

Islamic Republic of Afghanistan

Ministry of Justice

Official Gazette

Law on Regulating the Conduct of Three Organs of State

Issue No: 1051

Date: May 21, 2011

The Islamic Republic of Afghanistan
Law on Regulating the Conduct of Three Organs of State

Chapter 1
General Provisions

Article 1

This law has been adopted to regulate the affairs related to the conduct, treatment and good mutual relations between the authorities of the three organs (executive, legislative and judiciary).

Article 2

The objectives of this law are:

1. To establish standards for regulating the conduct and treatment by authorities of the three organs of state
2. To establish mutual duties and responsibilities for conduct of the authorities of the three organs of state
3. To observe the principle of mutual respect between the authorities of the three organs of state, and establish good mutual working relations between them, and to recognize their internal independence

Officials of Three Organs of State

Article 3

(1) For the purpose of this law, the officials of the three organs are as follows: :

1. Speaker the Lower House (Wolasi Jirga)
2. Speaker of the Upper House (Meshrano Jirga)
3. Head of the Supreme Court
4. Ministers and the Minister for Parliamentary Affairs
5. Members of the Supreme Court
6. First Deputy of Wolasi Jirga
7. First Deputy of Meshrano Jirga
8. Second Deputy of Wolasi Jirga
9. Second Deputy of Meshrano Jirga

10. Secretary of Wolasi Jirga
11. Secretary of Meshrano Jirga
12. Deputy Secretary of Wolasi Jirga
13. Deputy Secretary of Meshrano Jirga
14. Members of the Parliament
15. Attorney General
16. Chief of National Security Directorate
17. Head of Afghanistan Bank
18. Head of Afghan Red Cross
19. Head and Members of Commission for Monitoring the Implementation of the Afghan Constitution
20. Head of Independent Directorate of Local Governance
21. Head of Independent Elections Commission
22. Head of Afghan Independent Human Rights Commission
23. Head of Administrative Reforms and Civil Service Commission
24. Director of Administrative Affairs and Secretariat of the Cabinet
25. Director of Administrative Affairs of Wolasi Jirga
26. Director of Administrative Affairs of Meshrano Jirga
27. Director of Administrative Affairs of Judiciary
28. Director of Control and Inspection Office
29. Director of Central Statistics Office
30. Director of Academy of Sciences of Afghanistan
31. Director of Environmental Protection Office
32. Director of Monitoring the Implementation of National Corruption Strategy
33. Director of Physical Education and Sport
34. Director of Geodesy and Cartography
35. Director of Disaster Management and Preparedness
- 36- Director of Coordination Affairs of Kuchis
- 37- Director of National Norms and Standards
- 38- Deputy Ministers
- 39- Advisors to the President
- 40- Chancellors of State Universities
- 41- Members of Independent Elections Commission
- 42- Members of Afghan Independent Human Rights Commission
- 43- Members of Independent Administrative Reforms and Civil Services Commission
- 44- Deputies of Independent General Directorates
- 45- Governors
46. Ambassadors of Islamic Republic of Afghanistan

(2) The President may revise the list of officials included in clause 1 of this article.

Chapter Two Duties and Obligatory Conduct of Authorities of Three Organs of State

Article 4

The officials under Article 3 of this law shall have the following duties and obligatory conducts:

1. **Abstention and Integrity:** To obey the orders of the almighty God his prophet (peace be upon him) and of the ruler, and refrain from vice.
2. **Commitment:** Loyalty to the Islamic Republic of Afghanistan and respect the constitution and other enforced laws of Afghanistan in fulfilling the official and private affairs.
3. **Trustworthiness:** To keep all material and moral values and abstain from misuse of official status
4. **Performance Conformity:** To perform duties lawfully, effectively, timely, usefully, appropriately and expeditiously for meeting the actual needs of the nation in any economic, social, security and environmental conditions.
5. **Acceptance of Criticism:** To admit work-related deficiencies and failures and try to remove them.
6. **Neutrality:** To avoid political, organizational or party related partisanship while performing duties.
Members of the parliament are excluded from this provision, subject to their internal rules of procedures.
7. **Conscientiousness:** To respect attendance for carrying out duties in official hours.
8. **Accountability:** To be accountable to the nation and authorities for the relevant decisions and activities.
9. **Humbleness and Courtesy:** To consider and respect the rights of others, having compassion and sympathy, prove useful for those in need, and to avoid selfishness and arrogance.
10. **Non-contradiction of Private Interests with Official Duties:** To act selflessly and prefer the public interests, and non- participation in official decisions where self-interest or interests of his/ her family members are involved.

