



**Islamic Republic of Afghanistan**  
**Attorney General's Office**

**AGO Strategy**  
**(1391-1395)<sup>1</sup>**

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<sup>1</sup> . [Translator's Note]: The Solar Calendar starts on 20<sup>th</sup> March of the Gregorian calendar. Therefore, in this strategy the time period between 1391- 1395 is equivalent to March 2012 - March 2016.

The AGO Strategy(1391-1395) drafted in 4 chapters (34 pages) and developed by an assigned committee, after undergoing some necessary changes, was ratified by the High Council in its session held on 1391/2/6. Thus, it shall be executed based on the prepared and annexed table.

(Signed)

Aloko

Attorney General of the Islamic Republic of Afghanistan

This strategy is developed and compiled by the Planning and Policy Unit of the Attorney General's Office with the assistance of the Justice Sector Support Program (JSSP).

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## **Preface**

The Attorney General's Office of the Islamic Republic of Afghanistan as a major and important component of the judicial system, is responsible for ensuring justice and enforcement of the law. This office is part of the Executive Branch; however it is independent in its performances. According to Article (34) of the Constitution, the AGO has the authority to investigate, prosecute crimes and lodge cases against the accused in the court.

Three decades of war, in addition to huge financial and economic losses, has inflicted undesirable effects upon the judicial system of Afghanistan. Violation of law, recklessness and negligence towards the law, violation of the rights and freedoms and expropriation of public properties are among evident impacts of post-war time. Addressing these anomalies and irregularities and providing a proper ground for enforcement and implementation of the law requires serious and comprehensive campaigns and actions to be undertaken by the judicial organs, particularly the AGO, which, itself, is facing numerous challenges.

Since prosecutors are one of the executors of justice in the country, they have legal obligations to combat crimes. Accomplishing this daunting and arduous task requires that educated, experienced, honest, committed, well-disciplined, active and of high ethics cadre personnel be assigned at the AGO. This would lead to an AGO with an organizational structure which is responsive to law enforcement issues. In addition, accomplishing the assigned tasks require appropriate office spaces fitting the prestige of the AGO. Unfortunately the lack of appropriate office spaces in the Capital and other provinces has seriously affected the prestige and dignity of the AGO. Another issue which adds to the obstacles for ensuring justice and enforcement of law is the constant challenge of safety and security of the prosecutors.

Despite all these challenges, the AGO has been successful in providing many services in different areas in order to equally implement the law and ensure justice. Over recent years, the AGO has investigated and prosecuted a large number of criminal cases, which has had significant effect on ensuring justice and equal implementation of the law.

Similarly, the AGO has had many achievements in areas such as providing infrastructure, tools and equipment for the AGO in the Capital and provinces. This has resulted in enhancing the capacity of prosecutors and establishing reform. The current situation motivates us to develop a five-year strategic plan based on insightful goals; a plan which provides certain approaches for the realization of its goals, allowing its stage by stage implementation.

# Chapter One

## General Themes

### 1. Mission Statement

The AGO's mandate is to serve, without any discrimination, all the Afghan people by defending their rights of security and safety; and to ensure fairness, impartiality and justice in the course of investigation and prosecution of crimes. This requires monitoring the implementation of laws in order to promote peace and prosperity through Rule of Law, and to enhance the life quality of the Afghan people.

### 2. Achievements

The AGO has had remarkable achievements over the last decade. These achievements are classified into the following categories:

#### 2.1. Provision of Services

Investigation, follow up and prosecution of criminal cases plays an effective role in securing justice and maintaining stability in a society. Fortunately, during the last decade the AGO was able to investigate and prosecute more than 75957 criminal cases. These cases include various instances of civil and military crimes and crimes against internal and external security.

#### 2.2. Infrastructure

The AGO has completed the construction work of 28 buildings for Appellate Prosecution Offices in the provinces, and the construction work of 6 buildings for the Primary Prosecution Offices is ongoing. The construction work of first phase of the AGO Headquarters (HQ), which includes 198 rooms in 3 blocks is approaching its completion phase. In the meantime, the construction work of 6 buildings for prosecution offices in districts is in progress.

#### 2.3. Equipment

For transportation of the staff of AGO HQ and provincial offices, the AGO has been in possession of more than 200 vehicles. These facilities play a significant role in provision and delivery of transportation services.

The AGO has purchased a number of computers, printers, photocopiers and flash disks and has made them available for use by the prosecution offices in the capital and in the first degree provinces. Moreover to the aforementioned equipment, the AGO has purchased some sets of furniture for the use of its main offices in first-grade provinces.

#### 2.4. Capacity Building

Providing vocational training to justice professionals is an essential tool for reforming the justice sector. Since 2001 up to the present, major achievements were made in enhancing the capacity of the AGO in the area of delivering services. However, in spite of all these achievements, there are still considerable shortcomings and challenges that need to be addressed. Till present, a large number of the AGO staff has received numerous trainings conducted with the assistance of national and International organizations in order to meet the Afghanistan National Development Strategy (ANDS).

A large number of the AGO staff have participated in workshops, seminars, and national & international conferences that were aimed at enhancing their professional capacity and experiences funded and assisted by national and international organizations.

In regards to the enhancement of capacity and providing the opportunity for the AGO employees to have access to legal and judicial sources (books, magazines, newspapers, law book sets, etc.); the AGO has established a number of libraries in HQ and eight provincial offices.

As a continuous trend, efforts have been made to strengthen the human resources by recruiting graduates of the Law & Sharia faculties with respect to the gender balance.

The AGO website which is created with the technical assistance and support of the Justice Sector Support Program (JSSP) and the Ministry of Communication & Information Technology is currently under further development for use by prosecutors and the public.

To better provide judicial services in all districts throughout the country, the AGO is fully prepared to reactive the functions of primary prosecution offices of relevant province provided security concerns are addressed.

## **2.5 Reforms**

Reforms are conducted in an organization for the purpose of creating a better and qualified workforce. The main focus of the reform is placed on the issues of capacity enhancement, recruitment and appointment of employees, development of proficiency, moral and material rights, description and classification of duties and tasks.

For this purpose, the AGO has signed a Memorandum of Understanding (MoU) with the Independent Administrative Reform & Civil Services Commission (IARCSC) in order to implement reforms and start the implementation of the new Paying & Grading System. Based on the mentioned MoU, the AGO has established a Reform Implementation Management Unit (RIMU) for reforming the AGO. The new Paying & Grading System has been developed and completed for the Human Resources Department, and it will also be expanded to other relevant directorates of the Deputy Office of Administrative Affairs and to the administrative staff of the professional directorates. Also, in regard to the increase of the salary of the civil prosecutors the approval of the Ministry of Finance has been obtained and the proposed draft has been submitted for approval to the Ministers' Council.

Deputy Office on Military Affairs and the Prosecution Office against Internal and External Security (PIES), based on the proposal of the Attorney General of Afghanistan, after completion of its legal proceedings and as directed by the President Office, enjoy the privileges (salary amounts) of the Afghan National Army and Afghan National Police.

The new Law on Structure & Authority of the AGO, after being ratified by the Council of Ministers, was officially sent to the Parliament for final approval.

Since 1380, as a part of administrative reform, the AGO has established special units in order to investigate criminal cases. These units include: Anti-corruption Prosecution Office, Juvenile Prosecution Office, Counter-Narcotics Prosecution Office, Prosecution Office against Internal & External Security (Counter-Terrorism Prosecution Office), Prosecution Office on Elimination of Violence against Women.

For simplification of case filing and their follow-up, the AGO has developed and revised legal formats. The number of legal forms has increased from 16 to 23 which have been sent to all prosecution offices across the country.

With the purpose of enhancing the ethical and professional standards of the prosecutors, the AGO has enacted a Code of Conduct and has published and distributed it throughout Afghanistan. The code has been prepared by taking into account the professional standards of prosecutors, developed by the International Prosecutors Association, and the Code of Ethics for the Afghanistan Civil Service Employees.

For establishing better coordination among judicial and legal institutions and other relevant offices, seven detection, judicial and legal agencies have recognized the Case Management System (CMS) through a memorandum of understanding signed in the Serena Hotel in Kabul.

