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# THE ROLE AND POSITION OF THE PUBLIC PROSECUTOR IN SECURING CRIMINAL JUSTICE ACCORDING TO THE CRIMINAL PROCEDURE LAW OF AFGHANISTAN

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***Abstract****. The Prosecutor (Sarnwal / Public Prosecutor) as one of the most important pillars of the criminal justice system plays a fundamental role in guaranteeing the rights of the parties to a case and ensuring social order and security. The Criminal Procedure Law of Afghanistan has outlined the duties and authorities of the Prosecutor at various stages of litigation, from the discovery of a crime and preliminary investigation to trial and execution of the sentence. The importance of this research lies in the fact that the efficiency and independence of the Prosecutor's Office can directly impact the realization of criminal justice and increase public trust in the judicial system. The main research question is: What is the position of the Prosecutor according to the Criminal Procedure Law of Afghanistan and what is their role in securing criminal justice? The research hypothesis is that the Prosecutor, possessing legal authorities and institutional independence, plays a pivotal role in guaranteeing criminal justice, protecting the victim, and safeguarding public interests. This research has been conducted using library resources and a descriptive-analytical method, examining laws and legal documents. The findings indicate that strengthening the independence and specialized capacities of prosecutors can reduce existing challenges in the criminal litigation process and enhance the position of this institution in realizing criminal justice.*

***Keywords:*** *Prosecutor, Criminal Justice, Criminal Procedure Law of Afghanistan, Investigation.*

## Introduction

The institution of the "Prosecutor's Office" (*Sarnwali*) is considered one of the fundamental pillars of the criminal justice system; an institution that is not only legally important but has also been addressed from social, moral, and human perspectives in laws. In the legal system of Afghanistan, the Criminal Procedure Law, as the main framework for criminal procedures, has precisely specified the duties and powers of the Public Prosecutor and explained their role in guaranteeing the rights of the parties, securing justice, and maintaining public order.

The Public Prosecutor plays a central role in the realization of criminal justice at various stages of litigation, from the discovery of the crime and preliminary investigations to trial and execution of the sentence. The importance of this matter becomes more apparent when we realize that abuse of authority, failure in performing duties, or lack of transparency in the performance of the Prosecutor can lead to the violation of the accused's rights, harm to the victim, and public distrust in the judicial system.

Legal and jurisprudential literature shows that numerous scholars and jurists such as Ardebili, Khaleghi, and others have elaborated on the principles and rules of criminal procedure and the position of the Prosecutor, but few studies have coherently examined the role and position of the Prosecutor (Public Prosecutor) in securing criminal justice by directly referencing the Criminal Procedure Law of Afghanistan.

Accordingly, the aim of this research is to explain the legal position and analyze the duties and authorities of the Prosecutor within the framework of the Criminal Procedure Law of Afghanistan, and to examine their role in guaranteeing the rights of the accused, protecting the victim, and safeguarding public interests. To achieve this goal, this research attempts to answer questions such as: What is the position of the Prosecutor in the Criminal Procedure Law of Afghanistan and what is their role in securing criminal justice? What is their role in guaranteeing criminal justice and protecting the rights of the parties? The researcher's hypothesis is that the Prosecutor, possessing legal authorities and institutional independence, plays a central role in guaranteeing criminal justice, protecting the victim, and preserving public interests, and what challenges exist in the path of performing their duties? The research method in this study is descriptive-analytical, and using library resources, especially the Criminal Procedure Law of Afghanistan, the Constitution, related laws, and legal scholarly works, the position and role of the Prosecutor have been analyzed. An effort has been made to present a clear and documented picture of the position of this institution in the criminal justice system of Afghanistan by accurately citing legal texts, and to provide a basis for its reforms and improved functioning.

**1. Conceptual Framework**

Every research contains a set of general topics and a series of concepts and terms that play the main role in that research. Defining and explaining key terms, fundamental concepts, and outlining the general issues of the research is considered a groundwork for entering the main discussions of the study and helps prepare a clear and transparent space for understanding the main issues.