11. Good Leadership and Guidance: To accept responsibility and exercise leadership as a role model, and preserve the supreme interests of the country
12. Preservation of Secrecy: To keep the information and news the disclosure of which are prohibited in law.
13. Benevolent Conduct: To treat others benevolently and have positive behavior in normal times and adopt desirable conducts particularly in emotional and distressed situations.
14. Truthfulness: To be honest in performance of duty and dealing with others, and be truthful uprightness in making decisions and expressing views.
15. Saving and Economical Management: To show simplicity and avoid spending lavishly the state budget and other mobile and immobile public properties.
16. Accessibility: To have relaxed attitude in oral, telephonic and presence.
17. Accepting responsibility: To feel responsible, accept responsibility of duties, realize the consequences from its violation, and not attribute personal faults on subordinates.
18. Strengthening Rule of Law: To act as defender and promote the rule of law with a spirit of impartiality and realism.
19. Role Model: To inspire others by observing high moral and behavioral standards in performing duties.
20. Non- discrimination: To avoid any preferential treatment based on religion, linguistic, ethnical, sex, color, age and disability.
21. Objectivity: To take into consideration factual realities in making decisions in all aspects of work.
22. Cooperative Spirit: To cooperate with others for achieving the common goals and strengthening the sprit of consultation, mutual respect, partnership and understanding as related to the talents and resources towards achieving national goals and delivery of useful services.
23. Purposefulness: To give serious attention to fast development of the country towards peace, security, prosperity and finding its proper status in the world community.
24. Personal Integrity: To respect the reputable and ancient civilization, and accepted customs, traditions and culture, national flag, dignity of the state and the nation, and protecting other values of national heritage.
25. To protect the dignity and leadership inside and outside the country.

Chapter Three

Conduct of Executive Officials in Relation to Authorities of Legislative and Judiciary

Awareness of the Status and Competence

Article 5

The officials of executive organ are bound to be well informed of the status and authorities of the officials of legislative organ and judiciary as specified in the constitution, this law and in other enforced laws.

Provision of Specific Information

Article 6

The officials of executive organ are bound to present specific and factual information while attending the general sessions of parliament and its relevant commissions in proper and appropriate words, unless the requested information is against the internal and external security of the country.

Provision of Report to the State Minister for Parliamentary Affairs

Article 7

1. The officials of executive organ are bound to provide written report of the commitments made to the sessions of the general sessions of the parliament and its relevant commissions to the State Minister for Parliamentary Affairs.
2. The office of State Minister for Parliamentary Affairs is obligated to register the commitments and report the proceedings to the President, the parliament and the relevant commissions of the parliament

Acknowledging the Authority of Judiciary

Article 8

The officials of executive organ are bound to honor the authority of judiciary and of the judges and assist the implementation of final verdicts of the courts, the interpretation of the laws and other applicable judicial measures.

Refraining from Acts Inconsistent with Independence of Judicial Power

Article 9

The officials of executive organ are bound to desist in official and non-official sessions from any action (speeches, verbal and written instigation) or acts inconsistent with independence of judicial organ, performance value, dignity of judiciary and respect and immunity of judges.

Provision of Facilities

Article 10

The officials of executive organ are bound, within their duty and responsibility, to provide appropriate facilities with regard to presentation of truth, documents, evidence and viewpoint of experts, and also furnish other requested documents as required to the courts.

Refraining from Restriction and Intimidation

Article 11

The officials of executive organ are bound to refraining from any acts, which derange the judicial investigation or cause pressure, limitation, intimidation, corruption or influence on judges and other administrative personnel of judiciary.

Non- investigation of Judicial Issues

Article 12

The officials of executive organ shall not investigate cases of judicial nature.

Chapter Four

Conduct of Judicial Officials in Relation to Executive and Legislative Branches

Impartial Performance of Duties

Article 13

The officials of judicial organ are bound to carry out their duties impartially based on evaluation of facts and informed understanding of law, without any pressure, encouragement and intimidation, direct and indirect intervention of the executive and legislative.

Observance of Judicial Code of Conducts

Article 14

The officials of judicial organ are bound to observe precisely the judicial code of conducts for strengthening the confidence of people in the judicial branch and its practices.

