

Performance and Achievement of Attorney General's Office during the Last Five Years (1390-1394 i.e. 2011-2015)

Preamble

Establishment of Attorney General's Office (AGO) of the Government of Islamic Republic of Afghanistan (GIROA) within the framework of executive power of the government based on article 134 of the constitution. AGO performs investigation of crimes and deals with court proceedings against accused persons. The terms of reference and jurisdiction of AGO is regulated in the law on Organization and Jurisdiction of Courts of Judiciary.

The GIROA approved AGO *Tashkil* consists of (5200) employees that includes Administrative and Civil Personnel Prosecutors, Military Police, Prosecution Office of Crimes against Internal and External Security, Special Prosecution on Counter Narcotics, Prosecution Office of Crimes related to Administrative Corruption, and Elimination of Violence Against Women (EVAW).

The AGO operating budget in the year 1394 (2015-16) was AFN 1,115,658,999 and the development budget was AFN 229,933,212.

AGO Vision:

The AGO carries out its duties and utilizes its authorities in full compliance with stipulations of the enforced laws; maintaining impartiality, independence, and respect for human dignity, observance of human and Sharia rights of the citizens particularly of those involved in criminal cases based on acquittal principle. AGO regulates its activities in accordance with the Law on Organization and Jurisdiction of Courts of Judiciary. The AGO provides basic, constant judicial services and as a public prosecutor, files lawsuits, pertaining to criminal cases and operates within the justice and judicial system as per standards and priorities set in the national strategy for Afghanistan. In order to improve quality of the criminal justice, AGO ensures security of life and property of civilians, and preserves Islamic and national values, observes the principle of equality and freedom before the law as well as providing equal public access to justice.

The following report briefly indicates the performance and basic achievements of the Attorney General's Office from the years 1390-1394 (2011-2015) to include methods, number of case files, graphs, and types of offence.

The chart below provides a description of crimes:

Miscellaneous Crimes:	Administrative and Financial Crimes:	Traffic Crimes:	Narcotic Crimes:	Moral Crimes:	Robbery Crimes:	Murder Crimes:
Detainee Escapee	Fraud	Traffic Wounding	Alcohol Drinking	Escape from Home	Negligence	Intentional Murder
Brawl	Forgery	Traffic Death	Drug Trafficking	Pederasty	Theft	Quasi-intentional Murder
Threatening	Bribery		Drug Addiction	Prostitution	Breach of Trust	Unintentional Murder
Arson or Fire	Embezzlement			Adultery	Expropriation	
False Information				Abortion	Pickpocketing	
Kidnapping				Gambling	Robbery	
Aggression against Civil Servants						
Battery						
Human Trafficking						
Wounding						
Normal Trafficking						
Firing Weapon						
Misuse of Authority						

Performance

Reports of the year 1394 (2015-16)

The Attorney General's Office in the year 1394 (2015-16) investigated 32,667 criminal cases and referred them to the courts after court proceeding against accused in accordance with article 134 of the constitution.

These cases are as follows:

- 15,933 cases were referred to the primary court after preparing the lawsuit and indictment following primary investigation
- 11,476 cases were solved in the Appellate court and proceedings bindingly finalized
- 1,558 cases archived due to lack of sufficient evidence

In accordance with the report from Inspection and Research Department in the year **1394 (2015-16)**, there were 32,667 cases judicially settled. This figure also includes the remaining cases from the previous year.

From the 32,667 cases, about 14,154 cases related to Civil Prosecutions; 1,895 cases related to Prosecution Office of Crimes against Internal and External security; 10,259 cases related to Deputy AGO in Military Affairs; 610 cases related to special prosecution on counter narcotics; and 1,225 cases related to EAW.

In addition to hearing cases, the Attorney General's Office carried out other activities as well in **1394 (2015-16)**:

- The construction of Kunar province appellate prosecution began, and completion and inauguration of the AGO guesthouse located in Darulaman and Kalakan District Primary Prosecution of Kabul province.

