34:** This recommendation is focused on identifying and following-up on the cases of people who have been detained for a long time and without legal proceedings.

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\(^{27}\) Code of Conduct and Professional Standards of Prosecutors

\(^{28}\) Annex 2, CPC: Replacement of imprisonment

\(^{29}\) Copy of plan for prisoners’ release
His Excellency AG, His Excellency the Minister of Public Health, and their accompanying delegation met different sections of male prisoners and female prisoners on 23/11/1396. They listened to their complaints and ordered improvements in their conditions and encouraged the resolution of their cases. 

According to the AG’s instructions, in order to avoid unnecessary detentions by police and the AGO, 21 people were freed on 24/11/1396, and 61 persons were freed on 26/11/1396, ending a total of 82 inappropriate imprisonments.

Besides the monitoring and investigation of detainees’ cases, 1050 prisoners and detainees were interviewed, their complaints heard, and their problems resolved. Regarding 226 detainees whose cases were sent to courts by various responsible AGO representatives, and according to Articles 100 and 101 of the CPC, but whose cases were not resolved on time, a list was officially communicated with the correspondence to the Directorate of the Supreme Court.

The Directorate of Detention Supervision has checked and rectified 145 cases of detainees whose documentation had been overwritten, and after marking and stamping them, sent them back to the Pol-e-Charkhi Prison Directorate.

This recommendation is considered implemented.

**Recommendation 35:** This recommendation is focused on the preparation of a manual by MoIA and NDS to give the authorities the necessary guidance on the presence of defense lawyers at the phase of detection. For

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30 Report on visit of AG to male prison, female prison, Kabul, 23/11/1396
31 Letter and chart 18/1/1397 to Supreme Court regarding male and female detainees with cases not investigated in a timely way
32 Chart of cases of detainees whose sheets were overwritten and rectified
implementation of this recommendation, AIBA has sent a letter to the Presidential Judiciary Committee to include the problems of defense lawyers in NDS in their agenda. The Judiciary Committee, led by His Excellency Sarwar Danish Second Vice President, has conducted a meeting about this issue on 30/11/1396. The President of AIBA raised the issue and problems of defense lawyers in Directorate 501 of NDS in the meeting. Since the conduct of the Directorate 501 of NDS was reportedly against the constitution and international standards, it was decided that the mentioned Directorate should reform its conduct and procedures. Therefore, the decision of the Judiciary Committee was sent to NDS regarding the letter of AIBA. Moreover, it was decided that the AGO and other courts of the country should seriously observe detainee access to defense lawyers at the time of investigation, and that the principles of fair trial, should be kept in view. NDS was further assigned to follow up this issue through related administrative actions and committees.

Additionally, AIBA has signed an MoU with the General Directorate of Prisons and Detention Centers on 22/6/1396 to strengthen a mutual relationship and cooperation in the facilitation of defense lawyers and Legal Aid providers affairs, observe detainees’ rights, provide timely access of defense lawyers to their clients in detaining centers and prisons, and increase the number of visit days of defense lawyers. A copy of this MoU was shared with the MEC monitoring team.

**Recommendation 36:** This recommendation is regarding increasing Legal Aid providers’ salaries and increasing levels of legal cooperation. According to interviews with MoJ, they have submitted a specific proposal to His Excellency President of GIRoA proposing incremental increase in salaries of Legal Aid providers and an increase in levels of legal cooperation; so far, the results are pending. From the MEC monitoring team observations during Parwan and Herat Provincial missions, the MoJ Directorates only have four Legal Aid providers, which are not considered sufficient in proportion to the population of these Provinces.

MoJ also reports 396 new positions of Legal Aid providers and public awareness advertisers have been proposed in 1397; so far, no final decision has been taken in this regard.

**Recommendation 37:** According to interviews with MoJ, Legal Aid Regulation is under review and in the near future will be modified. Possible reforms include provision of necessary equipment for legal providers and increased access to legal support. MoJ described the current level of support as three cases are taken-on by Legal Aid defense lawyers annually, at no cost, but that a system should be enacted so that defense lawyers are paid. Reportedly 1000 cases are taken on annually by defense lawyers of the association, on average, free of cost. Legal Aid representatives also mentioned the necessity of discussions on implementation of this recommendation with related stakeholders.