The CMS has been launched throughout Afghanistan for recording and maintaining criminal cases both in a written form and online. The system will considerably assist the Justice Sector in handling criminal cases, establishing transparency during case proceedings, building coordination among entities, improving access to legal and judicial information in all departments, and will eventually help the judicial organs to identify recidivist offenders and criminals.

The Counter-Narcotics and Law Enforcement Department of the U.S. government has approved the launching of this system in Kabul and eight other provinces of the country. Currently, the Justice Sector Support Program (JSSP) has launched this system in 21 departments of the seven detective and judicial organs. Each of these departments is equipped with the internet system, one photocopier, one printer, three computers, three UPS, one file cabinet, and furniture. Provincial offices will also be equipped with the same facilities.

## **2.6. Establishment of Understanding and Coordination Committee among Relevant Organs**

This Committee has been established among legal and judicial organs. This joint body, taking into account the importance and effectiveness of the Committee, shall hold joint regular meetings, with the Supreme Court, Attorney General's Office, Ministry of Interior Affairs, Ministry of Justice, National Security Directorate, Secretariat of the Minister's Council, and National Security Council every two weeks. The meetings shall be chaired by the Deputy of the Supreme Court to discuss over cross-cutting issues and take reasonable decisions on them.

In order to foster understanding and facilitate better coordination among the judicial organs, a coordination seminar shall be conducted in various stages of discovery and investigation in order to fight against administrative corruption.

## **3. Current Status**

The AGO has five deputy offices, 23 directorates in the Capital, 38 appellate divisions in the Capital and provinces, 369 primary prosecution offices in districts; and 4995 active staff.

According to the Article (134) of the Constitution, investigating crimes and filing cases against the accused in the court is carried out by the AGO in accordance with the provisions of the law. The AGO is part of the Executive Branch and is independent in its performances. In conducting the investigations, the primary prosecutor, as provided by Article (23) of the Interim Criminal Procedure Code (ICPC) for Courts, is duty bound to equally evaluate incriminating and exonerating circumstance. Similarly, in the course of investigation, the primary

prosecutor shall also monitor the legality of the actions of the Police, National Security officers and those of other organizations.

Each Deputy Office of the AGO has legal authorities in its relevant section and shall provide reports and be answerable to the Attorney General of the Islamic Republic of Afghanistan.

Central departments and provincial appellate prosecution offices shall be answerable and accountable to the Attorney General of the Islamic Republic of Afghanistan as well. The administration and leadership of the prosecution offices in districts shall be the duty of the provincial appellate prosecution offices in their respective provinces. Similarly, the responsibility of specialized prosecution offices is upon relevant directors.

As per the provisions of the applicable laws of Afghanistan, monitoring the implementation of laws, orders, approvals of the High Council of Ministers, internal rules of departments, and monitoring the detention centers and law enforcement shall be the authorities of the AGO. The AGO, in order to raise public awareness and publicize the decisions of the AGO's High Council, publishes its magazine entitled "Saranwal".

In order to promote public awareness, disseminate and distribute legal contents and to provide an opportunity for prosecutors to have access to desired professional information; the AGO's website ([www.ago.gov.af](http://www.ago.gov.af)) has been created and is under development.

#### **4. Challenges**

The AGO sometimes encounters some challenges and obstacles in regard to implementation of the mandate vested to it by the applicable laws of the country. A summarized account of each challenge is provided in the following areas:

##### **4.1. Professional Affairs**

###### **4.1.1- Investigation**

According to Article 134 of the Afghan Constitution, conducting criminal investigation is one of the most evident authority of a prosecutor. Prosecutors carry out this legal authority in direct collaboration with other institutions. However, to ensure the Rule of Law, create better working relations and coordination, and to optimally practice its authority, the AGO intends to undertake practical measures.

###### **4.1.2 –Monitoring**

The Directorates for Monitoring of Detection& Investigation Organs (the Police and Prosecutor's Offices), Monitoring of Detention Centers, Monitoring of Decisions Enforcement and Monitoring of Implementation of the Law exist within the AGO. Appropriate measures shall be undertaken by these entities to exercise their lawful authorities contemplated in the Law on Organization and Authority of the Attorney General's Office and the Law on Detection and Investigation of Crime.

Moreover, monitoring process of prisons and detention centers and, in particular, the monitoring process to ensure the observation of prisoners and detainees rights entails that the monitoring prosecutors visit detention centers on a regular basis to become aware of their conditions.

###### **4.1.3 – Non-responsiveness of Some Applicable Laws**

There are some problems in the implementation and enforcement of some of the laws regulating the affairs of prosecutors' offices. They are deemed necessary to be amended.

#### **4.1.4 –Implementing the Decisions and Orders of Pertinent Court and Prosecutors' Offices**

Whereas disregarding the orders and directives of the judicial authorities undermines their prestige, validity and reputation and causes public distrust towards such authorities, it is crucial that the decisions of courts and those of prosecutor's offices be immediately implemented and enforced, in order to ensure justice and maintain the authority of judicial bodies.

#### **4.2 –Human Resources**

Considering growing population and increasing rate of crimes, the current AGO personnel is inadequate to investigate crimes. For example, in a Kabul zone with a population of one million, where at least 14 incidents occur every week, the two assigned investigative prosecutors for investigation of traffic incidents are unable to thoroughly investigate the relevant cases. Similarly, 20 investigative PIES prosecutors do not have the time and the ability to investigate all cases of terrorism and crimes against internal and external security in the Capital. Moreover, one investigative prosecutor is unable to investigate all crimes which occur in a first degree district. As a result, the people constantly complain about delays in the performances of the prosecutors' offices which normally happen due to the great mass of cases and lack of adequate personnel.

#### **4.3 – Salaries and Benefits**

##### **4.3.1. – The Principle of Rewards and Punishments**

Strengthening of legality, effectiveness and speedy performances in an office requires that employees be rewarded based on their competency, perseverance, integrity and good performance. On the other hand, they should be punished if they commit disciplinary violations or if they misconduct. However, there needs to be criteria for doing so.

##### **4.3.2. –Providing Adequate Salaries and Privileges**

Adequate salary for employees motivates them to work with confidence, honesty and a sense of law observance, and to serve the people with relief, without having any livelihood concerns. Due to inadequate salary for the prosecutors in the Capital and provinces, they have some serious livelihood problems which have created concerns for both the employees and administration. Recently, based on the resolution of the Council of Ministers, there has been an increase in the salaries of professional staffs of the Attorney General's Office.

##### **4.3.3 – Ensuring the Security of Prosecutors**

Since prosecutors are decisive and firm in their decisions and implement justice despite threats posed by the accused, it is of utmost importance to ensure their security. However, most of the prosecutors in the Capital and provinces live in areas with fragile security and are normally threatened by either the criminals or their accomplices. This concern has become an alarming challenge when it comes to combating crimes. Therefore, the Attorney General's Office should seek the assistance of security organs and adopt practical measures in order to ensure the physical security of prosecutors.

#### **4.4 - Infrastructures**

##### **4.4.1. - Office Buildings**

Having an appropriate space is necessary for conducting the duties of prosecutor offices. It also has a significant impact on fostering their prestige. Some of prosecutor offices in the Capital, provinces and districts do not have appropriate office buildings. In the provinces and districts, a number of them function in rented houses or inside police stations which is not appropriate for the prestige of prosecutors' offices.

#### **4.4.2. – Residential Townships for Prosecutors**

Most prosecutors, whether in the Capital or provinces, live in rented houses, having serious problems in this regard. In the 2<sup>nd</sup> and 3<sup>rd</sup> degree districts they cannot even afford to rent houses. To address this issue, it is deemed necessary to consider building residential townships for the prosecutors in the Capital, provinces and districts.

#### **4.4.3. – Sufficiency of Technical Equipment**

In the past years, the Attorney General's Office has been able to provide some equipment for the use of its personnel. However, the provided equipment not sufficient and as a result, the AGO personnel are facing serious problems in this regard. Lack of facilities and equipment causes delay in the activities and consequently hinders the establishment of justice.

#### **4.5. – Financial Planning**

The Attorney General's Office has had some serious problems regarding its financial planning. Due to these problems, it has been unable to spend a major part of its non-discretionary development budget in a timely manner. Therefore, very few development programs are conducted in this office. The reason for not spending development budget, or its very little spending, is the lack of capacity for designing and implementing appropriate and effective financial plans. Therefore, it is necessary to enhance the capacity of this office in the field of designing and implementing financial plans.