❖ **Ongoing activities:**

There are 21,151 cases under consideration of AGO; these cases are under investigation and then brought to relevant courts. Meanwhile, 80 percent construction work of the AGO central zone located in Qalae Fateullah, Kabul province was completed.

❖ **Major achievements :**

Regarding cash fines in the year **1394 (2015-16)** for embezzlement, escape from custom duty by commercial companies, failure to pay taxes by local and foreign commercial companies, and drugs; a sum of AFN 470,897, 951; USD 569,121,237; and PKR 138,000 collected and deposited to the government account in the Central Bank.

A total of 297 various types of vehicles, a total of 358 cell phones, 29 motorbikes, 697 different types of weapons, and 54 radios, used by the accused while committing crimes were seized.

Regarding drug trafficking, a large amount of drugs have been seized which includes: 9761.085 kg of Heroin, 31009.894 kg of Opium, 67982.479 kg of hashish, 74.3 kg of morphine, 5574.24 kg of chemical substances, 2911 kg of fermented raisin, 12, 533.216 alcoholic beverages, and 14,556 kg of azure stone.

Meanwhile, the AGO assigned a committee within the Ministry of Finance for prevention of corruption. The committee had important achievements during **1394 (2015-16)** as follows:

According to the assigned committee of Ministry of Finance In relation to 22 cases, a sum of AFN 392,624,624 identified, collected, and deposited in the government account. The cases involved custom duty evasion by commercial companies, failure to pay taxes by local and foreign commercial companies, forgery and embezzlement of agricultural land document of Kunduz province, rent of government owned land located in southern Salang pass, and lands located in Shadman village of Darulaman, Kabul province.

Additionally, in cases of embezzlement, payable dues, fines, and bribery from government and private entities, the sum of USD 58,410,000, AFN 1,546,950,000 collected and deposited into the government account. These amounts collected from below entities and people:

- Embezzlement and payable of Kabul Bank to the sum of USD 26.5 million cash, and the sum of USD 31.6 million in property protocol.
- Embezzlement of Maiwand Miraki to the sum of USD 300,000
- Bribery in the ministry of narcotics to the sum of AFN 800,000
- Fee payment and fines imposed on AWCC, Roshan, MTN and Etisalat communication companies to the sum of AFN 156 million
- The sum of USD 10,000 from bribery cases related to deputy Administrative Director of Logar province.
- Embezzlement of Pashtanay Bank to the sum of USD 2, 993,300 and a sum of AFN 1,390,150,000 whose court verdict is finalized and is in the enforcement process.

The AGO has always made efforts to fight corruption to include within the AGO itself. Prosecution of 18 AGO staff involved in corruption, who were either exonerated or sentenced to disciplinary punishment in proportion to their crimes.

Total crimes	Murder	Robbery	Moral Crimes	Narcotics Crimes	Traffic Crimes	Administrative and Financial Crimes	Miscellaneous Crimes
31,126	2,029	2,344	972	1,971	2,347	1,572	

Reports of the year 1393 (2014-15):

In **1393 (2014-15)**, the AGO investigated a total of 22,528 criminal cases and referred them to the courts after dealing with court proceeding against accused in accordance with article 134 of the constitution.

The cases include various types of crimes; among them, were 2,733 cases of corruption, 2,944 cases of drug trafficking, and miscellaneous types of crime included 16,851 cases.

Method of Proceeding:

- 1,501 cases have been preserved due to insufficient evidence
- 16,924 cases have been referred to primary court after ordering lawsuit and indictment, the primary decision issued upon them.
- Appellate decision issued for 10,325 cases.
- Court proceedings finalized and completed for 7,536 cases.

These cases reached various section of AGO: 2,050 cases to Prosecution Office of Crimes against Internal and External Security, 3,395 cases to Military Prosecution Office and 2,944 cases to Prosecution Office for Counter Narcotics.