Observations by the MEC monitoring team during the Parwan and Herat Provincial missions showed that representatives of AIBA in Herat, took-on 441 cases last year, providing free legal advice for 105 people. In Parwan Province defense lawyers reportedly take on 20 cases on average annually, also for free.

According to the MoJ, during 1397, 396 new positions of Legal Aid Providers were proposed so that people can access these facilities, but so far, no final decision has been taken.

**Recommendation 38:** This recommendation is focused on oversight activities of defense lawyers. Their activities are based on the Advocates Law and the Code of Conduct of Advocates. According to the AIBA, after strict monitoring and oversight of the activities of defense lawyers, and evaluating complaints against defense
lawyers, this Association has removed 13 attorneys from the list of defense lawyers following determinations of the Monitoring Board of the Association.\textsuperscript{34}

Observations from Parwan and Herat Provincial missions by the MEC monitoring team demonstrated that the Association in Herat received and investigated 72 complaints throughout 1396. As a result, 8 Herat defense lawyers received notice, nine received warnings, and two were sent to judiciary organizations for formal investigations. A Monitoring Committee does not exist in Parwan Province.\textsuperscript{35}

**Recommendation 39:** This recommendation is focused on conducting public awareness programs. According to the MoJ, the General Directorate of Legal Aid of this Ministry has conducted public awareness programs in Provinces and Districts. After a training need assessment, the Directorate of Legal Aid prepared its work plan for 1397. The work plan is as follows: In the first Quarter of 1397, raise awareness about access to legal assistance; in the second Quarter, raise awareness about the Anti-Violence Law for Women; in the third Quarter raise awareness about crimes and penalties according to the Criminal Codes; and in the fourth quarter, raise awareness about rights from the point of view of current Afghan and Sharia Law.

According to this work plan, public awareness programs will be conducted for 75 thousand people, which include school students and teachers, high ranking members of society, children from orphanages, detainees, officers, and police in Districts, and other Government employees. While conducting these training programs, 82,340 brochures will be distributed among participants. There will also be radio messages introducing legal assistance, women rights from the point of view of Sharia and Afghan law, reduction of violence against women from viewpoint of Afghan Law and Sharia Law, and the introduction of legal and judiciary organizations.\textsuperscript{36}

The AGO reported they have attempted different methods to increase public awareness. They described television broadcasts of programs about the detriments of narcotics during several educational television programs. Moreover, the DAG for Elimination of Violence against Women, Juvenile Violations and Human Rights Support has conducted awareness programs with the help of District Police Chiefs, MRRD, and MoE.

In addition, the Directorate of Control and Supervision has displayed public awareness posters designed with special messages, and the phone number and email address of their office to investigate the cases of administrative corruption in Provinces and central locations.\textsuperscript{37}

**Recommendation 40:** The AGO reported they had evaluated the security situation of its offices in central and Provincial areas for better implementation of this recommendation. Additionally, they had projected 200 to 500 thousand AFN would be needed for strengthening security in each Province in its current year budget.

Without adequate offices in some Provinces, AGO had received cooperation from municipalities in those settings for support, including site assessments, sketches, and distribution of proper Provincial sites for construction of buildings. AGO has requested MoF support for payment for construction and sent requests to MoF including a list of the land prices.\textsuperscript{38}

\textsuperscript{34} AIBA report, Jawza 1397
\textsuperscript{35} observations of Provincial trips of the MEC monitoring team to Parwan and heart; reports of monitoring committee of AIBA representative in Herat, Sawr 1397
\textsuperscript{36} MoJ Report, 26/1/1397
\textsuperscript{37} Observations of posters at various sites in Kabul, during Provincial missions to Parwan, Hamal 1397, and during Provincial mission to Herat, Sawr 1397
\textsuperscript{38} Copy of Provincial budget for 1397
In the previous year, AGO reports contracts for the construction of five buildings for their Directorates in the Provinces of Kapisa, Laghman, Daykundi and Khost were signed under the development budget. In 1397 construction of buildings for Directorates of AGO in Kandahar, Logar, Urozgan, Aqcha District of Jowzjan, and Istalef District of Kabul have been considered. In addition, for central AGO locations, construction of a conference hall, warehouse, and reception center were also included.

