



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

NEWS RELEASE: MEC Releases Second Report Critiquing Vulnerabilities to Corruption in Afghanistan's Troubled Judicial Sector

August 11, 2015: Today, the Independent Joint Anti-Corruption Monitoring and Evaluation Committee (MEC) released its second Vulnerability to Corruption Assessment (VCA) on the judicial system. More specifically, this VCA examines the process of Wasaeq registration, which simply means the certification or registration of 45 different types of official documents. During the course of this VCA, MEC identified a range of vulnerabilities, many of which are due to a failure to observe laws and regulations, poor inter-institutional coordination among Afghan government stakeholders, and significant human-resource and technical-capacity deficiencies.

Furthermore, MEC once again encountered a lack of cooperation from some of the Supreme Court related offices. But with the cooperation of the General Directorate of Wasaeq Registration (GDWR), MEC was able to collect most information it required to complete this VCA.

Wasaeq procedures are complex, consisting of numerous discretionary transactions, every one of which provides a corruption opportunity for GDWR staffers, court officials, and other interested parties. The land-registration process alone consists of 30 different steps, many of which could be easily consolidated. And while there is a general lack of uniformity in how the different Wasaeq procedures are applied, several common themes emerged, including:

- the GDWR has little, if any, presence at the provincial level, where civil-court judges conduct most Wasaeq-related processes;
- provincial courts are issuing Wasaeq certifications and sending them directly to the Supreme Court, ignoring the GDWR;
- most Wasaeq processes consist of unnecessarily repetitive steps;
- Wasaeq documentation is easily forged;
- persons seeking to obtain Wasaeq documents do not know, or are confused about, the steps involved in registering their documents; and
- database management is irregular, with no coordination between the GDWR and the courts.

The issue of poor database management was cited by several informed sources as one of the primary reasons why upwards of 80,000 Wasaeq records were erroneously erased. In addition, the GDWR does not have its own budget or *tashkil* allotments consistent with its legal responsibilities. Consequently, the GDWR cannot discharge its mandate and more powerful institutions in the courts can encroach upon its work.

Given that many of the problems identified by the VCA Team are due to the blatant undermining of mandates, rules, and regulations, MEC recommends a comprehensive inquiry into the Wasaeq process to identify management weaknesses, establish accountability mechanisms, and reduce the number of discretionary transactions associated with Wasaeq registration.

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