The AGO had the Following Achievements in Facilities Section in 1393 (2014-15):

- 12 cars bought at a total cost of AFN 18,750,000 from non-discretionary budget.
- Constructed building for primary prosecution of Baraki Barak district of Logar province
- Constructed Prosecution building for Kunar province worth AFN 34, 068,815
- Internet system installed in block C in the new building for AGO located in Darulaman worth AFN 3,004,951 from non-discretionary budget.
- Constructed Kalakan District Primary Prosecution Building of Kabul province worth AFN 6,113,966 from non-discretionary budget.
- Purchased 529 law books and equipment for central and provincial libraries worth AFN 5,025,386
- Inauguration of 6 legal libraries in provincial prosecution offices.
- Printed and filled the identity registration book of suspects, accused, convicts, and escaped convicts and handed them over to the surveillance and security organs for detection purposes.
- Provision, printing and distribution of *Saranwal* (prosecutor) magazine every three months and scientific, investigative, and social gazette of prosecution every month.

Major Achievements:

In 1393 (2014-15), regarding cash fines, embezzlement, and drug trafficking a total sum of AFN 88,251,699, USD 1,115, PKR 3,506,680, INR 15,000, and IRR 6,919,000 have been collected and deposited into the government account in the Central Bank.

Meanwhile, seized and confiscated 99 vehicles, 364 mobile sets, and 14 motorbikes used by the accused persons while committing crimes.

Likewise, regarding drug trafficking: two thousand and thirty KGs and two hundred and four G of Heroin, six thousand and two hundred and ninety four KGs and one G of Opium, and eight thousand and four hundred and twenty four kilograms and eight hundred and twelve grams of hashish. In addition on drug trafficking, thirty eight kilograms of morphine, twelve thousand and five hundred and ten kilograms and eighty nine grams of chemical substances, forty two thousand eight hundred and ninety seven liters and seven hundred and forty two CC of alcoholic beverages and eight hundred and ninety nine grams of crystal were also seized.

Report of Year 1392 (2013-14)

❖ In relation to Crimes Investigation:

In **1392 (2013-14)**, AGO received 14,122 files out of which 5,642 files are related to civil section. Legal proceedings accomplished on over 4,704 files. Additionally in 2013, military prosecution office received 5,774 files and 5,008 files are settled. The Prosecution Office of Crimes against Internal and External Security received 2,706 files among which 2,617 files are settled.

❖ In Relation to Prosecution:

In the year **1392 (2013-14)**, there were 53,095 cases received by this section, and 30,114 related to civil prosecution. Legal decisions made regarding over 2,847 cases. The remaining 8,004 cases related to military prosecutions, among which 7,941 cases are legally settled. The Prosecution Office of Crime against Internal and External Security also received 14,977 files among which 14,731 cases are settled.

❖ Central Appellate Prosecution:

In the year **1392 (2013-14)**, there were 420 cases received by Central Appellate Prosecution Office and 395 files are legally settled.

❖ Central Public Security Prosecution:

In the year **1392 (2013-14)**, there were 902 files received by Central Public Security Prosecution, and 383 files are legally settled.

❖ Conflicts of Jurisdiction and Judges Prosecution Office:

In the year **1392 (2013-14)**, there were 98 files received by Conflicts of Jurisdiction and Judges Prosecution Office and 98 files are legally settled. Meanwhile, AFN 300,000 was deposited into the government account in relation to fined convicts.

❖ Oversight and Monitoring Department:

In the year 1392 (2013-14), there were 506 files received by Oversight and Monitoring Department and 272 files are legally settled.

❖ **Special Prosecution Office on Elimination Of Violence Against Women:**

In the year 1392 (2013-14), there were 1,068 files received by Special Prosecution Office on Elimination of Violence Against Women and 939 files legally settled and the remaining 351 files are preserved.