**Recommendation 41:** This recommendation is focused on an MoU for collaboration between the AGO and security agencies. The AGO has signed an MoU in the presence of the President of Afghanistan, the General Security Directorate, MoI and MoD for fighting against administrative corruption crimes within the defense and security sectors of the country based on Presidential Decree number 94 (dated 27/5/1395), Article 75 of the constitution, item 2 of Criminal Procedure Code, and Articles 17 and 18 of the Military Criminal Procedure Code.

Objectives of the MoU have been clearly stated under Article 2, in 17 items, including:

To establish and strengthen rule of law in the security and defense sectors of the country; identify corruption factors and adopt preventive measures; quickly discover corruption crimes and manage timely submission of evidence related to these crimes to the AGO; establish a coordinated system of prosecution of corruption cases and manage timely communication of information on the results of activities; establish supervision committees within all defense and security units to regularly monitor reforms and anti-corruption processes; and provide the grounds for the structure and procurement reforms within these sectors.

In addition, according to the AGO, the security and defense sector has fully collaborated in providing security for prosecutors, including MoI holding security training programs for the prosecutors.

The recommendation is considered implemented.

**Recommendation 42:** This recommendation is focused on the issue of access to facilities and limiting AGO staff interactions with clients. The Attorney General of Islamic Republic of Afghanistan, Mohammad Farid Hamidi, formally inaugurated a Reception and Information Center on 9/3/2397. Establishment of this Center ensures direct and immediate relations between the AGO and the public.

After registration, clients can receive information about their cases at the earliest possible time, limiting direct access to AGO staff. Establishment of this Center reflects commitment of AGO leadership towards respectful treatment of the public and addressing their demands and needs.

This recommendation is considered implemented.

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39 Provincial budget need assessment form
40 MoU on fighting against administrative corruption crimes within defense and security sectors
41 Visual media and official website of AGO
Recommendation 43: This recommendation is focused on the prevention of illegal influence and the interventions of Parliamentarians on the work of the AGO. According to interviews with the AGO, the Attorney General has dedicated one day of each week to hearing the complaints from National Assembly representatives in order to implement this recommendation. During these sessions, legitimate complaints of National Assembly representatives are addressed, which limits their influence over prosecutors.

Additionally, Article 19 of the AGO’s Code of Conduct states: “Prosecutors are not to be affiliated with institutions in such a way that would undermine their impartiality or harm public confidence with impartiality and fairness of the prosecution.”

Recommendation 44: According to the AGO report, the structure of the AGO has been revised by the Financial and Structural Committee, composed of the AGO’s High Council members, to reform the structure and prevent an overabundance of formal obligations and the overlap of responsibilities. Consequently, the suggested Structure Reform Plan was approved by the President.

According to interviews with the AGO, they have implemented a series of reform measures to dissolve the parallel agencies within the AGO structure in order to improve effectiveness, which has been detailed below:

- Directorate of Anti-Corruption, with its 67 positions, was transferred from the Detection and Investigation of Crimes Department to the Department for Combating Corruption Crimes;
- Case Registration Directorate was transferred from the Supervision and Enforcement Department to the Review and Research Department of the Prosecution Directorate;

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42 AGO report, 26/2/1397
• Gender Directorate, with eight positions, was transferred from Elimination of Violence Against Women, Juvenile Violations, and Human Rights Support, to the Financial and Administrative Department, based on its approved Tashkiel.
• Prosecution Directorate, with 14 positions, was transferred to the Directorate for The Fight Against Administrative Corruption Crimes.
• Positions of Special Primary Juvenile Prosecution Directorate, were transferred from General Directorate for Combating Crimes Internal and External Security, to General Directorate for Addressing Juvenile Offences.
• Personnel Unit of National and Foreign Security Department, and the Personnel Unit of Military Prosecution Directorate, with 15 positions, were integrated into the General HR Directorate.
• Audit Departments of General Directorate for National and Foreign Security, in the center and Provinces, with 13 positions, were integrated into the Internal Audit Department.
• IT Section, with six positions, was removed from the Administrative and Financial Department, and integrated into the IT Directorate.
• 113 positions were transferred from Administrative and Financial Department to the newly established Services Directorate.
• Department of Military Prosecution Against Administrative Corruption Crimes, with 53 positions, was transferred to the Directorate for The Fight Against Corruption.

