



Afghanistan Prosecutors' Association (APA)

Charter

October 2009

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Chapter One

General Provision

Article 1: This draft charter of Afghanistan Prosecutors Association was constituted in the light of article 35th of the constitution and in accordance with the article 2nd of the Law on Social Organizations in order to explain the aims, duties and organizational structure of this association.

Article 2: Afghanistan Prosecutors Association is a social, independent, non-governmental, non-political and nonprofit Association that aims to bring together the prosecutors from around the country to voluntarily work for the fulfillment of the duties and responsibilities stated in this charter.

Article 3: the main office of the Afghanistan Prosecutors Association is in Kabul, the capital of Afghanistan and it can open its sub offices in the provinces as well.

Article 4: Afghanistan prosecutors Association will carry out its duties with adherence to the fundamentals of Islam, the Afghanistan Constitution, the international Human Rights Declarations, the International Conventions and the provisions stated in this charter.

Article 5: Afghanistan prosecutors Association has one seal, a stamp with () millimeter diameter, a flag with blue color and a membership identity card which will be determined by the General Assembly.

Article 6: the overall prosecutors Association is called the Association in this charter.

Article 7: the association's activities will be executed by conducting Workshops, Conferences and Seminars.

Chapter Two

Aims

Article 8: This Association is operating for the following proposes:

1. Protecting the peace and the rule of law in the country.
2. Protecting the democracy and social justice.
3. Providing the opportunity for the advancement of the prosecutors' professional knowledge and awareness by conducting conferences, seminars, educational and training courses.
4. Providing the opportunity for the enforcement of law in the Attorney General's office and the society.
5. Establishing and extending friendly relationship and bilateral or multilateral cooperation with other related national and international organizations.
6. Participating actively in the enforcement of the enacted laws in the country and other international legislative or legal documents; providing legal awareness about the illegal production, importation and trafficking of narcotics.
7. Defending and protecting the rights of the members of the association.
8. Exchanging legal and professional experiences and information with other related organizations in order to acquire legal and professional knowledge in different fields.

Chapter three

Organizational Structure

Article 9: The Association has the following organizational structures;

1. General Assembly;
2. Board of Directors/Executive Board;
1. Committees.

Article 10: The General Assembly is the highest decision making authority of the Association and is composed of all association members. The ordinary meetings of the General Assembly shall be held every year but in extraordinary circumstances, the executive board would call for the general meeting. General assembly has the following authorities and duties:

1. The ratification and amendment of the Association's charter;
2. The election or dismissal of the president, the vice presidents and the secretary;
3. Determining and approving the Association's main activities;
4. Approving the seal, flag, the admission and the membership fees;
5. Approving the date and venue for the annual meetings of the Association;
6. Approving the annual budget of the association;

7. Determining duration of the president's office and other organs' of the association.

Article 11: Executive Board is an active body of the Association which meets twice in a month and has the following authorities:

1. Executing the decisions of the General Assembly;
2. Taking in and evaluating the reports of the committees;
3. Determining the admission and membership fees;
4. Making decisions and executing them in order to coordinate the relationships of the Association with the other related national and international organizations;
5. Making proposal about the dismissal of the Association's president, vice presidents and secretary if violated provision of charter with two third of the vote to the General Assembly;
6. Approving the expenditures based on request of the financial committee;
7. Approving the internal procedures of the committees.

Article 12: Duties and Authorities of the president:

- 1- Leading and organizing overall affairs of the association;
- 2- Control and supervision of activities of the committees;
- 3- Approval or refusal of reports of the committees;
- 4- Providing guidance, recommendation, admonition of the association's members in certain instances;
- 5- Approval of fund after it is approved by the executive committee;
- 6- Defending rights of members in reasonable and lawful instance;
- 7- Monitor implementation of provisions of the Charter;
- 8- Establishing relations with Prosecutors Association of other countries;
- 9- Approving determination of those in need of assistance after they are introduced by the executive committee;
- 10- Controlling assets of the association;
- 11- Solving problems and difficulties of members of the association arising from duty, and consulting leadership council of the Attorney General's Office;
- 12- And other tasks as stipulated in the Charter,

Article 13: The association is composed of the following committees:

1. Executive Committee;
2. Support and Protection Committee;
3. Cultural and Foreign Relations Committee;
4. Administrative and Financial Committees;
5. Committee for Protecting the Rights of Women and Children;
6. Monitoring and Evaluation Committee;

7. Committee for Human Rights and International Conventions,

If needed, other committees can be created as well.