## Chapter Two

### Goals

The ultimate goal will be to create a sophisticated and professional judicial system and to enhance the capacity of the Attorney General's Office so that by the end of 1395, it will be able to exercise its lawful mandate and authority as enshrined in the Constitution in an effective, fair, ethical, impartial and transparent manner. To accomplish the mentioned goal, a high level of cooperation and collaboration between national and international law enforcement agencies and judicial organs is required. In order for the Attorney General's Office to gain public trust and institutionalize the Rule of Law in Afghanistan, it is necessary to place a high priority on combating corruption, drugs, violence against women, terrorism and enforce ethical as well as professional principles in this institution.

The National Justice Sector Strategy is directed by a systematic approach. This means it attempts to strengthen the Judicial Sector and establish such institutions and systems that direct and control the methods by which they maintain relations. Issues such as rule of law, governance and human rights comprise the second basis of the Afghanistan National Development Strategy (ANDS). The Strategy identifies key priorities of the Judicial Sector in the following three fundamental areas:

1. Enhancing Capacity to Render Better Judicial Services.
2. Creating Better Coordination and Consistency between the AGO and other legal and judicial, Entities.
3. Improving the Quality of Justice and Raising Public Awareness.

The National Justice Sector Strategy has given comprehensive explanation to the above three priorities, and the goals of the AGO Strategy has been derived from the above two strategies.

#### **Goal One: Enhancing Capacity to Render Better Judicial Services**

##### **1. Providing Judicial Services**

- 1.1 Constant Monitoring of the Enforcement of Laws, Orders, Legislative Documents, Directives and Approvals of Authorized Sources
- 1.2 Preventing Illegal and Unnecessary Arrests and Enhancing Monitoring Efforts at Discovery and Investigation Phases and within Detention Centers
- 1.3 Making Law Amendment Proposals
- 1.4 Speeding up the Investigation Process and Providing Needed Resources for the Purpose
- 1.5 Establishing a Technical Archive
- 1.6 Establishing Dedicated places for Keeping Seized Items

##### **2. Office Reform**

- 2.1 Assessing the Organizational Structure and Reforming it

- 2.2 Recruiting Cadre Personnel Based on Educational Level, Talent, Competency, and Piety
- 2.3 Reforming of Administrative Sections and Implementation of the New Paying and Grading System
- 2.4 Establishing of a Specialized Unit for Making Financial Plans, Budgets and Proposals
- 2.5 Observing the Chain of Command and Implementing the Orders of Superior Authorities
- 2.6 Developing and Regulating Terms of References and Quarterly, Biannual and Annual Work Plans
- 2.7 Using the AGO's 23 Forms in Completing Investigation and Prosecution Processes
  
- 2.8 Obligating the Prosecutors to Wear Special Uniform During Trials

### **3. Capacity Building**

- 3.1 Assessing the Needs for Training Programs
- 3.2 Launching Stage Courses and Extending them to other Country Zones
- 3.3 Launching Short Term and Long Term Training Programs
- 3.4 Creating the Opportunity for Higher Professional Education of Prosecutors
- 3.5 Creating and Development of Libraries in the Capital and Provinces
- 3.6 Creating a Database for Training Programs
- 3.7 Attracting Short and Long Term Educational and Observatory Scholarships
- 3.8 Launching Foreign Language and Computer Courses
- 3.9 Capacity Building for Financial Planning

### **4. Fighting Against Corruption**

- 4.1 Simplifying and Standardizing Procedures to Speed up Performances
- 4.2 Establishing an effective system for Receiving Complaints
- 4.3 Continuous Monitoring and Inspection of Prosecutors' Performance
- 4.4 Observing the Reward and Punishment Principle

## **5. Construction of Physical Infrastructures**

Construction of Office Buildings for the AGO in the Capital, Provinces and Districts

5.1 Procurement of Office Equipment

5.2 Procurement of Vehicles

## **6. Raising Salary and Benefits of the AGO Personnel**

6.1 Increasing Salaries and Benefits of the AGO Personnel

6.2 Providing Residential Townships for the Prosecutors

6.3 Health Insurance and Building Health Clinics for AGO Personnel

6.4 Ensuring Physical Safety Security of Prosecutors

### **Goal Two: Creating Better Coordination and Consistency between the AGO and other Legal and Judicial Entities**

1. Case Management System (CMS)
2. Establishing Coordination Among Police, Prosecutors and Judges
3. Attracting the Support of Relevant Organs for Exercising the Legal Authority of Prosecutors

### **Goal Three: Improving the Quality of Justice and Raising Public Awareness**

1. Analyzing the Causes of Crimes and Providing Constructive Solutions for Reducing Them
2. Improving and Developing Professional Capacity
3. Irrevocable Observance of Prosecutors' Code of Conduct and Professional Standards
4. Facilitating the Application of Information Technology and Communication Tools
5. Publishing and Broadcasting the Activities of the Attorney General's Office for Public Awareness

## **Chapter Three**

### **Goals Achievement**

#### **Goal One**

##### **Enhancing Capacity to Render Better Judicial Services**

###### **1. Rendering Judicial Services**

###### **1.1. Constant Monitoring of the Enforcement of Laws, Orders, Legislative Documents, Approvals and Directives of Authorized Sources**

Ensuring justice, order and stability in a society entails that the applicable laws be consistent with situation and be equally implemented. Since the Law on Structure and Authority of the AGO assigns the roles of monitoring law enforcement, safeguarding the rights of citizens and that of state interests to the AGO, it shall constantly monitor the enforcement of applicable laws, regulations, bills, presidential decrees and approvals of the Ministers' Council. If any violation is observed, a criminal offense shall be filed against the violator(s). In short, according to Article (134) of the Constitution, the main obligations of the AGO are investigation and prosecution of criminal cases.

Proper exercise of prosecutors' lawful authority establishes public trust towards the AGO. In order to prevent the misuse of this authority, the monitoring and controlling efforts shall be enhanced. This program will start at the beginning of the year 1391 and will be continuously implemented.

###### **1.2. Preventing Illegal and Unnecessary Arrests, and Enhancing Monitoring Efforts at Discovery and Investigation Phases and within Detention Centers**

According to Article 414 of the Penal Code, illegal detentions in unofficial centers shall be considered as crime and the offenders shall be subject to legal punishments. According to the Law on Prisons and Detention Centers, such centers are facilities in which the accused persons awaiting their trial are held. According to Article 2 of the mentioned Law, the accused shall be detained in official detention centers in accordance with the law, and order of prosecutor and court. Complaints regarding arrests by unauthorized individuals and punishments in violation of applicable laws or without order of an authorized court cause the supremacy of justice system to be questioned. These acts are clear violations of legal and justice standards and those of human rights.

In order to prevent illegal arrests, the AGO, particularly the Detention Centers Prosecution Office in coordination and cooperation with the detective and security organs shall identify the illegal detention centers and subject the violators to legal punishments. For detaining and arresting suspects of criminal cases, the legal instances and provisions provided by the law shall be observed which include fear of escape, disruption of investigation or a likelihood of a danger to the health of the suspects. In addition, based on Article (35) of the ICPC for Courts, a prosecutor order on detaining the suspect for whose alleged crime the Penal Code has foreseen a medium-term imprisonment.

The need for detaining and arresting an accused shall be accurately assessed by an experienced prosecutor, following which, the decision for the arrest shall be made in a responsible, realistic and just manner.

This program shall start in 1391 and shall be continuously implemented.

### **1.3. Making Law Amendment Proposals**

Laws and regulations are enacted based on a society's need and for the purpose of regulating its affairs. However, with passage of time some provisions of laws and regulations require amendments and additions.

The AGO is facing some challenges in enforcing some of the applicable laws. These difficulties are preventing the prosecutors from ensuring justice. Thus, they are demanding the amendments of the laws. The examples of which would be: the lack of a specific criminal description for instances of land expropriation, insufficient punishment for fraud/deception crimes, and lack of a provision whether cases of running away is a crime and illegal enrichment in the Penal Code.

