

# SIGAR

**Special Inspector General for  
Afghanistan Reconstruction**

## OFFICE OF SPECIAL PROJECTS

Afghanistan's Justice Sector Case  
Management System: Seized or Forfeited  
Assets Were Not Tracked and Nationwide  
Implementation is Not Complete

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January 2020

SIGAR 20-20-SP



**SIGAR**

Office of the Special Inspector General  
for Afghanistan Reconstruction

January 13, 2020

The Honorable Kirsten D. Madison  
Assistant Secretary  
Bureau of International Narcotics and Law Enforcement Affairs

Ms. Karen Decker  
Chargé d'affaires of the Embassy of Afghanistan  
Kabul, Afghanistan

The Case Management System (CMS) is a component of the Justice Sector Support Program (JSSP) managed by the State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL). CMS is an online database that tracks the status of criminal and civil cases in Afghanistan, across all criminal justice institutions, from arrest through release from prison. The Afghan Attorney General told U.S. officials that CMS would be fully operational by mid-2018. However, as of June, 2018, the Department of Justice (DOJ) reported that CMS on a nationwide basis was nowhere near operational.<sup>1</sup> Also, the implementing partner (Tetra Tech) reported in its May 2019 progress report that several actions needed to institutionalize CMS were not complete.<sup>2</sup>

Based on DOJ's concerns and the slow implementation of CMS, SIGAR initiated a review of its implementation. Our objectives were to determine whether: (1) case files inputted into CMS by the Attorney General's Office were complete; (2) seized and forfeited assets are being tracked in CMS; and (3) progress is being made implementing CMS nationwide.

To review the completeness of CMS data, we limited our review to the Office of the Attorney General because it was responsible for tracking seized and forfeited assets. SIGAR examined eight mandatory fields<sup>3</sup> for 25 randomly selected closed CMS cases<sup>4</sup> processed by the Attorney General's Office and found that the mandatory fields were complete for 20 of the 25 cases. However, all eight mandatory fields for two cases were blank and 5 to 7 of the 8 mandatory fields were blank for three other cases.<sup>5</sup> We also reviewed 87 closed cases processed by the Attorney General's Office that involved seized or forfeited cash and drugs valued at about \$1.75 million plus a number of other assets to include weapons and vehicles that we could not determine the value of. We found that there was no information in CMS tracking the location or disposition of these assets. Furthermore, SIGAR was informed by the U.S. Justice Attaché at the U.S. Embassy that he was not aware of any safeguards that existed in the Afghan government to prevent the seized and forfeited assets from being stolen.

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<sup>1</sup> SIGAR Quarter Report October 30, 2018 p. 124

<sup>2</sup> Tetra Tech-INL's CMS implementing partner- February 28 to May 27, 2019 progress report p. 29

<sup>3</sup> Mandatory fields comprised information- such as- the investigative department involved, the prosecution decision made, and the post-trial agency. Although there are 10 mandatory fields for ease of presentation, SIGAR illustrated 8 mandatory fields in this report.

<sup>4</sup> SIGAR randomly selected every 7<sup>th</sup> case in reverse chronological order from May 2019.

<sup>5</sup> Of 200 pieces of data analyzed, 33 pieces of data (16.5%) were missing.



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Additionally, CMS is scheduled to be transitioned to the Afghan government in 2022. However, as mentioned above, progress in implementing CMS nation-wide in Afghanistan showed that the Afghan justice sector has not completed important milestones to assure long term sustainability of the system.<sup>6</sup>

We provided a draft copy of this report to the Department of State and its Bureau of International Narcotics and Law Enforcement Affairs (State/INL) for comment on December 12, 2019. In its comments State/INL agreed with SIGAR's recommendations and stated that they will: (1) continue to support the Afghan government's efforts to hire and adequately train civil servants responsible for CMS data entry; and (2) recommend that the CMS Governance Board consider adding the disposition of seized or forfeited assets as a mandatory field in the CMS database. We also received technical comments from State/INL which we incorporated as appropriate.