Additionally, according to AGO officials, revision of membership terms for the High Council of the AGO has been considered in the modification of the Law on Structure and Authority of AGO.

**Recommendation 45:** According to interviews with the AGO, 14 administrative positions have been recruited through the CBR program. In addition, 100 key positions within AGO were announced through CBR program with the approval of the Independent Administrative Reform and Civil Service Commission (IARCSC), 17 ToRs were developed and approved by the IARCSC, including ToRs for second- and third-Grade positions, and 34 ToRs were developed for positions within Provincial Administrative Directorates and were submitted for consideration and approval by the IARCSC. These measures are considered important in the effective implementation of this recommendation.\(^{43}\)

**Recommendation 46:** According to interviews with the AGO, all Units and Department within the AGO have been ordered to share their budget requirements \(^{44}\) with the central offices of AGO. For this purpose, budgeting and planning guidance was provided to the Heads of Appellate Prosecution Offices in Provinces through a Compact Disk format. A template of the Budget Allocation Form was developed with the consideration of District issues and sent to all Provinces. A three-day seminar on financial planning in Provinces was held with the presence of Directors from all Provinces.

Additionally, Focus Group Discussions were conducted in nine zones of the country in order to involve the Provinces in development of the AGO Strategic Plan. In addition, two of the Provincial Directors were involved in revising the new Five-Year Strategic Plan of the AGO. The AGO’s Strategic Plan was submitted for final review to the High Council of the AGO.

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\(^{43}\) AGO report, 26/2/1397
\(^{44}\) Provincial Budget Needs Assessment Form for the year 1397
Findings from the MEC monitoring team Provincial visits to Parwan and Herat indicated that the AGO has collected feedback from Provincial Prosecution Directorates during 1396 in order to include and involve them in the budgeting and planning process. As noted by Heads of Herat and Parwan Prosecution Directorates, their needs have been communicated to the center and integrated into the plan and budget.45

The recommendation is considered implemented.

**Recommendation 47:** This recommendation is focused on establishing an effective and efficient coordination mechanism between the AGO and donors. In order to implement this recommendation, the AGO has taken the following steps:46

- Held coordination meetings with Bureau of International Narcotics and Law Enforcement Affairs (INL) and developed a proposal for providing financial incentives for prosecutors of Bagram, as well as the prosecutors who work on the prevention of violence against women;
- Held meetings with the following entities in order to improve communications, absorb technical and financial support, and increase coordination:
  - Coordination meetings with EU on the finalization of AGO’s Five-Year Strategic Plan;
  - Meetings with JSSP to obtain technical support;
  - Regular meetings with embassies of Turkey, India, and Egypt;
  - Regular meetings with the representative of World Bank to discuss pending projects;
  - Meetings with IDLO on holding short-term to long-term training programs for prosecutors; and
  - Meetings with Ministry of Foreign Affairs on the topic of scholarships

**Recommendation 48:** This recommendation is focused on the provision of procedures and appropriate facilities for improved supervision of prosecutors’ performance. AGO leadership has reportedly strengthened the Control and Supervision Directorate through developing a comprehensive complaints hearing and resolution mechanism. In addition, the Control and Supervision Directorate reports they have strong support from AGO leadership and has been provided with the necessary technical and human resources.47

The Control and Supervision Directorate uses the following methods for hearing and managing public complaints:

1. Face-to-face meetings with the complainants and informants;
2. Receiving information and complaints through telephone lines on a 24-hour basis. For this purpose, these numbers have been made accessible to the public: 0730 185 185, 0728 185 185, 0744 475 717, 0744 037 363 and 0202 521 719;
3. Receiving information and complaints through the E-mail of AGO, as mentioned on its website, and displayed on informational posters;
4.Assigning mobile teams from Control and Supervision Directorates in the center and Provinces to conduct patrolling functions, based on a previously developed plan;
5. The Directorate recently established a Call Center (180) for hearing and dealing with complaints, attracting public collaboration, and to fight against corruption.

