



**Independent Joint Anti-Corruption
Monitoring & Evaluation Committee**

NEWS RELEASE AND BACKGROUNDER

MEC Releases its First Justice-Sector Vulnerability to Corruption Assessment on the Processing of Corruption Cases

KABUL, Afghanistan, April 26, 2015 – Today, MEC published its seventh Vulnerability to Corruption Assessment (VCA), and its first examining Afghanistan’s deeply flawed justice system. This VCA looks at a wide range of issues pertaining to the management of corruption cases within the justice sector, identifying myriad vulnerabilities to corruption, many of which stem from poor institutional coordination and significant deficiencies in most of the agencies involved in processing corruption cases. These shortcomings are further exacerbated by the lack of political will exhibited by some high-ranking officials to prevent, detect, deter, and punish corruption-related offenses.

Lack of Cooperation from Key Agencies

MEC began its VCA program in 2011 and has examined several key sectors, including education, pharmaceuticals, and land. Until now, we received an adequate degree of cooperation from the relevant agencies involved in these issues. But that was not the case during the preparatory stages of this VCA. In particular, the High Office of Oversight (HOO)—nominally Afghanistan’s chief anti-corruption agency—and the Supreme Court obstructed MEC’s access to information needed to complete this report. This institutional resistance to oversight is, in and of itself, a significant corruption vulnerability and undermines the ability of the government, citizens, and international donors to obtain an accurate assessment of the activities undertaken by these agencies.

Poor Inter-Agency Coordination and Resource Allocation

Several agencies play a role in developing corruption cases and forwarding them to the Attorney General’s Office for prosecution—including the Ministry of Interior, the National Directorate of Security, and the Supreme Audit Office (SAO)—but this VCA found that many of them do not coordinate their actions with one another, nor share information with their counterparts in a timely fashion. Inter-agency coordination is further hampered by a lack of clearly delineated intra-agency responsibilities, typified by internal parallel structures with overlapping responsibilities. At the AGO, the Audit Department, the Check and Control Department, and the Monitoring of Law Implementation Department all seem to have nearly identical mandates.



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In addition, key agencies inefficiently allocate their human resources. For example, the AGO reported that a lack of staff dedicated to working on active cases results in each prosecutor being forced to handle 30-40 matters at one time. AGO officials even admitted that, due to this and other factors, incomplete case files are often sent to the judiciary. Meanwhile, the VCA team determined that other departments within the AGO appear to lack any specific function whatsoever.

Case Tracking Deficiencies and Interference by Influential Individuals

The SAO noted the failure of the AGO to provide updates on cases submitted by them for prosecution, despite the AGO's legal obligation to do so. According to the SAO, it has sent 284 cases to the AGO, but has only received updates on 33 of them. Multiple sources interviewed by MEC cited interference from influential people, including members of Parliament and senior ministry officials, as one of the main reasons for this problem. Moreover, regardless of the use of paper or electronic filing systems, cases can still be interfered with, particularly at the investigative stage, before they become formalized. Respondents stated that Kabul Bank remains the iconic example of high-level interference in the processing of corruption cases.

Computerized Case-Management Systems are not a Panacea

Registration of new cases at the AGO is still done manually. This is a significant corruption vulnerability, particularly given the backlog of cases to be entered into the Case Management System (CMS). While waiting to be entered into the CMS, case files can linger in the open for many months, rendering them susceptible to forgery and alteration. The computerized CMS was designed to minimize duplication and manipulation, and generally to streamline the tracking process for criminal cases, including corruption cases—but a CMS is only as effective as the people and agencies using it. The VCA team also found that there were significant technical deficiencies, particularly in data entry. In addition, CMS training for AGO personnel is still ongoing.

Inadequately Trained Staff

Nearly all of the agency representatives interviewed by MEC for this VCA cited a lack of human resources as a significant weakness in developing, processing, and tracking corruption cases. For example, dealing with corruption cases requires a highly specific skill set, but many prosecutors in the AGO lack any relevant legal background (approximately 2,000 out of 4,500 have sub-standard educational credentials), with many having only a



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twelfth-grade education. Interviewees also noted that while the MOI, SAO, and AGO have their own training centers, the poor quality of their instructors, irregular attendance, and poor monitoring and evaluation of training programs significantly undermine their effectiveness.

Suggested Reforms

Through consultation with a range of stakeholders, several vulnerabilities remain that require new recommendations. For example, any institution that submits a corruption case for prosecution should receive a confirmation receipt from the AGO with a unique case number and time/date stamp for tracking purposes. The Committee also recommends, as part of future human-resources reform within the AGO and the Supreme Court, that salaries be raised to attract more qualified applicants among the next generation of justice practitioners.

For more information, contact MEC at +93 (0) 798 750 527 or contact@mec.af / www.mec.af. Please also visit our Facebook page at [mec.afghanistan](https://www.facebook.com/mec.afghanistan).