The advisory board of the AGO is duty bound to, in coordination with its Headquarters and provincial prosecution offices, collect and consolidate the recommendations and suggestions for law amendment and forward them to relevant entities for processing.

### **1.4. Speeding up the Investigation Process and Providing Needed Resources for this Purpose**

To ensure fair, lawful and publicly acceptable trial, it is necessary that the investigation of cases be based on reliable, substantial and documented evidence, the guaranteed rights of suspects be observed and the investigations be completed within the specified time period. However, in most of the investigative prosecution offices it has been observed that investigative prosecutors rely on unsubstantial and baseless evidence provided by the detention in charge persons which is recorded in criminal Registry of the mentioned offices. The investigative prosecutors tend to spend several days registering some repetitive statements and after writing some general reasons, they either process cases by preparing the charge sheets or dismiss them.

Quick pace in conducting investigation, collecting substantive evidence, obtaining information from witnesses and experts are the characteristics of a good investigation. However, due to lack of resources the AGO is unable to consider all the said characteristics in their investigations. As a result, incomplete cases are referred to the court and ultimately justice is not established.

In order for the investigative prosecutors to properly accomplish their tasks in delivering better judicial services, and demonstrate their proactive motives, it is necessary that they learn professional interrogation techniques and they are provided with sufficient resources. The investigative prosecutor, after receiving a case shall immediately prepare a comprehensive investigation plan and if required, visit the crime scene and register the statements of witnesses and experts.

In summoning a witness or any individual involved in a case, the investigative prosecutors shall not spend days sending letters to request for the Police's assistance. To the extent possible, they shall be provided with a vehicle so they can travel to the living or working place of the summoned individuals and obtain their desired information. Similarly, in criminal cases where the technical viewpoints of criminalistics, forensic medicine and other experts are required, the investigative delegation shall refer to these experts without any delay. Expediting the investigation process requires the assignment of active and well-educated prosecutors and provision of the needed resources such as office equipment, video and audio recording equipment, technical equipment and vehicles for them.

In order to achieve this objective, a committee under the chairmanship of the Deputy Attorney General (DAG) for Investigation shall assess the structure and needs of Investigative Prosecution Offices and within the first six months of the year 1391, shall send their procurement proposals and orders to the Administrative and Finance Department.

The Administrative and Finance Department shall consider the proposals made by the named committee, incorporating their cost into the 1392 annual budget.

Shall a complaint or objection be filed against investigative prosecutors' performance, the Discovery and Detection Organs Monitoring Prosecution Office shall be duty bound to monitor the prosecutors. In case any negligence is observed, a proper decision shall be made.

### **1.5. Establishing Technical Archive**

In order to maintain important documents and finalized case files, it is necessary that technical archives with modern standards are established and used in AGO HQs and provincial offices.

The designing of the technical archive shall be completed within the first six months of the year 1391 by a technical team which shall take into account the AGO delegation's suggestions on how the documents shall be recorded and maintained. By 1392-1395, the intended archives shall be ready for use in provincial and AGO HQs. Tracking the progress on the technical archive establishment shall be the duty of the Administrative and Finance Department in cooperation with the Planning and Policy Department.

### **1.6. Establishing Dedicated Places for Maintaining Seized Items**

Crime investigation requires seizure of items belonging to different crimes. Considering the fact that the seized items are helpful in proving crimes during trial phase, it is necessary that these items be kept in an appropriate place. The maintenance approach and place shall be assessed by a committee. The designing of the place, with consideration of the type of equipment shall be completed and processed by 1391. The Planning and Policy Department as well as the Administrative and Finance Department are duty bound to take the necessary steps in preparing budget for the such place by the end of 1392. By 1393 and 1394, the mentioned places shall be ready for use in all provincial prosecution offices.

## **2. Organizational Reform**

### **2.1. Assessing the Organizational Structure and Reforming it**

The current organizational structure of the AGO has not undergone any significant changes in years. With consideration of the workload at the AGO and with enforcement of new laws, the current structure shall be verified. Hence, a committee comprised of five experienced prosecutors each with 15 years of professional experience, and two advisors specializing in organizational structure development shall be established under chairmanship of a DAG. The committee shall, within the first six months of 1391, assess the tasks of the AGO HQs and provincial prosecution offices, present constructive recommendations on the need for increasing the

number of staff based on the workload, re-titling departments in accordance with their type of business, merging various departments and terms of references in order to eliminate duty overlaps. If the assessment results of the said committee suggest any change in the organizational structure, the HR Department as well as the Finance and Administrative Department shall take into account the suggestions while designing the structure and preparing the budget plan for the year 1392.

## **2.2. Recruitment Based on Educational Level, Talent, Competency and Piety**

Since prosecutors carry out the professional task of dealing with public complaints and protecting the individual and societal interests, this requires that professional, experienced, honest and decisive prosecutors be recruited.

Before assigning prosecutors for certain tasks, it shall be made sure that they hold professional education and their recruitments are carried out based on pre-determined criteria. It is necessary to make sure that the criteria such as educational level, working experience, honesty and leadership capabilities are taken into account in appointing prosecutors as directors or section heads. Others applying for prosecutor positions shall have, at a minimum, a Law or Sharia degree. For this purpose, the special committee shall suggest a set of criteria for the assignment of professional employees within the first six months of 1391.

In order to distinguish the prosecutors holding professional education from those who do not so, a committee comprising of the Human Resource Director, one Director from Central Prosecution Office, Head of PIES, Head of Counter Narcotics Prosecution Office, one representative from Deputy AGO for Military Affairs shall be established under the chairmanship of DAG for Administration to review the personal records of active civil and military prosecutors. Those prosecutors who are currently serving as professional members of the AGO based on their working experience without holding a bachelor degree, shall be introduced to the Training and Education Committee for further trainings. The assessment shall be conducted in the 2nd half of 1391.

## **2.3. Implementing the New Paying and Grading System in Administrative Sections**

The reform process of the AGO Administrative Section has started a while ago, yet the only reformed section is the HR Department. This reform process has currently a slow pace. The HR Department, in coordination with the Independent Administrative Reform and Civil Service Commission shall complete the reform process in the first quarter of 1391 and shall put its efforts together to reform the administrative sections so the employees can receive better salaries.

## **2.4. Establishing a Unit Specialized in Preparing Financial Plans, Budgets and Proposals**

To ensure that the technical standards are observed while preparing financial and budgetary plans, that the AGO is not faced with any budgetary problems during the fiscal year, and that the AGO will not be subject to criticism, it is necessary to establish a specialized unit intended to conduct need assessment, prepare financial plans and proposals.

Taking into account the said needs, the unit shall be activated in 1391 and have planning experts in its membership. The assistance of the Civil Technical Assistance Program (CTAP) shall be attracted in building the unit's capacity. Also, the required actions shall be taken in employing advisors and experts in policy, strategy, financial and budgetary planning fields. Operating under supervision of the DAG for Administration, the unit will be duty bound to assist the Finance and Administrative Department as well as the Planning and Policy Department of the AGO in preparing plans, budgets and proposals for the intended project.

## **2.5. Observing Chain of Command and Enforcing Orders of Superior Authorities**

According to general organizational rules, the subordinate employees must obey the orders issued by their supervisors. The chain of command principle suggests that a subordinate is obliged to enforce the orders given by his/her supervisor. The authority of issuance of order by a supervisor to his/her subordinates is called as “Authority Based Chain of Command”. Based on this authority, the supervisor may confirm, correct or reject the decisions made by his/her subordinates. Observing the chain of command at the AGO is a lawful and necessary principle. The subordinates at the AGO shall put all efforts possible to enforce the lawful orders issued by the AG, management team and their supervisors. This will ensure order and discipline and enhance the prestige and dignity of the AGO.

Constantly monitoring and assessing the enforcement of lawful orders at the AGO will help prevent prosecutors’ arbitrary and negligent acts. Additionally, the illegal orders will be identified and the violators will be subjected to punishment. This program will continuously be implemented by the leadership and authorized officials of the AGO.