Article 14: The support and Protection Committee

- A. This committee is comprised of six members:
 - 1. The head of the committee;
 - 2. The members of the committee are five.
- B. Duties of the Support and Protection Committee:
 - 1. Assessing the incoming complaints to the Association;
 - 2. Presenting specific comments and proposals to address and follow up the problem/s;
 - 3. Presenting report to the president of the Association.

Article 15: Cultural and Foreign Relations Committee

- A. This committee is comprised of six members:
 - 1. The head of the committee;
 - 2. The members of the committee are five.
- B. Duties of the Cultural and Foreign Relations Committee:
 - 1. Maintaining cultural and legal relations with other related national and international organizations;
 - 2. Preparing and conducting seminars, workshops, conferences, courses and interviews both in the national and international levels;
 - 3. Publishing and issuing legal information in order to raise the awareness of the public;
 - 4. Presenting report to the president of the association.

Article 16: Administrative and Financial Committees

- A. The Administrative and Financial Committees are comprised of four members:
 - 1. The head of the committee;
 - 2. Members of the committee are three.
- B. Duties of the Administrative and financial Committees:
 - 1. Coordination of financial and economic assistance from national or international sources;
 - 2. Coordination of administrative and transportation affairs of the Association;
 - 3. Monitoring the administrative and financial affairs of the Association;
 - 4. Verify the expenditure documents and request fund from the executive committee.
 - 5. Opening a specific bank account in a trusted bank.
 - 6. Issuance of cash cheque (Check) in specified instances, after approval of executive committee and (sign) the president of APA.

Article 17: Committee for Protecting the Rights of Women and Children

- A. The Committee is comprised of six members:
 - 1. The head of the committee;
 - 2. Members of the committee are five.
- B. Duties of the committee for protecting the Rights Women and Children:
 - 1. Timely investigation of women and children prisoners;
 - 2. Assessment of incoming complaints, following up on them;
 - 3. Presenting comments, proposals and helpful mentors about the restitution of the women and children rights and the ways to prevent the violation of their rights.
 - 4. Presenting effective comments and proposals about the elimination of violence against women and children;
 - 5. Presenting reports to the President of the association.

Article 18: Monitoring and Evaluation Committee

- A. This committee is comprised of four members:
 - 1. The head of the committee;
 - 2. Members of the committee are three.
- B. Duties of the Monitoring and Evaluation Committee:
 - 1. Monitoring and evaluating the executions and performances of the other committees;
 - 2. Monitoring and evaluating the enforcement of the articles in this charter;
 - 3. Monitoring and evaluating the enforcement of the instructions issued by the President or the General Assembly of the association;
 - 4. Presenting comments and proposals about the affairs related to the Association;
 - 5. Presenting report to the President of the Association.

Article 19: Committee for Human Rights, International Conventions

- A. This committee is comprised of four members:
 - 1. The head of the committee;
 - 2. Members of the committee are three.
- B. Duties of the Committee for Human Rights, International Conventions and Transitional Justice:
 - 1. Overseeing and assessing the incoming complaints about any violation of human rights;
 - 2. Presenting comments, proposals and helpful mentors about the accurate implementation of international declaration of human rights;
 - 3. Presenting comments and proposals about the correspondence of the enforced internal laws with the international human rights declaration and the international conventions that Afghanistan is a member to;
 - 4. Presenting comments and proposals about the prosecution and trailing of the human rights violators.
 - 5. Presenting report to the Resident of the Association.

