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*The Independent High Office of
Oversight and Anti-Corruption*

Presidential Decree

On

Effective combat against corruption

In light of the Constitution of Afghanistan, in order to abide by the United Nations Charter on fighting against corruption, and following the recommendations made in the national conference of 24th of Qaws in Kabul on granting further authorities to the High Office of Oversight and Anti-Corruption (HOOAC), I, thus, approve the followings:

Article one:

Pursuant to verdict of articles 23, 32 and 40 of the Interim Criminal Procedure Code, officials of the High Office of Oversight and Anti- Corruption will act as investigators for the courts on the issues related to administrative corruption.

Article Two:

In order to implement the provision set forth in article One of this decree, the High Office of Oversight and Anti-Corruption reviews and records the information and complaints related to administrative corruption. If, according to the law, this Office recognizes an act as crime the issue will be referred to the Attorney General's Office for further investigation.

Article Three:

The High Office of Oversight and Anti-Corruption shall review the corruption cases for finding relevant evidences and proofs. All the concerned organs and offices are required to provide necessary information and documents to the High Office of Oversight and Anti-Corruption and contribute to the anti-corruption efforts.

Article Four:

The Ministry of Interior, within in a mutual memorandum of understanding, shall assign justice police officers in order to cooperate with the High Office of Oversight and Anti-Corruption in fighting against corruption as well as effective implementation of the detection activities and collecting evidences.

Article Five:

Those organs which are fighting against corruption are required to coordinate their activities with the High Office of Oversight and Anti – corruption accordingly.

Article Six:

The High Office of Oversight and Anti-corruption shall detect the illegal appointments within the governmental offices and refer the cases of misuse of official authority and the violation of law to the Prosecution Office.

Article Seven:

Ministry of Justice in cooperation with other organs including the High Office of Oversight and Anti-corruption shall review the laws and regulations dealing with corruption issues as well as ensure its consistency with the United Nations Charter on fighting against corruption. They shall set this process as a priority for the year of 2010.

Article Eight:

The High Office of Oversight and Anti – Corruption, within three months after issuance of this decree, shall recommend and establish a Monitoring and Evaluation Committee, within the framework of this Office, consisting of the national and international experts on the field of fighting corruption.

The Committee is required to assist governmental organs in determining effective development benchmarks and, with the necessary monitoring and evaluations, provide six-month report to the president, national assembly, international community and the public regarding activities on fighting against corruption at the national level as well as on assistance of the international community and donors.

Article Nine:

Any mediation and influence which causes corruption and illegal support of the offenders is considered crime based on the provisions set forth in article 282 of Penal Code and the culprit should be referred to the Prosecution Office.

Article Ten:

The High Office of Oversight and Anti-corruption shall record, review and publicize the assets of the governmental officials. In case any concealment of assets is found, the offender, regardless of his/her position and authority, shall be referred to the Prosecution Office.

Article Eleven:

Ministry of Justice, within three months after reviewing the laws, shall impose criminal sanctions for the individuals and officials who refuse to have their assets recorded or mislead the process by providing false information.

Article Twelve:

The High Office of Oversight and Anti-corruption shall regularly observe the current and previous standard of living of the government officials (civilian and military) and in case it does not fit with their lawful income, the case will be referred to the Prosecution Office.

Article Thirteen:

The High Office of Oversight and Anti-Corruption reviews the Law on Anti – Corruption Strategy and, in cooperation with the Ministry of Justice and within 30 days, draft its revisions and amendments to the Law and take further actions.

Article Fourteen:

Ministry of Finance, in consultation with the High Office of Oversight and Anti-Corruption and with the assistance of the international community, shall work towards enhancing the technical, professional and logistical capacities of the High Office of Oversight and Anti-corruption.

Article Fifteen:

The High Office of Oversight and Anti-corruption shall seek cooperation of the citizens in fighting corruption and providing documents about corruption incidents through any possible means.

Article Sixteen:

The High Office of Oversight and Anti-corruption is accountable and will be reporting to the president, the national assembly, and to the people of Afghanistan.

Article Seventeen:

The decree is enforced upon approval date and should be published in the Official Gazette.

Hamid Karzai

President of the Islamic Republic of Afghanistan