## **2.6. Preparation of Terms of References and Action Plans on Quarterly, Six-monthly and Annual Basis**

One of the important aspects of discipline and delivery of good services in an organization is the existence of good terms of references and development of action plans. This means an organization will be successful and be able to deliver good services if it develops organized plans in accordance with its terms of reference and be firm in its implementation. As far as we can tell, many prosecution offices, whether in the Capital or in the provinces, have not developed rules on the basis of which the responsibilities of each employee can be determined despite the fact that the general and important responsibilities have been specified in the Law of Structure and Authority of the AGO, CPC, Detection and Investigation and, finally, the Constitution.

Likewise, working plans do not exist in the AGO HQs and provincial departments so as to enable them to foresee, for instance, how many cases remain from the last year, or cases under process they need to attend to in the quarter of the current year, or for how many cases in the past they have issued warrant to arrest fugitive suspects or for instance, how many cases have been sent to the courts. Considering how important this issue is and in order to speed up judicial proceedings of all cases of prosecution offices in the year 1391, their job description shall be prepared and approval of the High Council and the Attorney General. To this end, responsible persons, including both professional and administrative personnel, shall be required to develop plans to execute their duties. Likewise, the personnel of the Inspection Department shall be obliged to inspect developing terms of references and outlining working plans of their offices.

## **2.7. Using 23 Standard Forms in Completing Investigation and Prosecution Processes of Criminal Cases**

As we know, the 23 standard forms have been prepared based on the protocol between the AGO and MOI for thorough investigation of cases and have been distributed to relevant offices for use. However, most investigative prosecution offices do not consider their contents and do not use these forms. Because the forms have been developed with the utmost attention, their use guarantees the legality of detection, investigation and prosecution phases. Therefore, the AGO shall issue strict orders to all prosecution offices as to the application of the forms in preparation of criminal cases and take legal actions against the offenders. Also, to implement these forms correctly, Planning and Policy and Human Resources Departments will convene training programs in 1391.

Financial and Administrative Departments, will distribute these forms on a continuous basis.

## **2.8. Obligating the Prosecutors to Wear Special Uniforms during Trials**

According to applicable laws, prosecutors have the authority to monitor the legality of arrests and domicile searches and follow up the investigation process and judicial prosecution of perpetrators of crimes. As demanded

by these obligations, prosecutors shall be physically present during detection, arrests, search of houses, investigation and prosecution of cases. In order for the identity of these judicial officers to be observable and evident while executing their duties, they need to put on uniform. In case wearing uniform exposes them to danger, hanging a special badge will also help in showing their identity.

Wearing uniforms or having a badge means that people will feel secure in their presence with other officials in arrests or house searches, the difference between prosecutor and others will be appreciated and relevant persons will find the courage to raise their legal demands. One other reason in favor of uniform or badges is that many other officials of detection or other organs interfere in cases as prosecutors. Drafting of this program and the manner of its application will be considered and approved by the High Council in one of its meetings in the first quarter of the year 1391.

### **3. Capacity Building**

#### **3.1. Assessing the Needs for Training Programs**

The AGO, at the end of each year, assesses the need for training programs in all its pertinent offices so it can draft a particular plan and implement that with the purpose to organize these programs. Training programs for the next year are also prepared according to this assessment.

This assessment is carried out by the AGO Education and Training Committee (ETC) with cooperation of helping organizations. After this assessment is done, training needs of AGO are determined and training plan of the next year will be determined. The cost of convening the planned training courses will be included in the yearly budget of the AGO by the Financial and Administrative Department with the cooperation of ETC. This plan, together with the assessment done, will be placed at the disposal of national and international institutions that cooperate with the Attorney General's Office so they can organize their training programs according to that. This program will be implemented by the Planning and Policy Department from 1391 to 1395 every year.

#### **3.2. Launching Stage Courses and Extending them to other Country Zones**

The Stage course of the AGO is amongst the effective programs that the AGO conducts with the cooperation of the Independent National Legal Training Center (INLTC) each year to build capacity of its professional personnel. The Stage course is conducted only in Kabul and its lack is felt in the provinces which, in turn, results in considerable difference in the level of education of professional personnel in the Capital as well as the provinces. Thus, it is necessary that this program be implemented in the centers of the zones as necessity demands. Currently, the INLTC holds the Stage course for prosecutors. Therefore, the Planning and Policy Department will propose a draft to INLTC about expanding this course to the provinces. This program will start in 1391 and will be complete by 1395.

The Attorney General's Office, with the INLTC, will try to extend this training to cover all the zones of the country by 1395. With the expansion of the stage course for prosecutors to the zones, beside professors of Law faculty, cooperation of experienced prosecutors should be sought in teaching this course so that their knowledge and experienced can be used effectively.

#### **3.3. Launching Short Term and Long Term Training Programs**

Short-term and long-term training programs play a crucial role in capacity building of employees of an organization. The Attorney General's Office has been able to hold several training programs in the Capital and

the provinces for its personnel according to the AGO Education and Training Strategy after approval by Education and Training Committee. Training programs are viewed with priority by the AGO and it will try to add to their number and quality.

In these training programs, which start in 1391 and will be conducted on a continuous basis, according to the AG Education and Training Strategy, focus will be on areas which have not been covered by training courses so far, and prosecutors will be considered for these trainings who have not participated in the trainings. The Training and Capacity Building Department (TCBD) and the ETC have the duty to convene these training programs. Furthermore, the ETC will also coordinate trainings conducted by international institutions. The Administrative and Finance Department will foresee the expenses of conducting training programs directed at its employees in the years 1391–1395.

### **3.4. Creating the Opportunity for Higher Professional Education of Prosecutors**

The ETC will develop a draft in the beginning of 1391 and acquire the approval of concerned authorities to come up with a program intended to provide higher education opportunities to prosecutors. The ETC will reach an agreement with the Ministry of Higher Education or private institutions of higher education to introduce some of its professional personnel to these institutions for higher education.

### **3.5. Creating and Development of Libraries in the Capital and Provinces**

A library is a crucial need to build capacity of AGO employees and prosecutors who can have access to it in order to develop their level of professional knowledge. At the time, AGO has created libraries in Kabul and some other provinces. However, these libraries need to be expanded and similar libraries shall be created in the remaining provinces. Creating and expanding libraries will be started by the Administrative and Financial, Planning and Policy and Public Relations and Information Departments in 1391 and completed in 5 years.

### **3.6. Creating a Database for Training Programs**

The AGO needs a database to record information on its training courses. Planning and Policy Department has planned to create a database which can be used to record training programs conducted throughout the country. This will help bring considerable ease in gathering information and organizing training courses. Plan of the database of training programs will start with the start of application of this strategy and will be completed in a year. Administrative and Financial Department will consider expenses of recruiting experienced persons and for facilities needed in the budget of 1392.

### **3.7. Attracting Short and Long Term Educational and Observatory Scholarships**

Short-term and long-term educational scholarships are very important in capacity building of employees and acquiring experience. The AGO tries to attract educational and observatory scholarships from relevant authorities and consider eligible people for it. This way, these employees will acquire experiences in foreign countries and will exchange them with others in their own country. The Planning and Policy Department has the duty to attract these scholarships. In addition, Departments of Planning and Policy and Finance and Administrative will arrange for the budget and seek cooperation to send some prosecutors every year in groups to foreign countries to develop their professional capacity. This program will start in 1391 and will continue on a perpetual basis.

### **3.8. Launching Foreign Language and Computer Courses**

For employees who will be recruited for this organization, English language is preferred and acquaintance with computer is a must.

Planning and Policy Department will seek the assistance of national and international institutions to conduct these courses while the Finance and Administrative Department will, according to the training plan prepared by the Planning and Policy Department, will allocate the necessary expenses every year to conduct courses on foreign languages and computer.

### **3.9. Capacity Building for Financial Planning**

Low capacity of the Finance Section of the AGO has rendered it unable to spend the biggest portion of its development budget while there remain a lot of needs for the AGO to be met.

Preparation of budget demands that every phase of its implementation be time-framed, and that the need for implementation of a project is determined. This should be prepared through a proposal so that all issues are clear and underpinned by reasons enabling the entity to acquire its development budget and put it due use. Therefore, it is necessary that capacity of the Finance and Administrative Department be improved so that it can assist the new unit responsible for devising and outlining financial plans.