We conducted our work in Washington, D.C. and Kabul Afghanistan from February through September 2019, in accordance with the Council of the Inspectors General on Integrity and Efficiency (CIGIE) *Quality Standards for Inspection and Evaluation*. SIGAR performed this work under the authority of Public Law No. 110-181, as amended, and the Inspector General Act of 1978, as amended. Should you or your staff have any questions about this project, please contact Mr. Benjamin Piccolo, Director of Special Projects, at (703) 545-2192 or [benjamin.j.piccolo.civ@mail.mil](mailto:benjamin.j.piccolo.civ@mail.mil).

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Sopko".

John F. Sopko  
Special Inspector General  
for Afghanistan Reconstruction

<sup>6</sup> Tetra Tech-INL's CMS implementing partner- February 28 to May 27, 2019 progress report p. 29

The State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) began implementing the Case Management System (CMS) in 2005. The system provides the capability to track criminal and civil cases in a transparent and legally sufficient manner from opening of a case until it is completed. The resistance to implementing CMS by the Attorney General's Office (AGO) has been an area of concern for the Department of Justice (DOJ).

Based on the DOJ's concerns and the slow implementation of CMS, SIGAR initiated a review of its implementation. Our objectives were to determine whether: (1) case files inputted into CMS by the Attorney General's Office were complete, (2) seized and forfeited assets are being tracked in CMS, and (3) progress is being made implementing CMS nationwide.

To accomplish these objectives, we worked with the program's implementing partner, Tetra Tech, to test the completeness of data in CMS within the Office of the Attorney General. First we randomly selected 25 closed cases processed by the Attorney General's office by selecting the seventh case in reverse chronological order beginning in May 2019. We then asked Tetra Tech to provide us the information in the database for the eight mandatory fields.<sup>7</sup> (See Appendix I for a list of the eight mandatory fields we reviewed.) Additionally, SIGAR asked Tetra Tech to search CMS for closed cases with court orders for asset seizures and forfeitures. The search identified 87 cases which we analyzed. We interviewed officials from State/INL, DOJ, and Tetra Tech. We conducted our work in Washington, D.C., and Kabul, Afghanistan, from February 2019 through September 2019.

## BACKGROUND

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### Justice Sector Support Program

INL's Justice Sector Support Program (JSSP) is the largest U.S. rule-of-law program in Afghanistan. JSSP provides technical assistance to Afghan justice institutions through (1) building the capacity of justice institutions to be professional, transparent, and accountable; (2) assisting the development of statutes that are clearly drafted, constitutional, and the product of effective, consultative drafting processes; and (3) supporting the CMS so that Afghan justice institutions work in a harmonized and interlinked manner and resolve cases in a transparent and legally sufficient manner.

The program was established in 2005 to provide capacity-building support to the Afghan justice system through training, mentoring, and advisory services. Pacific Architects and Engineers was the implementing partner between 2005 and 2017. Tetra Tech took over the program on August 28, 2017. The current contract is worth \$23.42 million, with options to extend to August 2022; as of April 2019, about \$11.9 million has been spent.

### Case Management System

CMS is an online database developed with Afghan government institutions to track criminal and civil cases. Criminal cases are tracked from arrest through release from prison. The system is a critical tool in improving the tracking, transparency, and management of cases across the legal system, deterring corruption at every point in the legal case progression, holding government entities accountable, and protecting the rights of individuals in the criminal and civil justice systems.

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<sup>7</sup> Although there are 10 mandatory fields for ease of presentation, SIGAR illustrated 8 mandatory fields in this report.

There are 549 CMS offices located at the various justice institution offices<sup>8</sup> in all 34 provinces of Afghanistan. The institutions include the Attorney General's Office, Supreme Court, Ministry of Justice, National Directorate of Security, Ministry of Interior, Ministry of Defense, Ministry of Women's Affairs and the Afghanistan Independent Bar Association. A monitoring board comprised of representatives from each CMS user institution plus the Office of the President, meets monthly to address issues concerning CMS implementation and use.

