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**Official Gazette**

Date: 22 May 2023

In the Name of Allah, the Most Merciful, the Most Compassionate

**Decree of His Highness Amirul Momenin May Allah protect him on  
Enforcement of Law on Duties and Authorities of the General Directorate  
of Monitoring and Follow-up of Decrees and Orders.**

No. 32

Date: 23/12/1444 A.H. (11 July 2023)

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**Article 1:**

I hereby endorse the Law on Duties and Authorities of the General Directorate of Monitoring and Follow-up of Decrees and Orders in (4) chapters and (28) articles.

**Article 2:**

This decree shall enter into force from the date of endorsement and shall be published in the official gazette along with the text of the said law.

Wa Salam

Amirul Momenin Sheikh ul Quran wal Hadith

Mawlawi Hibatullah Akhundzadah

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In the name of Allah, the most merciful, the most gracious

## **Law on Duties and Authorities of General Directorate of Monitoring and Follow-up of Decrees and Orders**

### **Chapter 1 General Provisions**

#### **Basis**

##### **Article 1:**

This law has been enacted according to Decree No. 9, dated 28/3/1444 A.H. - 24 October 2022, by His Highness Amirul Momenin, May Allah protect him.

#### **Goals**

##### **Article 2:**

This law aims to:

- 1- Observe, implement, and prevent violations of decrees, orders, and legislative documents, and maintain social order.
- 2- Safeguard individual and public rights as defined by Sharia.
- 3- Regulate duties, authorities, and other affairs related to the General Directorate of Monitoring and Follow-up of Decrees and Orders.
- 4- Ensuring transparency, preventing administrative corruption, and ensuring accountability and effectiveness within the actions of the Emirate authority and private sector associations with Emirate authorities in accordance with this law.
- 5- Ensure the independent operation of the General Directorate of Monitoring and Follow-up of Decrees and Orders.
- 6- Facilitate professional capacity building among employees.

#### **Terms**

##### **Article 3:**

Below terms in this law have the following meanings:

- 1- Law: A set of rules intended to regulate the internal affairs and actions of a ministry or institution within the Sharia framework, endorsed by the Office of the Leadership, with mandatory implementation.
- 2- Monitor: Monitor An individual appointed to a professional military or civil post within the General Directorate of Monitoring and Follow-up of Decrees and Orders, responsible for overseeing the implementation of decrees, orders, and legislative documents per this law.
- 3- Oversight: A review of the actions of civil and military institutions of the Islamic Emirate of Afghanistan and private sector actions associated with the authorities of the Islamic Emirate of Afghanistan, conducted by the Monitor as defined by this law.

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- 4- Enforceable Documents: Decrees, orders, and directives issued by His Excellency Amir-al Momenin, May Allah protect him.
- 5- Emirate Institutions: This term refers to the ministries, independent directorates, commissions, entities, municipalities, enterprises, Emirate-owned and mixed corporations, Afghan Red Crescent societies, Emirate-owned banks, political and consular diplomatic missions abroad, and other central and regional civil and military establishments.
- 6- Military Institutions: Ministry of National Defense, Ministry of Internal Affairs, General Directorate of Intelligence, and military establishments within other Emirate authorities.
- 7- Private Sector: Corporations, private banks, trade unions, non-Emirate organizations (NGOs), educational and academic institutes, and health centers.
- 8- Ruling: A written decision issued by the Monitor during various monitoring stages according to this law.
- 9- Auditing: Examination of documents carried out by the Monitor to ascertain facts when needed.
- 10- Search: Examination of an individual's body, clothing, package, locations, and means of transportation, conducted by the Monitor in cooperation with the Police to uncover facts when necessary.
- 11- Detention: Short-term custody and surveillance of the accused by the Monitor during the monitoring process according to this law.
- 12- Administrative Corruption: Any action of officials and personnel from the Emirate-related entities and the private sector that discredits the regime.