❖ **Research and Scrutiny Department:**

In the year 1392 (2013-14), there were 2,406 files received by Research and Scrutiny Department and 3,224 files legally settled and the remaining 888 cases are preserved.

❖ **Information and Public Relations Department:**

❖ Publishing and Printing Section:

In 1392 (2013-14), this department accomplished the following activities on news, reports and interviews as functions of AGO.

- ✓ Prosecutor gazettes no: 69, 70, 71, 72, 73, 74, 75 were prepared, printed, and distributed.
- ✓ Prosecutor journals no: 38, 39, and 40 were prepared, printed, and distributed and 1,500 editions of Prosecutor gazettes and journals published in each round, and distributed to all provinces.

❖ Library Section:

753 volumes of journals reached this department from various administrations, and were distributed

4,000 volumes of prosecutors' conference books collected by this department published in Dari and Pashto languages and were distributed.

❖ News section:

25,800 free and shared journals and newspapers from various Media organizations were collected and distributed to AGO staff.

❖ **Administrative and Finance Department**

Administrative and Financial Department carried out the following duties during the year 1392 (2013-14):

- Deposited AFN ۸۴۸,۱۱۷ funds of the accused, deposited as fidelity in the bank, and repaid to the accused based on background information.
- Deposited AFN 171,000, of the accused money that was the in bank, and transferred to revenue of the government account based on the received background information. Also deposited AFN 5,620,197 due of the accused to AGO Account in the Da Afghanistan Bank based on separate letters.
- Transferred AFN 3,194,900 cash fine from fidelity account to government account.

- Deposited AFN 32,393,243 of companies, people, and military prosecutors' guarantee-to-guarantee account.
- Purchased and installed AGO new buildings' windows and heaters using development budget in this year.

❖ **Major Achievements:**

In **1392 (2013-14)**, in different offices of AGO, totally an amount of AFN 42,978,798 received from convicted cash fines' and deposited to government account.

Meanwhile, 1726 Public Legal Advertisings, and 79 legal Pamphlets provided for 87,941 participants. About 30 press conferences conducted. 1,100 meetings held with other institutions.

A large amount of narcotics confiscated in **1392 (2013-14)**. These drugs include ۷۸۴,۰۳ KGs of Heroin, 2,732.5 KGs of Opium, 18,828.516 KGs of Hashish and 24,735.495 KGs of Morphine, 70,123.5 KGs of Chemical Derivatives, and 39,478.495 Liters of Alcoholic Beverages.

Figures of crimes in 1392 (2013-14)

Miscellaneous offenses	Administrative & financial	Traffic	Narcotics	Moral	Theft	Murder	Total
۲۰,۱۶۲	۱,۵۹۶	۲۴۲۸	۲,۲۶۶	۱,۰۷۴	۳,۳۵۹	۲,۰۱۴	۳۲,۸۹۹

Reports of Center and Provincial Prosecution Offices indicate the following registered cases in AGO: 180 embezzlement cases; 2,001 intentional murder cases; 299 forgery cases; 430 ordinary smuggling cases; 2,104 drug trafficking cases; 150 bribery cases; 2,819 theft cases; 148 robbery cases; 1,074 misusing official authorities

Based on **1392 (2013-14)** report, an average of 90 criminal incidents occurs in Afghanistan each day, which shows a 10% increase than **1391 (2012-13)**, last year's, frequency.

Reports of Years 1391 (2012-13)

❖ Crimes Investigations

15,510 cases related to crimes Investigations have been referred to AGO between years **1391 (2012-13)**. 7,627 cases related to Civilian Prosecution Office and 6,088 cases were legally investigated. Meanwhile Military Prosecution Office has received 4,663 cases. 4,062 cases were investigated. 3,220 other cases referred to Crimes against Internal and External Security Prosecution Office with 2,895 cases investigated.