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45 Copy of the Provinces’ budget for the year 1397
46 Report of AGO, 26/2/1397
47 Report of Control and Supervision Directorate and site visit to the Directorate in the month of Hamal 1397
1,000 informational posters have been put up by Control and Supervision Directorate throughout the country, including in related Departments of the AGO in the center and Provinces, Customs Department, municipalities, entry and exits points, and other public places.

Due to the efforts made by this Department, 21 cases (16 cases of bribery and 5 other cases) were recently prosecuted, following the arrest and referral of 14 AGO prosecutors and administrative staff and 11 representatives of other entities. In addition, during the current Quarter, the Department managed to arrest and prosecute eight additional corruption suspects, including three prosecutors, one AGO administrative employee, and four employees from other entities. This number appears to have declined, compared to the previous period, in part because of preventative measures.

The Department has reportedly dealt with more than 250 formal complaints and conducted 1200 patrols. During this Quarter, it has conducted 425 more patrols in the center and Provinces, and met 984 clients. In addition, the Department has addressed 94 complaints they received, recorded complaints of prisoners in the central prison through face-to-face meetings, and conducted necessary measures to address them.

The MEC monitoring team observed that there is regular monitoring of staff attendance within the Department.

This recommendation is considered implemented.

**Recommendation 49:** This recommendation is focused on the registration and confirmation of all prosecutors’ assets. Based on interviews with the AGO, their prosecutors and staff have registered their assets on an annual basis, as per the provisions of the Constitution, Law on the Registration of Assets, and Article 20 of Prosecutors’ Code of Conduct.

Regarding Article 20 of the Prosecutors’ Code of Conduct, the details are clear: “Prosecutors are obliged to register the details of their financial activities or interests based on the law. Financial interests include personal assets such as securities, lands, cars, houses and any other precious items, in addition to such documents as financial and bank accounts, and any type of gifts, or transfer of valuable properties.”

Recently, all Directors of the AGO have reportedly registered their assets, based on the Presidential Decree dated 4/2/1397. To date, 1,042 prosecutors and administrative staff within AGO have registered their assets, including 98 prosecutors and 39 procurement staff in the most recent Quarter.

**Recommendation 50:** This recommendation is focused on the development and implementation of the monitoring plan for all Departments and Units of the AGO. To improve management of its duties, the AGO’s Audit Department has prepared its Annual Work Plan which has been approved by the Attorney General on 19/10/1396, and is now being implemented. The Audit Department annually audits and inspects Attorney Offices at Provincial and District levels and reports to the Attorney General accordingly. The plan is composed of approximately six rounds of audit and inspections to be carried out in the central and Provincial Departments, as well as performance inspection of prosecutors and administrative staff.

**Recommendation 51:** The AGO has developed a comprehensive complaint handling mechanism in order to ensure transparency, accountability, and combat corruption. This mechanism has been submitted for approval.
to the High Council of the AGO. A copy of the complaints hearing mechanism was submitted to the MEC monitoring team.\(^{51}\)

Based on this mechanism, complaints can be received through telephone, face-to-face sessions, emails and complaint boxes. It should be noted that previously all complaints received by AGO were voice-controlled, analyzed, examined, and addressed after being entered in the database. For this reason, a new complaints hearing mechanism\(^{52}\) was established and operationalized. Based on the existing procedure, addressing the complaints within AGO is the authority of the Control and Supervision Directorate. According to AGO officials, the Department has conducted numerous activities to expand its reach in the past two years.

Additionally, the Attorney General has specified Monday of each week for direct meetings with the public and addressing their issues, which has reportedly contributed to increased public trust with the AGO. This unprecedented initiative would allow people to raise their complaints to the leadership level of the AGO through an open-door policy. The AGO has reportedly dealt with more than 6,000 complaints to date.

7. Key Activities of MEC's Working Team During the Recent Quarter

The MEC team engaged with the AGO and other related agencies to collect data on the implementation of the MEC recommendations, followed by analyzing and reporting on the data to bring about necessary synergy and cooperation. Working under the supervision of the Technical Director of MEC’s secretariat, and under the strategic guidance of a MEC Commissioner, the monitoring team has conducted meetings and interviews with the stakeholders, and hosted and organized meetings.\(^{53}\)

In order to examine how the recommendations are being implemented at the Provincial level, the MEC monitoring team has visited Parwan and Herat Provinces during this Quarter. In addition, the team has analyzed the collected data to provide information about the progress on the level of implementation of recommendations. At the same time, the team held a series of follow-up meetings with related officials to ensure transparency and reliability of the information they collected.