## **Impartiality and Non-Interference**

### **Article 4:**

- 1) The General Directorate of Monitoring and Follow-up of Decrees and Orders shall perform its duties in accordance with the Islamic Sharia, impartially and responsibly, per this law.
- 2) The General Directorate of Monitoring and Follow-up of Decrees and Orders shall act independently; no one may interfere with or disrupt its duties and authorities.

## **Chapter 2 Duties and Authorities**

### **Monitoring Implementation of Decrees, Orders, and Legislative Documents**

#### **Article 5:**

1. The General Directorate of Monitoring and Follow-up of Decrees and Orders shall carry out the below functions to implement orders, decrees, and regulations:

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- 1.1 Monitoring and oversight of the actions of military and civil entities and those private sector bodies associated with Emirati institutions in accordance with the approved action plan.
- 1.2 They shall also monitor compliance with decrees, orders, and enforceable document instructions within the actions of civil and military institution officials and personnel.
- 1.3 They shall monitor compliance with decrees, orders, and enforceable documents with the actions of the officials and employees of the private sector associated with Emirate institutions.
2. For better implementation of the orders mentioned in part (1) of the article, the General Directorate of Monitoring and Follow-up of Decrees and Orders holds below authorities:
  - 2.1 Draw the attention of the Emirate civil and military institutions officials, the private sector, and their subordinate branches for monitoring specific issues.
  - 2.2 Making a decision to prevent the disobedience of decrees and legal documents and attributing the responsibility to the violator, and introducing him to the competent authority
  - 2.3 Requesting an explanation from the officials and employees of the civil and military departments of the emirate and the private sector in relation to the reasons for the non-implementation of decrees, orders, and enforceable documents.
  - 2.4 Adopt precautionary measures for the prevention of documents, evidence, proving materials, and documents related to crime destruction;
  - 2.5 Submitting a proposal to the general director regarding the suspension of duties, banning the exit of officials and persons, or removing it in the event of the possibility of destroying evidence, documents, proving evidence and documents related to the crime, avoiding the provision of information and evidence, disrupting the monitoring process and escaping from the process.
  - 2.6 Avouch the assets wasted by crime, determination of criminal description, and identification of accused in under-process cases.
  - 2.7 If necessary, issuing arrest warrants for the defendants/accused in accordance with Decree No. 29 to 10 days and introducing them to prisons/jails, and canceling arrest warrants after the necessity is removed.

## **Seeking Expert Opinion**

### **Article 6:**

Where certain matters surface during the monitoring process justifying the experts' opinion be sought, The General Directorate of Monitoring and Follow-up of Decrees and Orders shall seek experts' opinion in such matters.

## **Monitoring Legitimacy of Detective Authorities' Actions**

### **Article 7:**

(1) The General Directorate of Monitoring and Follow-up of Decrees and Orders has responsibilities regarding the monitoring of the legitimacy of detective institutions' actions,

1. Oversight of the legitimacy of the detective institutions' actions.
2. Oversight of the legitimacy of the detective institutions' actions on summoning people.
3. Oversight of the legitimacy of the detective institutions' actions on restricting the rights and freedom of people.
4. Oversight of the crime detection process.

(2) The General Directorate of Monitoring and Follow-up of Decrees and Orders of the Islamic Emirate of Afghanistan has below authorities during oversight of the legitimacy of the detective institutions' actions:

1. Checking case documents at detective institutions.
2. Issuing instructions to detective institutions about changing or revoking steps taken concerning an accused,
3. Preventing issuing warrants to, summoning, and arresting individuals without justified reasons, and preventing putting illegal restrictions on peoples' rights.
4. Preventing the torture of suspects, accused, and detainees during discovery, investigation, trial, and execution of punishment
5. Attributing responsibility to persons who violate orders, rulings, and legal documents
6. In case of disobeying the decrees, orders, and documents of legal enforcement, issuing an order to take away the case from one interrogator and handing it over to another interrogator.
7. Issuing inquiries to the persons and officials involved in the under-processed cases.
8. If necessary, request and evaluate the documents, evidence, and reasons from the officials of the detective institutions.