## NOT ALL CASE MANAGEMENT DATA WERE ENTERED INTO CMS BY THE ATTORNEY GENERAL'S OFFICE

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In testing CMS to determine whether the Office of the Attorney General is entering case data into the system, Tetra Tech provided SIGAR data from eight mandatory data fields for 25 closed cases processed by the Office of the Attorney General. The fields included information, such as, the case number, the investigative department involved, the prosecution decision made, and the post-trial agency. SIGAR found that all eight mandatory fields for 20 of the 25 cases were complete. However, for two cases all of the fields were blank and for three other cases 5 to 7 of the 8 mandatory fields were blank. As a result, of the 200 pieces of CMS data required to be inputted 33 pieces of data (16.5 percent) were missing. Complete case files will help ensure that the justice institutions are operating in a transparent and legally sufficient manner. (See Appendix I for details on the 25 cases)

## SEIZED OR FORFEITED ASSETS WERE NOT TRACKED IN CMS

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According to Tetra Tech all enforcement data is recorded in the Attorney General Office's CMS case files because that office is responsible for seizing assets. SIGAR asked Tetra Tech to search the closed case files with court orders for asset seizures and forfeitures. Tetra Tech identified 87 cases where the court ordered the seizure of assets. SIGAR reviewed these case files and found that none of the case files had any information on location or disposition of the assets. The Tetra Tech lead manager in Afghanistan said enforcement of forfeitures and seizures is not a required field in CMS per a Monitoring Board decision. SIGAR then asked the lead manager whether seized and forfeited assets are being safeguarded from theft. He stated that he could not comment on the potential for seized or forfeited assets to be stolen because they are not tracked in the system and enforcement is "very difficult" in the developing world. The total value of assets confiscated in these 87 cases is about \$1.75 million of cash and drugs. In addition, the 87 cases included other assets that we could not determine the value of such as weapons and vehicles. (See Appendix II for a list of the seized and forfeited assets).

After meeting with Tetra Tech about CMS asset seizure and forfeiture data, SIGAR conferred with DOJ's Justice Attaché at the U.S. Embassy to get his perspective. He stated that it made no sense for CMS-which is an information database- not to be collecting important information such as asset seizures and forfeitures data. He also said the Afghan justice system's limited ability to oversee seizures and forfeitures is a "known problem." Additionally, he said his office was pushing the Afghan government to enact "Asset Recovery Regulations" that help prevent misuse of this process. The attaché stated that "as far as he knows, there are no safeguards" for tracking assets seized, determining their disposition, or identifying if they ultimately appeared in Ministry funds. Finally, when asked if assets seized or forfeited could be stolen by Afghan officials, the attaché indicated that the assets were vulnerable given the control environment.

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<sup>8</sup> Tetra Tech *Executive Summary-Functional Assessment of the Afghanistan Case Management System*, July 5, 2018.

## CMS IMPLEMENTATION NATIONWIDE IS PROGRESSING SLOWLY

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Tetra Tech, in their 3<sup>rd</sup> quarter 2019 progress report showed that actions needed to institutionalize the use of CMS nationwide were not complete. These actions included: creation of a senior level policy board; implementation of a case flow management strategy; biometric data included in CMS; and legislation or presidential decree written to establish CMS in Afghan law.

The report also showed that in the 3<sup>rd</sup> quarter, of 1,331 CMS mentoring sessions held during the quarter, only 2 sessions were held in eight southern provinces<sup>9</sup> where as 84 percent of the mentoring occurred in the Attorney General's Office, Ministry of Justice and the Supreme Court. In an April 2019 Ministry of Justice (MOJ) conference, which was attended by the Ministry of Justice General Directors, and representatives from all 34 provinces, the group identified some of the key challenges to implementing CMS. These included among others

- Lack of a legal basis mandating the use of CMS.
- Insufficient CMS operators and JSSP advisors in some provinces
- Concerns regarding security

Some of the recommendations made to address these challenges included establishing a formal coordinating body between justice institutions composed of high ranking officials, increasing the CMS staffing (tashkil), and, continued training and mentoring of CMS operators and department heads. Even though the Attorney General's Office indicated that CMS would be fully operational nationwide by mid-2018, as of April 2019, the implementation of CMS still has a long way to go before the system can be fully transitioned to the Afghan Government as planned in 2022. During the 28 August 2019 Monitoring Board meeting, the Afghan Supreme Court representatives were asked if they will be prepared to support CMS by the transition date in 2022 and they declined to answer.