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\(^{51}\) Complaints Handling Mechanism of AGO

\(^{52}\) MEC monitoring team visited AGO’s Control and Supervision Directorate’s Complaint Handling Office in the Month of Hamal 1397

\(^{53}\) Meeting with 10 Directors within AGO on 29/1/1397
8. Provincial Visits

MEC’s monitoring team previously visited Balkh Province and visited Parwan and Herat Provinces during this current Quarter. During its Provincial missions, the team separately met representatives from civil society, Provincial Councils, related officials, including Head of the Court of Appeals, Head of Appeals for the Attorney Office, Head of Police Headquarters, Afghanistan Independent Bar Association, Director of Justice and other officials from Parwan and Herat Provinces. In addition, the team visited Enjil District of Herat Province, Head of the Primary Prosecution Office, and Director of Hoquq Department of the District.
9. Findings From Provincial Visits

- **Equipment:** Appellate Prosecution Directorates in Herat and Parwan Provinces were equipped with computers and necessary office supplies as well as an appropriate workplace. In addition, the Appellate Prosecution Directorates were equipped with security cameras, a reception hall, a library, etc., while Prosecution Directorates in the Districts lack buildings with suitable facilities, especially in insecure and remote Districts.
• **Case Management:** Case Management Departments are active in Provincial centers but they face serious issues at the District level due to insecurity, lack of electricity, internet, etc. In Herat, there is a well-equipped Forensic Criminal Laboratory. DNA testing is the only test that is not provided by the Laboratory, and therefore, Herat province is (to a reasonable extent) self-sufficient with regards to criminal forensic requirements.
- **Coordination**: Coordination and synergy among judicial institutions was perceived to be satisfactory in Herat and Parwan Provinces, as evidenced by coordination meetings being held each month on an ad hoc basis, with the participation of the mentioned institutions’ representatives. During the meetings, issues are being addressed based on an agenda that is prepared beforehand. In addition, coordination meetings are being held among different AGO Departments in the mentioned Provinces. The meetings address various issues including combating corruption, that cases should be dealt with in a timely manner, preventing unnecessary arrests, establishing good relations with clients, and collaboration with related institutions including judiciary, police, defense attorneys, media, etc. Additionally, the judicial sessions are held publicly in line with the applicable laws, and agendas of these sessions are sent to defense attorneys, prosecutors, judges, prisons, and any individual whose attendance would be essential to the meeting so that the can prepare for it.

- **Structure Tashkiet**: In the past, there were issues with the structure and professional capacities of the staff, which have been largely solved, as evidenced by the 10 positions that have been added to the structure (7 professional positions and 3 administrative positions). In terms of professional capacities, prosecutors in Herat and Parwan Provinces have relatively higher levels of education. In addition, based on the new policies for reforms, five prosecutors in Herat who did not have higher education, were urged to enter retirement with high payments, and in their place, new suitably qualified women who have completed practical training periods will be hired. Generally, representation of women in the AGO is improving, as currently five key Units of Herat’s Prosecution Directorate are being led by women. In addition, the number of women in the Herat Directorate has increased from nine to 23. Moreover, judges in Parwan and Herat Provinces have participated in a five-day training program on the Penal Code. According to the head of the Appeals Court of Herat Province, all judges in Herat, with no exceptions, are university graduates who have also completed judicial stage courses.

- **IDLO and JSSP**: are working together to develop the capacities of prosecutors through implementing training programs for them in Parwan and Herat Provinces. In addition, the Herat Prosecution Office signed an MoU with Herat University that is concerned with holding specialized training programs for prosecutors, as well as administrative staff. Based on the MoU, Herat University will introduce interns to the Herat Prosecution Office.