**1.1. Concept of Prosecutor's Office (Sarnwali):**

"Sarnwali" is a Pashto word, derived from "Sarna". Its meaning in Dari is supervision, observation, scrutiny, and evaluation. Its concept implies that an action is performed on a subject or an object after careful examination.

**1.2. Concept of Prosecutor (Sarnwal):**

This term refers to a person appointed by the government to enforce the law uniformly.

In our country, any officer performing professional duties within the prosecutor's office is called a "Sarnwal" (Step by Step, 2020).

**1.3. Concept of Fair Trial:**

Not only must the establishment of a court comply with the law and international standards, but its procedural law must also adhere to clear and recognized international principles and standards. Adjudicating disputes and criminal accusations requires a fair trial, which necessitates predetermined procedural law and a set of basic conditions (Kashani, 2004: 201). A fair trial is a process based on the principle of innocence and the preservation of human dignity; adherence to its requirements promises dignified conduct and judgments based on justice and fairness. A criminal trial is fair if conducted by an impartial and unbiased court, based on legal formalities, and during which the fundamental and legal rights of the accused are respected (Amadeh, 2009: 17).

**1.4. Concept of Criminal Justice:**

Criminal justice means administering justice towards those accused of committing crimes. This concept encompasses the set of laws, procedures, and institutions used to administer justice concerning crimes and criminals. In fact, criminal justice seeks to maintain social order and protect citizens from harm by applying punishment and reforming offenders (Omidi, p. 22).

**1.5. Concept of Criminal Procedure Law:**

The law that regulates the stages of criminal litigation from the discovery of the crime to the execution of the sentence (Akhundi, 1989: 20).

**1.6. Concept of Investigation:**

"Tahqiq" is an Arabic word and term meaning "to search". Investigation is defined in Clause (2) of Article (23) of the Provisional Criminal Procedure Law as follows: "The main purpose of criminal investigation is to discover the truth." Although the aforementioned definition primarily points to the purpose of investigation, we can also infer its definition from it. Alternatively, "Investigation means reaching the truth and resorting to legal procedures to ascertain the truth of the matter."

**2. History of the Prosecutor's Office in Afghanistan**

In the year 1300 A.H. (1921 AD), the Fundamental Organization Regulation was published and enacted. The State Council was established at the center, and in the provinces, the High Government and advisory councils of the kilans (major provinces) were formed. The jurisdiction over officials' trials belonged to the State Council and advisory councils.

Consequently, there was a need for criminal prosecutors at various stages of trials to pursue accusations and file cases against accused officials as prosecuting attorneys. Later, the times demanded the existence of a prosecutor for matters involving "Huquq Allah" (Rights of God). This necessity facilitated the inclusion of annexes in the Fundamental Organization Regulation of Afghanistan. For the first time, the term "Prosecuting Attorney" was used.

According to the mentioned annex, the Prosecuting Attorney at the center was appointed by the Ministry of Justice, and in the provinces by the Deputy Governor or High Governor. Then, in the Constitution of 1343 A.H. (1964 AD), the Office of the Public Prosecutor was established as an official state organ. It was recorded in (Article 103) as follows: "The investigation of crimes is carried out by the Public Prosecutor, who is part of the executive branch of the government, in accordance with the provisions of this law." In the 1964 Constitution, in the chapter on the judiciary, due to the similarity of functions and based on legal definitions that unified accusation and trial, the standing judiciary was termed "accusatory judiciary" and the sitting judiciary was termed "adjudicatory judiciary." The Law on Organizing the Affairs of the Prosecutor's Office was enacted on 26 Aqrab 1343 A.H. (November 16, 1964) with 24 articles and published in issue number 17 of the Official Gazette. This law introduced the Prosecutor's Office as the High Office of the Public Prosecutor and the Attorney General as the Public Prosecutor of Afghanistan. Afterwards, on 25 Hamal 1359 A.H. (April 14, 1980), the Fundamental Principles, which served as a provisional constitution, were approved by the Revolutionary Council of the time. They became effective on 7 Sawr 1359 A.H. (April 27, 1980). Article (58) of this law separated the Attorney General's Office from the Ministry of Justice of Afghanistan for the first time and considered it an independent organ within the state structure. This article placed the Attorney General's Office as a unified system based on the principle of centralization and leadership of prosecutor's offices under the authority of the Attorney General. In the year 1365 A.H. (1986 AD), changes occurred in the state leadership.