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## CONCLUSION

The limited implementation of CMS and problems with data completeness, where it is implemented, continues to limit the transparency and credibility of the Afghan justice system. Also, the lack of controls over seized and forfeited assets makes the Afghan justice system vulnerable to corruption. Although the Bureau of International Narcotics and Law Enforcement Affairs along with its implementing partner continue to work towards their goal of implementing CMS throughout the Afghan justice system and transitioning CMS over to the Afghan Government, more work is needed to ensure that the system is a viable and transparent managerial tool.

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## RECOMMENDATIONS

We recommend that Bureau of International Narcotics and Law Enforcement Affairs work with the Afghan Attorney General's Office and other appropriate criminal justice and civil ministries to ensure that:

1. Employees are entering data into CMS's mandatory fields accurately and completely; and
2. Regulations are put in place to provide the necessary transparency to protect seized and forfeited assets from being stolen or lost within the justice system.

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<sup>9</sup> From March to May 2019 there were no monitoring sessions in Farah, Helmand, Kandahar, Zabul, Paktika, Ghazni and Uruzgan Provinces and two mentoring sessions in Nimroz Province

## AGENCY COMMENTS

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In its comments State/INL agreed with SIGAR's recommendations and stated that they will: (1) continue to support the Afghan government's efforts to hire and adequately train civil servants responsible for CMS data entry; and (2) recommend that the CMS Governance Board consider adding the disposition of seized or forfeited assets as a mandatory field in the CMS database. We also received technical comments from State/INL which we incorporated as appropriate.

## APPENDIX I – TWENTY-FIVE CASES IN CASE MANAGEMENT SYSTEM<sup>10</sup>

CMS Case Number	Investigative Department	Primary Court Prosecution- Pre-Trial Department	Primary Court Pre-Prosecution Decision	Primary Court Prosecution Post-Trial - Agency	Primary Court Prosecution Post-Trial - Department	Primary Court Prosecution Post-Trial- Prosecution Decision	Primary Court Prosecution Post-Trial-Date Referred to Next	Primary Court Prosecution Post-Trial- Register Appellate Form?
01-03-01-01-1397-0137-01	General Directorate of Criminal Investigation - North Zone	Kabul City District 11th Primary AGO	Indictment	AGO (Attorney General Office)	Kabul City District 11th Primary AGO	Dissatisfaction	2019-04-07	Yes
01-24-01-01-1397-0092-04	General Directorate of Criminal Investigation - North Zone	Kabul City District 11th Primary AGO	Indictment	AGO (Attorney General Office)	Kabul City District 11th Primary AGO	Dissatisfaction	2018-11-19	Yes
05-28-01-01-1397-0162-00								
01-06-32-31-1397-0330-00	Primary Public Security Prosecution Department\ Herat	Primary Public Security Prosecution Department\ Herat	Indictment	AGO (Attorney General Office)	Primary Public Security Prosecution Department\ Herat	Satisfaction	2019-02-26	No
01-19-01-01-1397-0627-00	Investigation Department of Counter Narcotic and Intoxicants	Primary Prosecution Office of Counter Narcotic and Intoxicants	Indictment	AGO (Attorney General Office)	Primary Prosecution Office of Counter Narcotic and Intoxicants	Satisfaction	2019-03-05	No
01-16-34-01-1397-0044-03	Criminal Investigation Department/ NIMROZ	City Prosecution Department NIMROZ	Indictment	AGO (Attorney General Office)	City Prosecution Department NIMROZ	Satisfaction	2019-02-09	No
01-13-01-01-1397-0488-00	Investigation Directorate - West Zone, AGO	Primary Prosecution of Sixth District- Kabul City	Indictment	AGO (Attorney General Office)	Primary Prosecution of Sixth District- Kabul City	Satisfaction	2019-03-10	No
01-19-09-01-1397-0592-02	Investigation Department of Counter Narcotic and Intoxicants	Primary Prosecution Office of Counter narcotic and Intoxicants	Indictment	AGO (Attorney General Office)	Primary Prosecution Office of Counter Narcotic and Intoxicants	Dissatisfaction	2019-03-03	Yes
01-02-21-27-1397-0030-00	Crimes Investigation General prosecution\ Balkh							
01-06-01-01-1397-0737-00	General Directorate of Criminal Investigation - North Zone	Public Security Primary AGO - North Zone	Indictment	AGO (Attorney General Office)	Public Security Primary AGO - North Zone	Satisfaction	2019-04-14	No