Capacity building sections of the HR and Planning and Policy Departments are duty bound to prepare a comprehensive plan for this purpose and conduct effective trainings programs for Finance and Administrative Department through the years 1391-1395.

## **4. Fighting Against Corruption**

### **4.1. Simplifying and Standardizing Procedures to Speed up Performance**

The complex and long phases of a legal rule or application of a legal order of an authority have created difficulty for officials at the AGO. Bureaucracy in the activities of the offices has contributed to the emergence of incentives for corruption. Legislated rules have clearly determined the authority of officials with respect to implementation of law. However, distribution of this authority, in practice, to several officials and employees has caused activities to move slowly.

The AGO shall establish an authoritative committee comprised of experienced individuals to determine what causes bureaucracy and complicates activities, and propose specific solutions for rectification. These solutions will soon be communicated to all prosecution offices.

To come out this situation, it is necessary to do a revision with respect to the following issues, thus observing legality and providing facilities to those who approach the AGO:

#### **4.1.1. Release of Suspects in Investigation Process**

According to the current procedures, suspects are released on order of the Attorney General, and in the provinces, on orders of the head of appellate prosecution office. Thus, presentation of a petition, production of a report by the investigative team, approval by heads of relevant sections and heads of prosecution offices, and, finally, preparing of the bail letter, are pre-conditions for release. In the Capital the petition is also submitted to the concerned prosecution office through a letter and via archives, the report of the investigative committee is assessed and approved by prosecutors of the Advisory Board and permission of the Attorney General is acquired before release can take place.

Therefore, all these complicated and long phases uselessly make individuals ramble and create opportunities for corruption while the Criminal Procedure Code has provided prosecutors with the authority to decide about a suspect considering the quality of the perpetrated crime and extent of his/her involvement in it. With exercise of authority by prosecutors to decide about the fate of suspects, legality will be observed on the one hand, and rambling and bureaucracy will be avoided, on the other. Nevertheless, to ensure that prosecutors do not misuse this authority, their decisions should, in these circumstances, be constantly assessed by monitoring prosecution offices and offenders should be punished.

This plan shall be implemented continuously by the investigative prosecution offices as of 1391.

#### **4.1.2. Preparation of Bail**

The current trend regarding the letters of bond (bail) for the release of the suspects/accused is that a shopkeeper is required to serve as a bail. Doing so and preparing a letter of bail is a time-consuming and problematic process. The suspect/accused will have to convince a shopkeeper to provide bail for him, the bail has to be certified by the shopkeeper neighbor, followed by the neighborhood representative and finally by relevant office of the Municipality. This procedure has been proven to create difficulties for the suspect/accused who has to provide a bond, and whose release is postponed if he/she does not know a shopkeeper. It has also happened that the shopkeeper, who operated at a given place temporarily, left the area which made summoning of the released person difficult for the authorities.

Now, considering the problems relating to preparation of bails, it is required that this process be changed. The legal concept of reliable bails should be interpreted broadly. A prosecutor should assess and, upon his discretion, accept one of the bails introduced by a suspect as reliable bails. For example, the bail can be a property, or a reliable and dependable person or, possibly, a businessman. While acquiring bail, the prosecutor will read the provisions of Article 337 regarding non-fulfillment of commitment to the bailer.

To realize this situation, the AGO Advisory Board shall draft a procedure in the first quarter of 1391 and implement it after approval by the High Council.

#### **4.1.3. Paying Momentary Punishments**

Regarding the issue of paying monetary punishments, it is important that a specific account be created at a bank so that the person obliged to pay monetary penalties can put it into the account and ensure the office with a receipt of the payment. For cash penalties before finalization of verdicts and property of bails, a depository account shall be created by the DAG for Administration in one of the State's banks in the first quarter of 1391.

In case the accused is exonerated or warrant to restore funds given as property of bails is issued, the restorable funds will be transferred into the account of the exonerated person by issuing a check signed by the DAG. The Attorney General's Office shall adopt a manner to carry out this procedure in the provinces.

#### **4.1.4. End of Proceedings in Criminal Cases**

The current practice regarding dismissal of criminal cases is as follows: primarily, the order of investigation team on ending a criminal case proceeding will be referred to the relevant prosecutor's office for study and decision making. Then, it will be referred to the Department of Studies and Scrutiny and finally to the AG as the final phase. Whereas, according to Article (39) of the ICPC for Courts, in case the investigation team issues an order of dismissal for a case due to the lack of grounds for conviction and this order is approved by the senior prosecutor, the criminal proceeding of the case will end. In case the senior prosecutor or victim objects to the order, the case will be referred to the competent court and when the competent court confirms the objection, it

will demand the prosecutor's office to present the claim letter, and in case the order of investigation team is confirmed, the criminal proceedings of the case will end. So, the legal procedure for dismissal of cases is observance of Article (39) of the ICPC for Court, and on the other hand, it will prevent lengthened case processing as well as wandering of individuals involved in the case.

This plan will be constantly implemented by prosecutors' offices.

#### **4.1.5. Prosecution of Cases:**

While prosecuting criminal cases, it shall be attempted to enforce the provisions of applicable laws and strictly avoid unnecessary and illegal sending of cases to unauthorized entities.

#### **4.1.6. Enforcement of Orders:**

According to Article 8 (4) of the ICPC for courts and Article 84 of the CPC, it is the duty of primary prosecutor to oversee the enforcement of courts' orders/decisions. In order for the AGO to quickly perform this legal task and avoid wasting time resulting from too many letter correspondence, all decisions shall be sent to the relevant primary prosecutor's office and shall be recorded into a database through case management system so that the assigned prosecutor can easily control and oversee its enforcement.

This plan shall be constantly implemented by the Law Enforcement Department.

### **4.2. Establishing an Effective System for Receiving Complaints:**

To fight against administrative corruption, it is necessary to establish an effective system of receiving public complaints by which people can have their complaints registered.

By 1392, the AGO will have established a system in which everyone can easily and without any concern have his/her complaints registered. Establishing this system requires competent, responsible and accountable individuals. After going through formal legal processes, successful candidates will be recruited and then be provided with required facilities, equipment and materials. The new entity shall have broad authorities, and shall report and be accountable to the AG.

At the beginning of its establishment, this entity shall draft a comprehensive Terms of Reference (TOR) and process it for approval. The responsibilities and work procedures of this entity shall be written in this TOR. A year after its establishment, the entity shall be expanded, first to the major provinces and then thorough-out the country.

For this purpose, the AG shall assign a commission to assess the needs, structure and scope of the authority and duties of this entity. The assigned commission shall present the result of their assessment along with their plans and suggestions to the AGO High Council for approval during the first six months of 1391 and the DAG for Administration consider the establishment of this entity in the structure of 1392.

### **4.3. Continuous Monitoring and Inspection of Prosecutors' Performance**

Continuous monitoring of performance brings about transparency in the operations and limits misuse of lawful authority. Within the structure of the AGO, there are entities which monitor the performance of different AGO departments.

The AGO is intending to strengthen this process until 1395. The purpose of strengthening the monitoring and inspection process is to improve work quality in the performance of offices and to fight corruption which is one of the serious problems of our society.

#### **4.4. Observing the Principle of Rewards and Punishments**

The principle of rewards and punishments requires that good performing employees are motivated through monetary and intellectual/moral means, and employees who have not shown competence in their activities and have been negligent shall be punished.

The principle of reward and punishment is one of the accepted principles of administration which plays a significant role in motivating employees and reforming the office.

AGO intends to assess the performances of its employees in accordance with enacted standards stipulated in the Code of Conduct and Professional Standards for Prosecutors at the end of every year and compare Articles of the Code with results of the assessment.

The senior officers of the AGO will implement this program from 1391-1395 at the end of each year.

### **5. Construction of Physical Infrastructures:**

#### **5.1. Construction of Office Buildings for the AGO in the Capital, Provinces and Districts:**

The AGO intends to construct the following buildings in the capital, provinces and districts.