The Constitution was approved by the Loya Jirga and signed by the President on 9 Hamal 1366 A.H. (March 29, 1987). Chapter Nine of this constitution specifically discusses the Attorney General's Office. However, during the rule of the Islamic Emirate, based on Decree No. "12" dated 16 Hoot 1375 A.H. (March 6, 1997), the Attorney General's Office was once again downgraded organizationally and placed under the Ministry of Justice. Based on Decree No. "109" dated 23/5/1419 A.H. (November 11, 1998), the authority of the prosecutor's office was also delegated to judges. Article Twelve of this decree states: "The work of investigation of the prosecutor's office is assigned to the judiciary. Judges are obliged to complete the case file within one week and submit it to the court for decision." After the fall of the Islamic Emirate government, in the month of Jadi 1380 A.H. (December 2001/January 2002), the Attorney General's Office regained its structure and authority. The Constitution of Afghanistan was approved by the Loya Jirga and signed and enacted by the President on 6 Dalw 1382 A.H. (December 27, 2003). The Attorney General's Office also regained its credibility. Article (134) of this law states: "The discovery of crime is carried out by the police, and the investigation of crimes and filing of a case against the accused in court is carried out by the Prosecutor's Office in accordance with the provisions of the law. The Prosecutor's Office is part of the executive branch and is independent in its functions." After the formation of the elected government in Afghanistan, the organizational structure of the Attorney General's Office also developed. This office, which was previously a subset of the Ministry of Justice, was transformed into an independent office. The High Office of the Attorney General had four deputyships, each of which had several subunits (directorates) within its structure. This office had about 5,000 employees in the center and provinces. These employees included professional, administrative, and hired staff. (Constitution, 2003) But with the return to power of the Islamic Emirate in 1400 A.H. (2021 AD), the Attorney General's Office was again abolished as in the previous period, and its authority was delegated to judges. (General Directorate for Monitoring and Follow-up of Decrees and Orders)

**3. The Role and Position of the Prosecutor**

The role of the Prosecutor, in accordance with Clause (2) of Article (23) of the Provisional Criminal Procedure Law, is as follows: "The Primary Prosecutor, to achieve this goal, considers the following situations:

1- Evaluating all aspects and evidence of the case.

2- Ascertaining whether a crime has been committed or not.

3- Identifying the responsible person or persons."

These three aforementioned objectives constitute the fundamental and basic aims of the investigation because reaching the truth is impossible without the investigating Prosecutor resorting to the three objectives mentioned above. These stated objectives of the investigation are what lead the investigating Prosecutor to employ the essential means of proving the crime.

Although the three objectives above are briefly mentioned in the Provisional Criminal Procedure Law, in order: the first objective involves the investigating Prosecutor's evaluation of all aspects and evidence of the case, which means examining incriminating and exculpatory evidence equally to achieve absolute justice. As an example, we will cite Clause (3) of Article (24) of the Provisional Criminal Procedure Law, which refers to the Prosecutor's investigative actions to achieve the aforementioned objective: Clause (3) of Article (23): "The Prosecutor, while conducting investigations, is obliged to evaluate evidence proving or disproving the crime equally and to consider the interests of the affected persons."

To explain the second objective of the investigation, we must simply mention that it is the investigating Prosecutor who, based on the sanctity of the profession, can determine through various professional and legal methods whether a crime has actually occurred or not? Because if a crime has not occurred, punishment lacks legitimacy. Achieving this objective without an investigation is impossible; the investigating Prosecutor must resort to legal investigative procedures to achieve this objective and determine whether a crime has actually been committed or not. The third objective also points to a major and fundamental issue: that during the prosecutorial investigation, achieving this goal means identifying the responsible persons who bear responsibility for committing the crime. This is because whenever a person commits a crime, they try to evade the law to escape punishment. Therefore, it is the investigating Prosecutor who finds them through their professional actions and presents legally incriminating evidence against them, and subsequently, through judicial prosecution by the trial Prosecutor, they are brought to the bench.