<sup>10</sup> The red boxes throughout Appendix 1 indicate that no data was available for these mandatory fields.



CMS Case Number	Investigative Department	Primary Court Prosecution-Pre-Trial Department	Primary Court Pre-Prosecution Decision	Primary Court Prosecution Post-Trial - Agency	Primary Court Prosecution Post-Trial - Department	Primary Court Prosecution Post-Trial- Prosecution Decision	Primary Court Prosecution Post-Trial-Date Referred to Next	Primary Court Prosecution Post-Trial- Register Appellate Form?
01-19-01-00-1397-0568-03	Investigation Department of Counter Narcotic and Intoxicants	Primary Prosecution Office of Counter Narcotic and Intoxicants	Indictment	AGO (Attorney General Office)	Primary Prosecution Office of Counter Narcotic and Intoxicants	Satisfaction	2019-02-20	Yes
01-22-32-02-1397-0167-03	Designated Prosecution of Observation of Juvenile Violation	Designated Prosecution of Observation of Juvenile Violation	Indictment	AGO (Attorney General Office)	General Penal Prosecution Office / Herat	Satisfaction	2019-01-14	No
01-03-09-01-1397-0029-00	Special Juvenile's Prosecution Department Baghlan	Special Juvenile's Prosecution Department Baghlan	Indictment	AGO (Attorney General Office)	Special Juvenile's Prosecution Department Baghlan	Dissatisfaction	2019-01-16	Yes
01-19-06-07-1397-0559-00	Investigation Department of Counter Narcotic and Intoxicants	Primary Prosecution Office of Counter Narcotic and Intoxicants	Indictment	AGO (Attorney General Office)	Primary Prosecution Office of Counter Narcotic and Intoxicants	Dissatisfaction	2019-02-19	Yes
01-19-01-01-1397-0550-01	Investigation Department of Counter Narcotic and Intoxicants	Primary Prosecution Office of Counter Narcotic and Intoxicants	Indictment	AGO (Attorney General Office)	Primary Prosecution Office of Counter Narcotic and Intoxicants	Dissatisfaction	2019-02-12	Yes
05-26-25-00-1397-0038-03	Special Juvenile's Prosecution Department Urozghan	Public Security Prosecution Department Urozghan	Indictment					
01-14-01-04-1397-0045-00	General Directorate of Prosecution of Children Offenses	General Directorate of Prosecution of Children Offenses	Indictment	AGO (Attorney General Office)	General Directorate of Prosecution of Children Offenses	Satisfaction	0000-00-00	No
01-06-01-01-1397-0633-00	Investigation Directorate - West Zone, AGO	Public Security Primary Prosecution - West Zone, AGO	Indictment					
01-19-01-01-1397-0539-00	Investigation Department of Counter Narcotic and Intoxicants	Primary Prosecution Office of Counter Narcotic and Intoxicants	Indictment	AGO (Attorney General Office)	Primary Prosecution Office of Counter Narcotic and Intoxicants	Satisfaction	2019-02-12	Yes
01-19-32-13-1397-0535-00	Investigation Department of Counter Narcotic and Intoxicants	Primary Prosecution Office of Counter Narcotic and Intoxicants	Indictment	AGO (Attorney General Office)	Primary Prosecution Office of Counter Narcotic and Intoxicants	Satisfaction	2019-01-26	No