- a. Completing construction of AGO Headquarters Building in Darulaman during 1391-1395 based on the proposed plan.
- b. Constructing buildings for appellate prosecution offices of 6 provinces including Kunar, Laghman, Kapisa, Khost, Uruzgan and Nooristan during 1391-1395.
- c. A committee shall be assigned to assess the needs for construction of prosecution office buildings in 20 provincial districts. The committee shall complete and report the result of their assessment during 1391. Based on the report, actions will be initiated in 1392 for planning and preparing the budget for the project.
- d. A committee comprising of representatives from Military Prosecution Office and PIES operating under chairmanship of DAG for Military Affairs shall be assigned to conduct an assessment during the second half of 1391 regarding the construction of buildings for Military and PIES and refer their suggestions to the AGO High Council for approval.

The above programs will be implemented by Finance and Administrative Department.

#### **5.2. Procurement of Office Equipment:**

The AGO is currently facing serious shortage of equipment and materials, therefore, it intends to assign a committee comprised of administrative experts which will operate under the chairmanship of the AGO's Finance Director to assess the available and required materials in the Capital and provinces during 1391. After preparing the mentioned committee's report, the Planning and Policy together with the Finance and Administrative Departments shall develop a plan for procuring required equipment and obtain funds for it. Thus, AGO will have enough materials and equipment for its staff by 1393.

#### **5.3. Procurement of Vehicles:**

The Finance and Administrative Department shall accurately survey the available and usable vehicles and assess required vehicles during first quarter of 1391. This assessment shall consider the amount of needed funds, cost of lubricants, vehicle repairing and purchasing costs and drivers' salaries to be incorporated into the annual budget.

## **6. Raising Salaries & Benefits of the AGO Personnel:**

The right to own a dwelling place, access to medical treatment and work are the recognized rights of every Afghan. To decrease crime rates in the society, the AGO staff are the main fighters against dangerous criminals, so the staff of this entity is entitled to full support of the government. The mentioned support includes the following material and moral privileges.

### **6.1. Raising Salaries and Privileges:**

The cadre salary of the AGO staff was inadequate before. However, the amount has been raised based on an approval issued by the Council of Ministers. According to the mentioned approval, payment of the modified salary amount shall be effective from the beginning of 1391.

To benefit from these privileges, it is crucial to pay full attention in recruiting cadres for different positions. The principles of professionalism, competency and honesty shall be considered in accordance with Article 2.2 of Chapter Two (Goals) of this strategy which relates to recruitment of cadres based on merit and the professional staff of this office shall be reformed. The AGO High Council will develop a mechanism based on which the professional staff can be internally reformed and have the benefit of raised salaries.

The reform process of administrative and service sections has a very slow pace. The Human Resources Department is attempting to speed up this process in coordination with the Independent Administrative Reform Civil Service and Commission during 1391.

Grant of grades, cadre ranks and appreciation letters, besides having material privileges, will enhance professionalism in the workplace and will also be considered as moral privileges. However, these privileges shall be granted based on the qualifications of competency, eligibility and assessment of professional and administrative activities.

In granting cadre ranks, encouragement and appreciation letters, the Attorney General and the AGO High Council shall observe the requirements and standards contemplated in the Civil Service Law; and direct all prosecution offices to seriously observe the enacted conditions for requesting appreciation letters and filling the forms of cadre ranks appointment.

### **6.2. Providing Residential Township for Prosecutors:**

In order to perform their duty with comfort, having a place to live is considered as one of the material privileges for government employees. The AGO is facing problems in this regard and lack of dwelling places remains a leading challenge in the Capital and provinces.

To address this issue, the DAG for Administration after obtaining the agreement of the Municipality and other relevant offices, shall, as the first stage, make a formal request for obtaining funds and in the next stage, focus on establishing a residential township in agreement with the Municipality and Ministry of Urban Development, and sign a protocol in this regard.

This plan shall start at the beginning of 1391 and be completed by 1395.

### **6.3. Providing Health Insurance and Building Health Clinics for AGO Personnel:**

Having health necessary insurance guaranties the health of employees. Other entities such as the Afghan National Army, the Afghan National Police and the National Directorate of Security (NDS) have their own specialized hospitals. However, the Attorney General Office lacks such privilege. The DAG for Administration shall enter into an agreement with a hospital of the Ministry of Public Health to provide required health facilities for the AGO staff.

### **6.4. Ensuring Physical Safety of Prosecutors:**

The lives of prosecutors are constantly exposed to serious dangers as they fight against criminals and terrorists. 29 prosecutors have lost their lives in line of duty over the past ten years and some others are under daily life threats. Eliminating potential threats and dangers requires establishing a special unit to ensure the physical safety of prosecutors. The plan for this issue shall be developed by the DAG for Administration and Military Affairs in 1391 for which the approval of respective officials shall be obtained.

## **Goal Two**

### **Creating Better Coordination and Consistency between the AGO and other Legal and Judicial Entities**

#### **1. Case Management System**

The Case Management System (CMS) has been a successful attempt in maintaining coordination between judicial entities. Its positive impact has been demonstrated since its establishment in the Capital and provinces.

Considering the fact that this system has had a crucial role in bringing about coordination between judicial organs, the emphasis is placed on its expansion to other provinces and that its practical use should be accelerated.

With respect to expansion of CMS, the Law Enforcement Department with assistance of Planning and Policy Department, are obligated to prepare the expansion plan of the system within the first quarter of 1391 and, until the end of 1395, execute CMS in all provinces.

Because of the necessity for this system, it is required that the Attorney General's Office designate a commission with assistance from the Afghanistan Justice Sector Support Program to prepare a draft for the structure of this entity. This commission will, during the first six months of 1391, refer its suggestions with specific plans for approval by the AGO High Council and the DAG for Administration will take into consideration the establishment of this office within the structure of 1392.

#### **2. Holding Coordinating Workshops with Legal, Judicial and Detective Organs**

Since combating crimes and attending to complaints of victims are the shared responsibilities of security, detective and judicial entities, it is important that these entities execute their responsibilities in full coordination and with strict adherence to laws. It has often been seen that despite clear awareness of the scope of authority and responsibility, officials interfere in each other's activities or they refuse to comply with orders of competent authorities.

Maintaining order and strengthening legality requires that each entity carry out their duties and avoid interference in each other's activities.

In order to remove problems resulting from execution of duties, seek legal solutions in accomplishing duties of cooperative organs in tackling crimes and to finally, provide legal consultations to one another, it is necessary that, with AGO initiative, coordinating workshops be convened between the legal, judicial and detective organs in the Capital and provinces. All debatable issues shall be collected and included in the agenda three months before the start of workshops.

Manner of conducting these seminars and creating committees will be planned by the Planning and Policy Department and distributed to the provinces.

The above plan will be conducted by the Planning and Policy Department and Administrative and Finance Department from 1391-1395 every year.

#### **3. Attracting the Support of Relevant Organs for Exercising the Legal Authority of Prosecutors**

Strengthening legality, order and stability in the society constitute the top demands of the people. Complaints are continually heard about non-observance of the law, violation of rights and bullying. The Attorney General's Office is a law-defending organ with specific obligation towards violators and offender of the law. These obligations are derived from the various applicable laws of the country.

However, it is sometimes seen that prosecutors face obstacles and interference of influential authorities and persons in exercising their legal authority. These interferences and indifference to the lawful actions of prosecutors often occur in the provinces. Unfortunately, despite persistent directives of the Attorney General, the opportunity for exercising legal authorities of the prosecutors does not exist.

By taking this issue into consideration, it is necessary that the Attorney General seek full support of the President, the Council of Ministers, the National Security Council and the Ministries of Interior and Defense in creating circumstances where prosecutors can exercise their legal authority for the purpose of implementing the law in the society, in affairs relating to the investigation and prosecution of criminals, monitoring the process of detection of crimes, monitoring detention centers and protecting public property.

Realization of this end is possible by convening coordinating meetings and conferences. The Department of Correspondence shall pay full attention for devising a plan on its accomplishment during 1391 – 1395.

## **Goal Three**

### **Improving the Quality of Justice and Raising Public Awareness**

#### **1. Analyzing the Causes of Crimes and Providing Constructive Solutions for Reducing Them**

Undoubtedly, analyzing and investigating the causes of criminal cases as an important element, requires thorough and comprehensive investigation. In order to achieve this goal it is required that a Professional Investigation and Research Office be established within the Study and Scrutiny Department in the year 1391. This department shall be duty bound to investigate the causes and probe the motives of crimes during the 1391-1395 on occasional basis both in the Capital and provinces of the country, and make necessary recommendations containing solutions for reducing crimes.