**4. Legal Authorities and Duties of the Prosecutor (Public Prosecutor) in the Criminal Procedure Law of Afghanistan**

**4.1. Authority of the Prosecutor Regarding Release or Detention of a Suspect**

According to Article 88 of the Criminal Procedure Law of Afghanistan, the Prosecutor has the authority to act as follows after receiving the case file from the police:

4.1.1. If the detention of the suspect is not necessary, they immediately issue an order for their release, as the situation may require, with or without financial bail, considering the principle of innocence.

4.1.2. If the Prosecutor deems the detention of the suspect necessary for completing the investigations and considering the circumstances of the crime and the suspect, according to their legal authority, they can issue an order for the detention of the suspect for 7 working days in misdemeanors and 15 working days in felonies.

4.1.3. In situations where the continuous presence of the suspect is necessary for conducting the investigation, and at the same time, the nature of the crime in terms of severity and lightness and the circumstances of the suspect do not require their detention, the Prosecutor can obligate the suspect to report to the police station, or prohibit them from leaving the city or frequenting specific places, or require a guarantee for appearance. This prevents the deprivation of personal liberty on one hand, and on the other hand, ensures the suspect is present when their presence at the Prosecutor's Office is necessary. (Rasouli, 2015, p. 202)

**4.2. Authority to Demand Procedures**

Considering Article 89 of the Criminal Procedure Law, the Prosecutor has the authority to, in case of non-compliance with legal provisions or the existence of gaps and deficiencies, send the case file back to the investigative authorities for correction of procedures and completion. For example, if the Prosecutor observes that legal provisions were not observed in preparing reports and collecting evidence, or if the case file was sent to the Prosecutor's Office without sufficient evidence, they refer the matter to the investigative authorities for necessary actions.

**4.3. Authority to Demand Collection of New Evidence**

When the case or case file documents are received by the Prosecutor's Office, according to Article 90 of the Criminal Procedure Law, if the Prosecutor determines that in the referred case, meaning there are other criminal aspects to the case or there are other individuals involved in the crime as partners or accomplices against whom evidence has not been collected, then in relation to what has been referred to the Prosecutor, they carry out actions and simultaneously obligate the police, national security officials, and other relevant judicial seizure officers to take action regarding collecting evidence in such cases and against such persons.

**4.4. Authority to Follow Up on Violations by Police and National Security Officials**

If the Prosecutor observes that during criminal procedures related to discovery and collection of information/evidence by the police or national security officials, illegal actions have been performed, or they have been negligent in their duties, the Prosecutor can refer the matter to the relevant institution to take legal action against such individuals. If the police or national security officials have committed violations in their duties, they are referred to the relevant institutions for these violations to be addressed according to the provisions of relevant laws and legal sanctions, which may include recommendation, warning, salary deduction, and if necessary, transfer or dismissal from duty.

- **Note:** What should be done if the mentioned officials commit a serious and intentional crime? In cases where such illegal acts have been committed intentionally by police or national security officials or other relevant judicial seizure officers, it is necessary for the Prosecutor to prosecute them judicially according to legal provisions because, according to the Constitution and other laws, all are equal before the law in terms of rights and duties, and committing a crime by any person or institution must be punished. Without a system where punishment and penalty exist and find their place, one cannot speak of reforming the system.

**4.5. Authority of the Prosecutor in the Matter of Detaining a Suspect and Accused**

The Prosecutor has the authority to detain a person for the first time for a period of 7 days in misdemeanors and 15 days in felonies. According to (Article 100 of the Criminal Procedure Law), if completing the investigation and preparing the indictment is not possible within this period, the Prosecutor can request the extension of the accused's detention from the primary court for ten days in misdemeanors and up to 30 days in felonies. If this period is still insufficient, the primary court can, upon the Prosecutor's request, extend it for another ten days in misdemeanors and another 30 days in felonies. In all these circumstances, it is stipulated that the Prosecutor must pay more attention and decide on the temporary deprivation of liberty of the suspect or accused only when there is a serious necessity. Furthermore, they must consider proportionality. Although the law has specified certain durations, it is better to consider the minimum of these terms. If before the expiration of this period, it is established by the Prosecutor that there is no need to continue the temporary deprivation of liberty of the suspect or accused, they can decide to release them with financial bail, a requirement to report, or other valid guarantees.

