



Independent Joint Anti-Corruption Monitoring & Evaluation Committee

Hiring and Training of Prosecutors at the Attorney General's Office

The Attorney General's Office should immediately take steps to bring its hiring of prosecutors into conformity with Afghan law

Prosecutors employed within the Attorney General's Office are included in the definition of "civil servants" contained in the *Civil Service Law*, which sets out procedures for the hiring of all civil servants. However, the Attorney General's Office has never conformed to these legal requirements and the procedures established by the Civil Service Commission to implement the law. This leads to prosecutors who are not transparently hired on the basis of merit and competition, thereby reducing the capacity of the Attorney General's Office.

Recommendation 7.1: The Attorney General's Office, with support from the Civil Service Commission, should bring the hiring and appointment of prosecutors within the Attorney General's Office into conformity with the requirements of the *Civil Service Law* and Civil Service Commission procedures.

Benchmark: The hiring and appointment of prosecutors is brought into conformity within 6-months.

Expected Outcome: Merit based and competitive appointments that conform to Afghan legal requirements leading to enhanced capacity within the Attorney General's Office.

Prosecutors at the Attorney General's Office require additional training to ensure that they receive a minimum education in all aspects of Afghan law

The amended *Law on the Structure of the Attorney General's Office* requires new prosecutors to be hired with the minimum qualification of a bachelor's degree in law or Islamic jurisprudence. The law does not apply to those prosecutors currently employed in the Attorney General's Office, and would mean that new prosecutors can be hired without knowledge of other aspects of applicable law in Afghanistan. Additionally, there is no requirement for prosecutors to keep their legal knowledge current with developments in the law.

Recommendation 7.2: The Attorney General's Office should identify all prosecutors that have not received legal education covering codified law and Islamic jurisprudence and



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develop and implement a plan to ensure that all current and future prosecutors receive comprehensive and mandatory education in these areas with additional requirements for continuing legal education for all prosecutors.

Benchmark: Identification of prosecutors completed and comprehensive and mandatory legal education introduced within 6-months and continuing legal education introduced within 1-year.

Expected Outcome: Prosecutors have comprehensive knowledge of all aspects of Afghanistan law, thereby improving their capacity to prosecute cases.

Prosecutors' salaries need to be raised and made consistent to reduce the incentive for corruption

Currently, the salaries at the Attorney General's Office are relatively low for professional employment. Additionally, there are inconsistencies with the salary levels of prosecutors who are at the same level. Low salaries create incentives for corruption and unclear guidelines for consistent pay can fuel nepotism.

Recommendation 7.3: The Attorney General's Office should institute measures to ensure that prosecutors' salaries are appropriate for their profession and to ensure consistent pay for prosecutors, with support from the Independent Administrative Reform and Civil Service Commission.

Benchmark: Measures implemented within 1-month.

Expected Outcome: Lowered incentives for corruption.

Most prosecutors employed at the Attorney General's Office do not have detailed terms of reference setting out the duties related to their employment

Employment contracts for prosecutors do not meet professional standards and only include the name and profession of the employee and employer without detailed terms of reference, duties, or code of conduct. This leads to ambiguity regarding expectations of prosecutors and creates challenges for managing performance.

Recommendation 7.4: The Attorney General's Office should ensure that all prosecutors have clear and comprehensive terms of reference.

Benchmark: Terms of reference are in place within 3-months.



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Expected Outcome: Clear expectations regarding the duties of prosecutors and enhanced ability to manage performance.