- **Budget and Planning**: during 1396, the AGO collected feedback from Provincial Prosecution Offices regarding the ways in which Provincial agencies could be involved in the budgeting and planning process. According to Herat and Parwan Prosecution Offices, their needs have been communicated to the center and included in the budget and plan.

- **Attendance**: findings collected during the MEC monitoring team’s missions to Parwan and Herat Provinces indicate that prosecutors and administrative staff have attended their duty stations regularly and there is serious supervision on the attendance of the related officials. At the same time, the work of prosecutors, judges, defense attorneys and Legal Aid Providers is considered a major challenge in insecure areas. To partially address this, in four insecure Districts of Herat (Shendand, Farsi, Golran and Kashk Kohna), judges work in the center of the Province until the time of the day when security is provided. In addition, the Herat Prosecution Office has signed an MoU with the Military Council of the Province to ensure the safe movement of prosecutors in insecure Districts whom are transported to their duty stations through military convoys and back to their residences.

- **Complaints Handling Mechanisms**: in Parwan and Herat Provinces, clients and complainants come every day to have their complaints heard and addressed directly by the Head of the Prosecution...
Office. This has reduced the gap between the Prosecution Office and the public and has reportedly increased the public’s confidence in the agency.

- Parwan’s Appellate Prosecution Directorate has installed a complaint box for the collection of complaints. Herat’s Appellate Prosecution Directorate has also prepared a complaint box that will be installed and used soon, as evidenced by the posters prepared by the Control and Supervision Directorate and displayed in the halls of the Appellate Prosecution Directorates in both Herat and Parwan Provinces. In addition, inside the office of the Herat Directorate, the Reception Section has provided good facilities for the clients and complainants. The Head of the Court of Appeals hears public complaints on the courts and judges every Thursday from 9 am to 1 pm.

According to the Chief of Herat Police Headquarters, their site is open at all times to the public, and people come to their Headquarters every day to have their problems addressed. In addition, issues of the public are reportedly addressed in the best possible way through the public Council with the presence of Mullahs and social influencers. Sadaye Police Radio is also active in Herat Province.
Work Status of Defense Lawyers: A professional ‘stage’ course for defense attorneys was inaugurated in Herat Province in the month of May 2018, which will ensure public access to defense attorneys. The curriculum of the course, as suggested by MEC, also includes practical work. However, the Afghanistan Independent Bar Association does not have an official office in Parwan Province and no advocates professional ‘stage’ courses have been held in this Province. Additionally, defense attorneys in Parwan and Herat Provinces have access to their clients in the Detention and Investigation Centers and prisons. Defense attorneys are also notified in a timely manner of judicial sessions by the courts, so that they can take part in them. Each year, defense attorneys deal with three cases free of charge (pro bono), but doing this in far-flung, insecure areas is challenging. The Independent Bar Association Sub-Office in Herat has dealt with 441 cases, free of charge, during the last year and has provided free of charge legal consultations to 105 citizens. In Parwan, defense attorneys address about 20 cases each year. Also, the Monitoring Committee of the Association in Herat received and addressed 72 cases during the year 1396. As a result, recommendations were issued for eight defense attorneys and warnings issued for nine defense attorneys, while cases of two more have been referred to judicial institutions. On the down side, there is currently no Monitoring Committee for the Association in Parwan Province.

Transportation: In the past, transportation issues were a key challenge faced by prosecutors in the country. However, these issues have been partially resolved because of efforts by AGO leadership in

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54 Curriculum of the Stage Course for the Defense Lawyers in Herat Province
55 Findings from Provincial missions to Parwan and Herat
56 AIBA Herat’s Monitoring Board 1396 report
57 Ibid.
the center and Provinces. According to the Head of the Appellate Prosecution Directorate in Parwan, sufficient numbers of transportation assets have been provided to the Directorate. The Herat Appellate Prosecution Directorate has resolved its transportation issues through receipt of two vehicles from IDLO, two vehicles from the center, and doubling the amount of its fuel consumption. However, transportation issues have not yet been resolved in insecure Districts and areas.

- **Public Access to Government Legal Assistance:** Considering the size of the population of Herat Province, the existing Legal Assistance structure (4 persons) cannot respond to the needs of people, so public access to Legal Assistance has been limited. These same structural-related issues that exist in Parwan, also exist in other Provinces of the country.