❖ Judicial Investigation

Totally 55,775 cases have been referred to this section. 38,884 cases related to Civil Prosecution Office. 36,018 cases with legal decisions. 6,962 cases related to Military Prosecution Office of which 6,840 cases were legally investigated. Crimes against Internal and External Security Prosecution received 9,929 cases of which 9,489 cases investigated.

❖ Appellate Prosecution Office of Center:

437 cases were referred to Center Appellate Prosecution Office and 417 cases investigated this year.

❖ Public Security Prosecution Office of Center:

902 cases were referred to Public Security Prosecution Office of Center and 383 cases were legally investigated.

❖ Conflicts of Jurisdiction and Judges' Prosecution Office

102 cases were referred to Conflicts of Jurisdiction and Judges' Prosecution Office and all cases have been legally investigated in this year. In addition, AFN 65,345 received from the convicts, and deposited to government account.

❖ Directorate of Supervising and Investigation.

506 cases were referred to Directorate of Supervising and Investigation, and 272 cases legally investigated.

❖ Directorate of Scrutiny and Studies

2,583 cases were referred to Directorate of Scrutiny and Studies, and 2,363 cases have been legally investigated. 715 cases were preserved.

❖ Directorate of Information and Public Relations

❖ Printing and Publications

This directorate has delivered different publications including news, reports, and interviews. They are as follow in the year **1391 (2012-13)**:

- ✓ 9 Prosecutors' gazettes prepared, printed, and distributed.
- ✓ 4 prosecutors' magazines prepared, printed, and distributed.

Prosecutor’s magazine printed every 3-months and Prosecutor’s Gazettes printed every month with a number of 1,500 copies and sent to provinces.

❖ Library

178 legal training books, 300 Police and Prosecutor’s cooperation guidebooks and 160 gazettes of Police enforced laws distributed in center and provinces with cooperation of EUPOL Organization. 3,194 magazines received from different institutions and distributed to AGO staff.

❖ News Section

37,364 participatory and free dailies and magazines received and distributed to AGO Staff.

❖ **Administrative and Finance Directorate**

Administrative and Financial Directorate accomplished the following:

This Directorate deposited an amount of AFN 114,125,378 and USD 2,700 received from cash fines of convicts.

Major Achievements:

❖ In **1391 (2012-13)**, in different offices of AGO totally an amount of AFN 42,978,798 received from cash fines’ convicted, deposited to government account.

Meanwhile, 2182 public legal advertisings, 143 legal pamphlets presented to 13,188 participants. About 126 press conferences delivered and completed 1,303 joint meetings with other institutions.

A large amount of narcotics confiscated in the year 2013. These narcotics include 86,101.391 KGs of Heroin, 62,297.832 KGs of Opium, 188,288.516 KGs of Hashish, 24,735.298 KGs of Morphine, 70,123.85 KGs of Chemical Derivatives, and 39,487.495 Liters of Alcoholic Beverages also confiscated in the year **1391 (2012-13)**.

Figures of crimes in the year **1391 (2012-13)**

Miscellaneous offenses	Administrative & financial	Traffic	Narcotics	Moral	Theft	Murder	Total
	۲.۹۵	۳.۶۳	۱.۹۵	۱.۸۴	۳.۵۶	۱.۱۹۶	۳۰.۲۸۶

Reports of Center and Provinces’ Prosecution Offices indicate that 290 embezzlement Cases, 1,983 intentional murder Cases, 902 forgery cases, 505 Ordinary Smuggling Cases, 1,579 Drug Trafficking Cases, 170 Bribery Cases, 1,607 theft Cases, 267 Robbery Cases and 940 misusing Official Authorities Cases are registered in AGO.

Based on this report, an average of 80 criminal incidents occurred in Afghanistan each day **1391 (2012-13)**.