Conduct of Officials of Judicial Branch

Article 15

The officials of judicial organ are bound to act, within and outside courts, in a manner to preserve and strengthen the public confidence in judiciary and judges, and indicative of its dignity and impartiality.

Decisions Inconsistent with Authority

Article 16

The officials of judicial organ and judges shall not make decisions to derange the duties and authorities of the executive and legislative organs while issuing decisions, verdicts, guidance and expressing views.

Chapter Five

Conduct of Legislative Officials in Relation to Executive and Judicial Organs

Awareness of the Status and Competence

Article 17

The officials of legislative organ are bound to be well informed of the status and authorities of the officials of executive and judiciary as specified in the constitution, this law and in other enforced laws, and observe them.

Abstinence from Insult

Article 18

The officials of legislative organ are bound to refrain from using insulting and sarcastic words in the general session of both houses and relevant commissions, and in the presence and absence of the executive and legislative officials, and address each other in plural form as “you”.

Arrangement of Meetings

Article 19

All meetings of the relevant officials of legislative with executive organs shall be arranged based on prior scheduled appointment and date through the office of Minister for Parliamentary Affairs.

Prohibition on Recommendation

Article 20

The officials of legislative organ are bound to desist from sending any type of recommendations to executive and judicial organs in order to fulfill and pursue their private work.

Conduct of Legislative Officials

Article 21

The officials of legislative organ are bound to adhere to the following conducts while dealing with the executive and judicial organs:

- 1- Refrain from imposing authority, prevention, interruption, intervention, misbehavior, or limiting the authority of officials of executive and judicial organs.
- 2- Observing the constitution, enforced laws and internal administrative procedures.
- 3- Accomplishing legislative work within the framework as inserted in the constitution.
- 4- Inviting government members for participation in interpellation session two weeks in advance notice with clear agenda in accordance with the provisions of the constitution.

Exigency situations are exempt from the above provision.

Request of Information Inconsistent with National Interests

Article 22

The officials of legislative organ are bound to refrain from inviting officials of executive branch to demand information the disclosure of which is against the national interests.

Refraining from Acts Inconsistent with Independence of Judicial Branch

Article 23

The officials of legislative are bound to desist in official and non-official sessions from any action (speeches, verbal and written instigation) or acts inconsistent with independence of judicial organ, performance value, dignity of judiciary and respect and immunity of judges.

Provision of Facilities

Article 24

The officials of legislative organ are bound, within their duty and responsibility, to provide appropriate facilities with regard to presentation of truth, documents, evidence and viewpoint of experts, and also furnish other requested documents as required to the courts.

Non- investigation of executive and judicial issues

Article 25

The officials of legislative branch shall not investigate issues of executive and judicial nature in contradiction of the authorities stipulated in the constitution and other legislative documents.

Chapter Six Commission for Investigation of Code of Conduct Violation

Complaints from Violation of Conducts

Article 26

The officials under Article (3) can file complaint to the President in case of non-observance of the provisions of this law. The complaint shall be well- founded and documented.

Composition of Commission

Article 27

(1) For the purpose of investigating the violation of conducts specifies in Article (3) of this law, and providing advices to the President, the commission shall be formed with the following composition:

- 1- Chief Justice of Supreme Court, as chairman
- 2- Two judges to be appointed by the President, as members
- 3- Minister of Justice, as member
- 4- First Deputy of Wolusi Jirga, as member
- 5- First Deputy of Mishrano Jirga, as member
- 6- State Minister for Parliamentary Affairs, as member

(2) In case of violation or absence of a member of commission, the President may assign another person to the post.

(3) The commission shall have a Secretariat established within the framework of office of minister of parliamentary affairs. The duties of Secretariat shall be regulated in a separate legislation.

Authority of Commission

Article 28

(1) The Commission for violation of conducts by three organs of state shall have the following authorities:

- 1- Investigation of violence under this law based on request of the complainant and written order of the President.
- 2- Submission of investigation report and processes to the President.
- 3- Approval of correctional measures and punishments under this law.
- 4- Submission of biannual and annual progress reports to the President.

(2) The decision of commission shall be based on majority votes of members, which is final.

(3) Officials of relevant organs are bound to implement the decisions of the commission for investigation of conducts upon receipt.

Invitation of Petitioner and Defendant

Article 29

The commission can invite the petitioner and defendant to the session of commission for fact finding, and they shall be bound to attend the session.

(Pages 28 and 29 are missing)

Enforcement

Article 34

This law shall be in effect from the date of approval and publishing in the official gazette.