#### **2. Improving and Developing Professional Capacity**

There is no doubt that professional cadres play an effective and constructive role in performing heavy and crucial duties of the AGO. Due to increasing pace in emergence of complex criminal cases, the AGO is critically in need of having professional and experienced cadres.

In order to achieve this goal, it is necessary to provide continues education for the professional AGO personnel and also to create opportunities for their higher education abroad.

Additionally, attention should be paid to enhancing professional capacity of prosecutors by holding seminars and conferences in which experts from faculties of Law and Sharia and experienced judges are invited as participants.

The Planning and Policy Department has the responsibility of launching this program and the Human Resource, Administrative and Finance Departments will also provide cooperation for implementing it.

It is also deemed necessary that the National Prosecutors' Conference is held once a year in the Capital between the years 1391 till 1395 wherein discussions could be held over professional issues, problems and concerns of the prosecutor. In addition, assigned committees will be able to present their constructive suggestions for resolving issues and legal explanations could be provided for prosecutors' queries.

By doing so, positive outcomes will assist the AGO to play its positive role in rendering judicial services.

The Planning and Policy Department in cooperation with the Human Resource, Administrative and Finance Departments and Military Prosecutors' Offices shall be responsible for holding seminars during 1391-1395.

#### **3. Irrevocable Observance of the Prosecutors Code of Conduct and Professional Standards**

As we already know, the Code of Conduct and Professional Standards for Prosecutors has been enacted in 24 articles and 4 chapters with the purpose of elevating the prestige and maintaining the honor and dignity of prosecutors in the society, building work capacity and adhering to the impartial positions of prosecutors. However, the majority of prosecutors are still unaware of its contents and unfortunately they do not observe their Code of Conduct while discharging their duties. Therefore, their violations and improper attitude in attending to clients constitute the basis for increasing complaints of both the clients and officials of other entities.

Although some prosecutors have been trained on the provisions of the code along with its positive aspects to through a number of seminars, it is still required that the Planning and Policy Department, in cooperation with the Human Resource Department of the Civil and Military sections, place more focus on observing the provision of the Code through holding seminars for all prosecutors. Superior directors shall monitor the observance of the code by their subordinate prosecutors and shall deal with the violators of this code as prescribed in Chapter Four of the code.

This plan is to be started as of 1391 and its implementation shall be continued.

#### **4. Provision of Information Technology and Communications Facilities:**

Requirements of the modern world necessitates that every department be equipped with modern systems of information technology. This will not only prevent the wastage of time but will also lead to the emergence of considerable efficiency in performance.

In order to be able to render optimal services, the AGO also needs to align itself with these requirements; therefore, the DAG for Administration plans to equip all its relevant departments with computers and internet access in the Capital and provinces. This will, on one hand facilitate communications between prosecutors' offices and on the other hand, AGO personnel will become aware of the world's developments.

In order to achieve this goal, it is required for the Administrative and Finance Department to provide the procurement expenditures of required equipment during 1391-1395. The existing structure of the Information Technology Department is inadequate. In addition to the need for expanding the existing structure, it is also necessary to establish and activate the Information Technology Department in civilian and military prosecutors' office of the provinces in the year 1392.

#### **5. Publishing and Broadcasting the Activities of the Attorney General's Office for Public Awareness**

Since bringing criminals to justice is focused on the three objectives, i.e. to rehabilitate offenders, to set examples for other potential offenders and to restore disrupted order in society, all the judicial organs' activities shall be disseminated through publications and/or broadcast through mass media to the Afghan people.

The judicial organs have printing, audio and video broadcasting means at their disposal by which they publish and broadcast their activities on occasional basis.

The AGO has taken initial steps in this regard. Currently it publishes a monthly journal and magazine which provide adequate information about AGO's activities to the readers. In addition, the AGO has created its dedicated website and efforts are continuing for its development. However, only the AGO's staffs have access to the website and other interested individuals can not have access to it.

Efforts shall be made to increase television programs, radio conferences and legal advertisement for raising public awareness and specific approaches shall be adopted between years 1391-1395 by the Department of Information & Public Relations (DIPR) under the supervision of DAG for Administration.

The DIPR is obligated to prepare a draft of comprehensive programs for raising public legal awareness within first six months of the year 1391 through the government and private audio and video broadcasting sources and perform their continued activities at the beginning of the second six months of the year 1391.

As per the recent approval of the AGO High Council, all the prosecutors' offices are obligated to provide a brief report on their achievements though there exists no protocol for doing so and it is not possible to report on each and every activity. To resolve this issue, the DIPR is obligated to prepare a draft on the mentioned issue by observing Article 120 of the Constitution and, once approved by the High Council, present it to relevant departments.

In order to regularly publicize the activities of the AGO it is required to include a person within the structure of the DIPR as its spokesman. A professional prosecutor shall be assigned to perform this duty.

Although legal propagation is among the obligations of prosecutors while discharging their duties, this activity has been limited and requires a revision. Therefore, the Departments of Planning and Policy, Scrutiny and Studies and DIPR are obligated to prepare a comprehensive draft of legal propagations and officially send it to all departments of the AGO in order to organize the performance.

## **Chapter Four**

### **Implementation of Strategy**

#### **Mechanism for Implementation of the Strategy**

Since the objective of drafting this strategy is to improve the role of the AGO in fighting lawbreakers and rendering better services to the people in respect to the rule of law and ensuring justice in the society, it is expected that all prosecutors throughout the country, play their role with competency and perform the duties assigned by this Strategy to help fulfill its goals.

In order to practically implement the Strategy, it is required that the AGO High Council include its implementation method in the agenda of its monthly sessions and assign the Planning and Policy Department to notify the relevant departments to perform their assigned tasks based on the schedule attached with the Strategy. In the following sessions, the High Council shall ask for a report on the implementation of the strategy. In case of unjustified delay and negligence, disciplinary punishment shall be applied.

In order to execute this substantial and major task, it is required that the Planning and Policy Department first assess its existing structure and capacity, and then submit its proposal for recruiting specialists in the fields of planning and strategy to the High Council for approval.

Implementation of the Strategy will lead to a stronger AGO, staffed with experienced and pious prosecutors who will be fighting crimes in the country and meeting the expectations of the Afghan people to some extent through enforcing justice.

In order to expedite the implementation process of this Strategy, immediately after its approval by the High Council, the assigned departments are obliged to regulate their work plans according to the timetables attached to it and adopt necessary approaches for its implementation. A copy of the approved strategy shall be submitted to the Planning and Policy Department as well.

#### **Conclusion**

Within the structure of every political system, organs are designated with the purpose of ensuring stability, justice, prosperity and ultimately safeguarding the national sovereignty. Moreover, specialized institutions in different areas perform certain tasks within the framework of applicable laws.

The AGO has a significant position within the judicial system of the Islamic Republic of Afghanistan. Based on Article 134 of the Constitution, the AGO has the authority of investigation and prosecution of crimes.

To accomplish this major and crucial mandate and by considering the public expectations with respect to ensuring justice and strengthening the rule of law, it is required that the AGO draft and implement effective, proper and pre-evaluated programs. The programs are to ensure justice and proper performance of the lawful duties of prosecutors in order to provide enhanced services in fighting crimes, defending victims, safeguarding state interests and strengthening the rule of law. To this end, the AGO decided to draft its strategy, with the cooperation of Afghanistan Justice Sector Support Program, for the following five years.

A proper implementation of the strategy would pave the way for bringing considerable reforms to the AGO and enhancing the performance of prosecutors. By exercising their lawful authority, the prosecutors will be able to render better services in respect to strengthening the rule of law and ensuring justice.

If the goals of the strategy are followed, the prestige and dignity of the AGO as well as the professional capacity of prosecutors will be enhanced.

Implementing the new strategy which emphasizes the observance of law provides the ground for prosecutors to exercise their lawful authority. Efforts have been made to enhance the level of control and inspection on the prosecutors' performance to prevent corruption and problems for AGO clients, to the extent possible.

In the new strategy a serious attention has been paid to the salaries and benefits of the prosecutors in order to ensure that prosecutors carry out their assigned duties with integrity and thereby gain public trust.