**4.6. Authority of the Prosecutor Regarding the Legality of Detention**

The Prosecutor has the authority to detain a suspect or accused in the following cases:

4.6.1. If the crime is a felony and there is justified evidence indicating the commission of the crime by the suspect or accused.

4.6.2. If the crime is flagrant (caught in the act).

4.6.3. If the identity or surname of the suspect or accused is unknown.

4.6.4. In cases where, based on the assessment of the relevant authorities, there is a fear of the suspect or accused hiding or fleeing.

4.6.5. Situations where there is a possibility of the loss or alteration of evidence, documents, and criminal records.

4.6.6. If the suspect or accused does not have a permanent residence in the jurisdiction where their case is being examined. In this case as well, since it may not be possible to summon them and this would cause a waste of time for the official authorities, the Prosecutor may see fit to take such action. On the other hand, if a person has no fixed job, is a repeat offender, there is a possibility of crime being committed by them, or they cannot provide a guarantee to appear before the relevant authority when necessary, in such circumstances, action is taken regarding deprivation or restriction of liberty.

**5. The Role of the Prosecutor before the Courts (Appeals and Supervision)** In this part of our discussion, we will point out the Prosecutor's role in having the authority to appeal against the verdicts and orders of the courts to higher courts, because the Prosecutor is one party to the case, and the other party in criminal matters is the accused. Principally, both parties have the right to appeal the verdicts of the primary courts to higher courts; a three-stage litigation process has been established to ensure greater justice. And to ensure justice, it is necessary for the party to the trial who objects to the verdict or order of the court to submit their appeal to the higher court. For instance, regarding the right to appeal, Article (63) of the Provisional Criminal Procedure Law states: "The convicted person or the primary Prosecutor can appeal against the verdict of the primary court." The appeal deadline and its procedure are explained in Clause (3) of Article (63) of the Provisional Criminal Procedure Law: "The appeal request is submitted to the registry of the court that issued the verdict or to the registry of the relevant appellate court within (20) days..." In addition to the appeal in criminal matters, cassation is also legitimate; the parties to the case, the Prosecutor and the convicted accused, have the right to file a cassation appeal against the appellate court's verdict to the Criminal Divisions of the Supreme Court based on the nature of the case. As Article (71) of the Provisional Criminal Procedure Law states: "The convicted person, the victim, or the appellate Prosecutor can file a cassation appeal against the verdict of the appellate court to the Supreme Court in the following circumstances." The deadline for cassation appeal differs from the deadline set for appeal; as recorded in Article (72) of the said law: "The objection request is submitted to the registry of the appellate court that issued the verdict or to the registry of the relevant chamber of the Supreme Court under the conditions mentioned in Clause (3) of Article (63) within a period of (30) days." The appealing Prosecutor does not have absolute authority to appeal against a court verdict; there are specific cases in which a verdict can be appealed if it falls under those specific cases. And those cases are: error in the application of law and error in the interpretation of law, which we will address each.

**5.1. Error in the Application of Law:** If the appealing Prosecutor, during legal supervision of the verdict, finds that the verdict was issued due to an error in the application of law, they appeal against the verdict and submit their detailed appeal to the higher court. If the appeal is against the verdict of the primary court to the appellate court, the appellate Prosecutor submits their detailed appeal to the appellate court. And if the appeal is against the verdict of the appellate court, a detailed appeal is submitted to the Supreme Court by the Prosecutor of the Attorney General's Office. That is, from an organizational perspective, there is one Prosecutor corresponding to each criminal court, and that same Prosecutor represents the case before the court regarding the appeal. I want to clarify the term "error in the application of law" with an example. For example, the primary court in a case of theft of property from Ahmad's house sentences the accused to six months of enforceable imprisonment, while the accused in committing this criminal act used police uniforms and duplicate keys, and also some aggravating circumstances mentioned in the law were present in this case. Since the verdict should not be for a reduced punishment but for an aggravated punishment, therefore, in this case, the court has issued the verdict with a legal error, and the verdict is appealed by the Prosecutor. To put it clearly, if we state that the principle of proportionality between crimes and punishments has not been considered in the appealed verdict.