CMS Case Number	Investigative Department	Primary Court Prosecution- Pre-Trial Department	Primary Court Pre-Prosecution Decision	Primary Court Prosecution Post-Trial - Agency	Primary Court Prosecution Post-Trial - Department	Primary Court Prosecution Post-Trial- Prosecution Decision	Primary Court Prosecution Post-Trial-Date Referred to Next	Primary Court Prosecution Post-Trial- Register Appellate Form?
01-28-00-00-1397-0086-00								
01-13-01-01-1397-0429-00	Investigation Directorate - West Zone, AGO	Primary Prosecution of Fifth District- Kabul City	Indictment	AGO (Attorney General Office)	Primary Prosecution of Fifth District- Kabul City	Satisfaction	2019-02-23	No
01-28-15-10-1397-0264-00	KHAS KUNAR District Primary Prosecution	KHAS KUNAR District Primary Prosecution	Indictment	AGO (Attorney General Office)	KHAS KUNAR District Primary Prosecution	Satisfaction	2019-01-15	No
01-01-15-01-1397-0262-00	Criminal Investigation Department/Kunar	Public Security Prosecution Department Kunar	Indictment	AGO (Attorney General Office)	Public Security Prosecution Department Kunar	Satisfaction	2019-02-21	No
01-19-01-01-1397-0506-02	Investigation Department of Counter Narcotic and Intoxicants	Primary Prosecution Office of Counter Narcotic and Intoxicants	Indictment	AGO (Attorney General Office)	Primary Prosecution Office of Counter Narcotic and Intoxicants	Dissatisfaction	2019-02-12	Yes

## APPENDIX II – VALUE OF SEIZED AND FORFEITED ASSETS INCASE MANAGEMENT SYSTEM

Confiscations	Items	Subtotal value of confiscations (in USD):	Notes
Four monetary confiscations:	\$1,093,754.37	\$1,093,754.37	
Nine hashish confiscations:	9,573.016 Kg (21,061 lbs.) of hashish	\$650,965.09	*National average price of farmer-gate cannabis resin (hashish) was 68 USD/Kg in 2013
Seven opium confiscations:	39 Kg (85.8 lbs.) of opium	\$3,666.00	*National average price of farmer-gate dry opium was 94 USD/Kg in 2018
Seven vehicle confiscations:	4 motorcycles	Unknown value	
	1 car	Unknown value	
	2 unspecified vehicles	Unknown value	
Eleven weapon confiscations:	6 AK-47s	Unknown value	
	2 pistols	Unknown value	
	3 unspecified weapons	Unknown value	
	1 knife	Unknown value	
	1 brass knuckle	Unknown value	
	10 Kg (22 lbs.) of ammonium nitrate	Unknown value	
	2 rocket missile launchers	Unknown value	
	6 grenades	Unknown value	
	Unspecified amount of ammunition	Unknown value	
Five unknown substance confiscations:	14.825 Kg (32.6 lbs.) of unknown substances	Unknown value	
Forty-six miscellaneous confiscations	6,360 cubic meters of wood and other unspecified goods	Unknown value	
	<b>Total known value of confiscations (in USD):</b>	<b>\$1,748,385.46</b>	



United States Department of State

Washington, D.C. 20520

January 09, 2020

Mr. Benjamin Piccolo  
Director of Special Projects  
Special Inspector General for Afghanistan Reconstruction  
1550 Crystal Drive, Suite 900  
Arlington, VA 22202

Dear Mr. Piccolo:

The Department of State welcomes the opportunity to comment on this draft Special Inspector General for Afghanistan Reconstruction (SIGAR) special project report on Afghanistan's Justice Sector Case Management System (December 2019). The Department respects SIGAR's role in safeguarding U.S. taxpayer investment, and we share your goals of implementing programs free from waste, fraud, and abuse.