## **Monitoring Deprivation of Liberty Places (Prisons and Jails)**

### **Article 8:**

(1) In order to ensure the compliance and implementation of decrees, legislative and enforcement documents in prisons and jails, the General Directorate of Monitoring and Follow-up of Decrees and Orders has the following duties:

- 1.1 Oversight of places of deprivation of liberty,
- 1.2 Meeting face-to-face with individuals under surveillance, detention, imprisonment, or confinement and listening to their complaints,

- 1.3 Oversight compliance with the rights of accused, convicts, and confined in places of deprivation of liberty,
- (2) Oversight of the detention centers to ensure the compliance and implementation of decrees, legislative and enforcement documents in prisons and jails, the General Directorate of Monitoring and Follow-up of Decrees and Orders has the following duties:
  - 2.1. Obtaining the order of the competent authorities in order to release those persons who have been placed under supervision, seizure, and imprisonment against the decrees and legislative and enforceable documents.
  - 2.2. Canceling the orders of officials in places of deprivation of liberty (detention centers), which are contrary to decrees and legislative and enforceable documents.
  - 2.3. Making decisions on complaints of persons who are under supervision, seizure, imprisonment, or detention.

### **Monitoring execution of orders of the courts**

#### **Article 09:**

The General Directorate of Monitoring and Follow-up of Decrees and Orders shall monitor the execution of ultimate decisions of the courts.

### **Review of Information and Complaints**

#### **Article 10:**

- (1) Monitoring and taking required decisions about the citizens' complaints in social media regarding violation of provisions of decrees, orders, and enforceable documents in the Emirate institutions and the actions of the private sector associated with the Emirate institutions.
- (2) The General Directorate of Monitoring and Follow-up of Decrees and Orders shall review and take required decisions regarding the information referred by the detective, inspective and investigative agencies, and former and future monitoring officials.

### **Monitoring Actions of the Investigative Entities**

#### **Article 11:**

If necessary, the General Directorate of Monitoring and Follow-up of Decrees and Orders shall monitor and oversee early and later actions of the investigative authorities.

### **Issuing a Ruling about a Disobedience**

#### **Article 12:**

Where the monitor detects disobedience from the provisions of decrees, orders, and legislative and enforceable documents during monitoring, he shall record it and take the following decision:

- (1) Where the disobedience has an administrative aspect, he shall issue his ruling and refer it to the officials of the relevant institution.
- (2) Where the disobedience has a criminal aspect, he shall issue his ruling and refer it to the competent authority.

### **Transfer of the prisoners from abroad and extradition of the accused**

#### **Article 13:**

- (1) Acquiring information about citizens of Afghanistan who are imprisoned in foreign countries and undergoing processes of transfer according to the principles and undergoing processes of transfer of foreigners who are imprisoned in the country (Afghanistan), provided their transfer is requested.
- (2) According to the principles, the processes of extraditing the accused and suspected foreigners shall be conducted by the General Directorate of Monitoring and Follow-up of Decrees and Orders.

### **Developing, Adjusting, and Revoking Legislative Documents**

#### **Recommendation**

#### **Article 14:**

The General Directorate of Monitoring and Follow-up of Decrees and Orders may recommend to the leadership the adjustment, addition, and revocation of the legislative documents when flaws, ambiguity, and inconsistency are observed during monitoring.

### **Undertaking measures for the prevention of a crime being committed**

#### **Article 15:**

The General Directorate of Monitoring and Follow-up of Decrees and Orders shall, for the prevention of crimes being committed, undertake necessary measures in cooperation with the relevant authorities during the monitoring.