Reports of the year 1390 (2011-12)

❖ Crimes Investigations

Cases totaling ۳۱,۵۱۱ referred to AGO in **1390 (2011-12)**. Of those cases, ۱۳,۱۳۱ cases related to Civilian Prosecution Office and ۱۱,۱۰۲ cases legally investigated. Meanwhile, Military Prosecution Office received 11,193 cases and ۶,۷۸۶ other cases referred to Crimes against Internal and External Security Prosecution Office and ۲۸۱ cases investigated.

❖ Judicial Investigation

Totally ۸۳,۲۰۰ cases referred to this section to include ۵۳,۳49 cases related to Civilian Prosecution Office. Of those cases, ۴۸,۳۲۸ legally decided. There were ۱۱,481 cases related to Military Prosecution Office of which 11,320 cases legally investigated. Crimes against Internal and External Security Prosecution received 14,047 cases and investigated 13,388 cases out of them.

❖ Appellate Prosecution Office of Center:

268 cases were referred to Center Appellate Prosecution Office, which investigated 268 cases this year.

❖ Public Security Prosecution Office of Center:

818 cases were referred to Public Security Prosecution Office of Center and 699 cases legally investigated.

❖ Conflicts of Jurisdiction and Judges' Prosecution Office

128 cases were referred to conflicts of Jurisdiction and judges' Prosecution Office that 124 have been legally investigated in this year. In addition, AFN 300,000 deposited to government account.

❖ Directorate of Monitoring and Investigation.

۷۳۶ cases referred to Directorate of Monitoring and Investigation and 328 cases legally investigated.

❖ Directorate of Scrutiny and Studies

۲,۵۸9 cases referred to Directorate of Scrutiny and Studies, 2,444 cases have been legally investigated and retained 905 cases .

❖ Directorate of Information and Public Relations

❖ Printing and Publications

This directorate has delivered different publications including news, reports, and interviews and they are as followings in the year **1390 (2011-12)**:

- ✓ ۱۳,۰۰۰ Prosecutors' gazettes prepared, printed and distributed.

❖ Library

4,000 books titled Code of Conduct and professional criterion of prosecutors and 160 books titled collection of circulars from the Supreme Court to central library.

❖ News

۲۸,۴۳۷ different participatory and free daily newspapers and magazines received from different media companies and distributed to the AGO Staff.

❖ **Administrative and Finance Directorate**

Admin and Financial Directorate accomplished the followings in the year **1390 (2011-12)**:

- This directorate deposited an amount of AFN 43,900,829 received from AGO income to government account.
- Constructed a joint building for Primary Prosecution Office and MoJ Huqooq Department in Shirin Tagab District of Faryab Province with cooperation of UNDP.
- Purchased 6,015 legal books to develop education capacity of AGO Staff.
- Constructed Appellate Prosecution Offices Buildings of Kunar, Khost, Uruzgan, Kapisa, and Laghman provinces with an expenditure of USD ۲۶۶,۶۶۷.
- Constructed Herat Appellate Prosecution Office Building costing USD 238,000 by UNODC.
- Contracted inventory, design, and mapping of Directorates of Prosecution Offices Buildings of Kunar, Nooristan, Laghman, Kapisa, Khost and Uruzgan Provinces.
- Constructed a joint building for Primary Prosecution Office and MoJ Huqooq Department in Dara District of Panjshir Province.
- Purchased 75 transportation vehicles.
- Purchased technological equipment with an expenditure of AFN 4,278,866.
- Constructed Primary Prosecution Office Building in Paghman District of Kabul Province.
- Constructed Appellate Prosecution Office Building in Herat Province with cooperation of UNODC.

Figures of Crimes in 1390 (2011-12)

Miscellaneous offenses	Administrative & financial	Traffic	Narcotics	Moral	Theft	Murder	Total
۱۷,۳۱۱	۱,۵۸۴	۳,۶۲۴	۱,۸۷۰	۸۷۸	۲,۸۳۶	۱,۸۰۳	۲۹,۹۰۶

Five-Year Crime Graph (1390-1394)