INL concurs with the two recommendations in the report and offers its specific responses below. It is important to highlight that the case management system (CMS) operates across eight justice and corrections institutions in Afghanistan, but the findings in this report refer primarily to only one of those institutions: the Office of the Attorney General. Additionally, in late 2019, the Afghan government drafted a law to establish CMS as the database of record (see Tab 2), and Afghan President Ghani established the CMS Governance Board to address high-level policy questions. With over 100,000 civil cases and 500,000 criminal cases tracked in the system, CMS is well established and widely used across justice institutions nationwide.

Please see the Technical Corrections attachment for some specific concerns for your consideration prior to publication (see Tab 1).

#### **Responses to Recommendations**

**Recommendation 1:** We recommend that Bureau of International Narcotics and Law Enforcement Affairs work with the Afghan Attorney General's Office and other appropriate criminal justice and civil ministries to ensure that employees are entering data into CMS's mandatory fields accurately and completely.

**INL Response (January 2020):** INL agrees with this recommendation. To achieve this important goal, INL will continue to support the Afghan government's efforts to hire and adequately train civil servants responsible for CMS data entry. We have seen an increase in data quality and completeness in recent years, but we recognize that each institution must take on more responsibility for improving performance in this area. During meetings with ministry officials, INL and the Justice Sector Support Program (JSSP) continue to emphasize the importance of data quality and completeness. INL respectfully requests SIGAR consider closing this recommendation.

**Recommendation 2:** We recommend that Bureau of International Narcotics and Law Enforcement Affairs work with the Afghan Attorney General's Office and other appropriate criminal justice and civil ministries to ensure that regulations are put in place to provide the necessary transparency to protect seized and forfeited assets from being stolen or lost within the justice system.

**INL Response (January 2020):** INL agrees with this recommendation. INL will recommend that the CMS Governance Board consider adding the disposition of seized or forfeited assets as a mandatory field in the CMS database. If implemented, this change would increase the tracking of such assets.

In 2018, the Afghan government created the Office of Asset Recovery (OAR) under the Attorney General's Office Deputy Attorney General for Anticorruption to coordinate asset recovery across the Afghan interagency. The OAR has yet to become fully operational while the Ministry of Justice, with assistance from the international community, drafts and prepares to implement an asset recovery regulation to supplement forfeiture laws already provided for under Afghan law. The regulation is expected to receive presidential approval in 2020 and will present an opportunity for the OAR to demonstrate its ability to fulfill its mandate. INL will work with other donors to coordinate appropriate subject-matter expertise to support these efforts.

- 3 -

The Department of State appreciates SIGAR's examination of U.S. foreign assistance programming in Afghanistan's justice sector. INL looks forward to continuing to work with SIGAR and other relevant authorities on these issues.

Sincerely,



**Erin M. Barclay**  
**Executive Director**  
**Bureau of International Narcotics and Law**  
**Enforcement Affairs**

**Attachments:**

- Tab 1 - Technical Comments
- Tab 2 - Draft Law on CMS
- Tab 3 - Deliverable #9 Work Plan Table

This project was conducted under  
project code SP-221



## SIGAR's Mission

The mission of the Special Inspector General for Afghanistan Reconstruction (SIGAR) is to enhance oversight of programs for the reconstruction of Afghanistan by conducting independent and objective audits, inspections, and investigations on the use of taxpayer dollars and related funds. SIGAR works to provide accurate and balanced information, evaluations, analysis, and recommendations to help the U.S. Congress, U.S. agencies, and other decision-makers to make informed oversight, policy, and funding decisions to:

- improve effectiveness of the overall reconstruction strategy and its component programs;
- improve management and accountability over funds administered by U.S. and Afghan agencies and their contractors;
- improve contracting and contract management processes;
- prevent fraud, waste, and abuse; and
- advance U.S. interests in reconstructing Afghanistan.

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