### **Statistics of Crimes and Submitting Reports Based on the Statistics**

#### **Article 16:**

- (1) The General Directorate of Monitoring and Follow-up of Decrees and Orders shall regulate affairs related to the statistics of crimes.
- (2) Statistics of crimes are gathered, analyzed, and recorded in the Cases' Registration Office by the General Directorate of Monitoring and Follow-up of Decrees and Orders.

- (3) The General Directorate of Monitoring and Follow-up of Decrees and Orders shall submit a report to the competent authority following the detection and investigation of crimes.

## **Guidance and Assessment**

### **Article 17:**

- (1) The General Directorate of Monitoring and Follow-up of Decrees and Orders of IEA shall issue guidance to its subordinate branches and shall assess their actions.
- (2) The General Directorate of Monitoring and Follow-up of Decrees and Orders shall take necessary measures to harmonize relevant actions.

## **Capacity Building**

### **Article 18:**

The General Directorate of Monitoring and Follow-Up of Decrees and Orders shall undertake the necessary measures to enhance its professional monitoring capacity.

## **Chapter 3 Report**

## **Submitting Suggestion**

### **Article 19:**

- 1) The General Directorate of Monitoring and Follow-up of Decrees and Orders shall regularly submit reports on every last quarter of the year on the implementation of decrees, orders, legislative documents, and its monitoring activities in Emirate institutions to the leadership of the Islamic Emirate of Afghanistan.
- 2) If issues or defects are identified in the actions of the Emirate institutions during monitoring, the General Directorate of Monitoring and Follow-up of Decrees and Orders shall highlight these problems and defects, offering solutions and attaching them to the report mentioned in paragraph 1 of this article.
- 3) The General Directorate of Monitoring and Follow-up of Decrees and Orders shall also share the report discussed in this article with the superior officer of the institution being monitored.

## **Cooperation in Correcting Defects and Report**

### **Article 20:**

- 1) The General Directorate of Monitoring and Follow-up of Decrees and Orders shall assist Emirate entities in rectifying faults present in their actions and activities.



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- 2) If the Emirate institutions neglect to correct the existing flaws in their activities and actions, the General Directorate of Monitoring and Follow-up of Decrees and Orders shall report the matter to the Office of the Leadership of the Islamic Emirate of Afghanistan.

## **Chapter 4 Ultimate Provisions**

### **Seeking Guidance**

#### **Article 21:**

The General Directorate of Monitoring and Follow-up of Decrees and Orders shall seek direct guidance from the Office of the Leadership of the Islamic Emirate of Afghanistan.

### **Executing the Ruling**

#### **Article 22:**

- 1) Rulings from the General Directorate of Monitoring and Follow-up of Decrees and Orders are enforceable.
- 2) Institutions that fail to execute rulings from the General Directorate of Monitoring and Follow-up of Decrees and Orders shall be subject to prosecution.

### **Orders and instructions of the General Director**

#### **Article 23:**

During monitoring, the responsible authority for actions of the Emirate institution and actions of the private sector associated with the Emirate authorities must execute orders and instructions from the General Director regarding crime prevention and legislative document implementation, according to the law.

### **Obligations of the Institutions**

#### **Article 24:**

The institutions under monitoring and review are required to fulfill the legitimate requests of the monitoring panel in practice and provide them with necessary facilities during monitoring.

### **Monitoring other matters**

#### **Article 25:**

The General Directorate of Monitoring and Follow-up of Decrees and Orders is also responsible for overseeing other matters not covered in this law but referred to this Directorate by the appropriate competent authorities.

### **Suggesting Developing Regulations and By-laws and Plans**

#### **Article 26:**

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The General Directorate of Monitoring and Follow-up of Decrees and Orders may suggest developing regulations, by-laws, and plans for better implementation of the provisions of this law.

### **Structure**

#### **Article 27:**

The General Directorate of Monitoring and Follow-up of Decrees and Orders shall formulate its structure and process it as required.

### **Enforcement**

#### **Article 28:**

This law shall enter into force from the date it is endorsed by His Excellency Amir-al Momenin (May Allah protect him) and be published in the official gazette.