Article 20: Committee for the Study and Evaluation of the Enforced Laws of the Country

- A. This committee is comprised of four members:
 - 1. The head of the committee;
 - 2. Members of the committee are three.
- B. Duties of the Committee for the Study and Evaluation of the Enforced Laws of the Country:
 - 1. Studying the laws and presenting comments and proposals to the Association;
 - 2. Presenting comments and proposals about the correspondence of the enforced laws of the country with the internationally accepted treaties;
 - 3. Mutual efforts about the manner of enforcing the laws in practice;
 - 4. Presenting report to the President of the Association.

Chapter Four

Membership Conditions

Article 21: Any professional member of Attorney General Office, who has reached the age of eighteen and meet the conditions set out below, can get membership of this Association:

- 1. A bachelor's Degree, Master's Degree or PhD from the school of law or Sharia that is from the universities in Afghanistan or abroad;
- 2. The graduates or senior Islamic Schools that are equivalent of Bachelor's Degree;
- 3. The graduates Criminal Schools of the Police Academy;
- 4. If they do not have Bachelor's Degree, period of service of at least ten continues years in professional in Attorney General Office
- 5. Not lacking political or civil rights;
- 6. Not committed or being convicted of any felonious crimes or crimes against humanities;
- 7. Committed to the protection of nation's interest respecting the recognized customs of the Afghan people and having an acceptable moral behavior with good fame;
- 8. Presenting written application for the membership of the APA.

Article 22: The membership of a member of the Association can be dismissed in any of the following conditions:

- 1. Presenting written and voluntary letter for the renouncement of the association's membership;
- 2. member/s of this Association has/have acted in the violation of the articles of this charter;
- 3. In case not paying his/her membership fee for more than three months.

Chapter five

Election Procedure for the President, Vice President and Secretary

Article 23: The appointment of the president, vice president, secretary, and heads of the committees is based on election and every member of the Association can be candidate to these posts.

A. The appointment of the Association's President:

The President of the Prosecutors' Association will be appointed under the following conditions:

- In addition to meeting the requirements of article 20 of this charter, he/she shall be an active member of the Attorney General Office and not be head of an independent departments
- At least 10 years of service in professional departments, and possess a good reputation.

B. Election Procedure for the President of the Association:

- Voting will be free, independent and secret.
- The President of the Association will be elected by winning the majority vote of the Association members for period of (3) years.
- The President of the Association cannot be a candidate to this post after serving two terms.
- In case of the president's death, absence/disappearance or affected with an incurable disease which would prevent him/her from carrying his/her duties, the first Vice Presidents will preside during the three months which the General Assembly will be held.

Article 24: Election of the Vice Presidents and Secretary

- Election Procedure for the Vice Presidents and Secretary is according to the President Election procedure.
- Vice Presidents and the secretary cannot nominate themselves in these posts more than two terms. In case of the Vice Presidents; Secretary and heads of the committees' absence, another member of the Association will be appointed temporarily by the president to carry on the duties.

Chapter Six

Association's Finance Affairs

Article 25: the Association will be funded through these sources:

- A. Payment of 100 Afs admission fee (one time) and 50 Afs monthly membership fees;
- B. Financial assistance of real and national and international personalities;
- C. The amount earned as the income of the cultural activities and publications;
- D. Other donations for the Association.

Chapter Seven

Conditions for the Dissolution of the Association

Article 26:

1. The Association can be abolished by the decision of the general assembly and the majority votes.
2. In case of the association's dissolution, the admission fee and the membership fee of the members will not returned.
3. In case of the General league's approval of the association's dissolution, the property of the Association will be officially transferred to the government budget.

Chapter Eight

Miscellaneous provisions

Article 27: The cash assets of the Association will be used in the following cases:

1. For achieving the aims and fundamental lines of the Association.
2. For the assistance of the needy and eligible members of the Association when identified by the committees mentioned in articles 11 and 16 of this charter.
3. For providing the basic needs of the Association.

Article 28: Honorary membership could be granted to national natural or legal personalities.

Article 29: The foreign national can request for the honorable membership of the association through the related authorities.

Article 30: The emergency meeting of the Association's general assembly shall be held each six month upon the request of the executive board.

Article 31: This charter which is consisting of 8 chapters and 30 articles has been approved with the unanimous votes of the General Assembly and it is applicable from 27 Aqrab 1388.