**5.2. Error in the Interpretation of Law:** If it is found from the court's verdict that an error in the interpretation of law has occurred, then likewise, the court's verdict that contains an error in interpretation is subject to appeal. Error in the interpretation of law refers to a situation where the court has made a mistake in characterizing the crime. For example, the act committed by the accused falls under the category of theft and the constituent elements of theft apply to it, but the court punishes the accused with the punishment for brigandage (*qati' al-tariq*), while there is a difference between the two crimes in terms of their constituent elements.

In this case, the court's verdict involves an error in the interpretation of law, and the criminal characterization has been interpreted from theft to brigandage. The request for review (*Tajdid-e Nazar*/Reconsideration) of the final verdicts of the courts by the Prosecutor in criminal matters is a process established within the three-stage litigation system to ensure justice and prevent injustice. The Prosecutor has specific duties and authorities in all three stages of criminal litigation, as mentioned before, such as filing a case at the primary court stage, appealing or accepting the verdicts of the primary and appellate courts. After the three-stage litigation process, where the verdict reaches its final stage and is therefore called a final verdict (which includes the verdict of the Supreme Court, as it marks the end of the litigation process), it is still deemed necessary for ensuring justice and achieving criminal justice to have an extraordinary additional process so that if the final verdict is also based on an error, an extraordinary stage exists to correct that error. This stage is realized when its legal conditions are met and put into practice, and that stage is the review stage (*Marhal-e Tajdid-e Nazar*).

Review is considered for the benefit of the convicted person and the offender, and review of the final verdicts of the courts takes place in the presence of legal grounds. As Article (81) of the Provisional Criminal Procedure Law has anticipated the conditions for review, stating: "Request for review of final verdicts in misdemeanor and felony cases can be made for the benefit of the convicted person in the following circumstances:"

5.2.1. If the facts on which the judgment is based are inconsistent with the facts present in another final verdict.

5.2.2. When the criminal judgment is based on a judgment issued by a civil court and the mentioned civil court judgment is annulled.

5.2.3. When after the judgment, events occur or documents are presented that were not known at the time of the trial and these events or documents may prove the innocence of the convicted person.

5.2.4. When false testimony, forgery of documents, or some illegal actions of witnesses or experts are revealed, which the final verdict was issued based on.

5.2.5. When the accused is convicted in a murder case, new elements emerge that prove the non-occurrence of the person's death.

5.2.6. If the judgment is issued at the end of the proceedings without formal notification to the accused, or if during the trial the right to be present was not given to them, resulting in them being deprived of the right to choose a defense lawyer, or if the reason for the convicted person's absence was not clearly and truly known, or if the court did not pay attention to this matter."

All six cases mentioned in the clauses of Article (81) of the Provisional Criminal Procedure Law are sufficient for review; if the mentioned cases exist, the review stage is initiated.

The question arises: what is the role of the Prosecutor in the review, and why have we included this topic in this thesis?

The answer is: because it concerns review in criminal matters, and the Prosecutor has a significant role in criminal matters that cannot be ignored. Therefore, the Prosecutor is one of those who, by law, can request a review for the benefit of the convicted person if the six cases of Article (81) of the Provisional Criminal Procedure Law exist. As Article (82) of the Provisional Criminal Procedure Law states regarding this right of the Prosecutor: "The Prosecutor, and the convicted person or their defense lawyer, their close relatives or their heirs have the right to request a review of the final verdicts of the courts." In addition to the provision of the above article, which gives the Prosecutor the right to request a review of the final verdicts of the courts, the role of the Prosecutor in the review stage becomes significant. As regarding the review procedures, the role of the Prosecutor is legally established. Regarding the role of the Prosecutor in the review procedures, Clauses (3-5) of Article (83) of the Provisional Criminal Procedure Law, mentioned below, explicitly state:

Clause (3): "The review request is evaluated and examined by a panel composed of one judge from the Supreme Court and two judges from the appellate court, who are appointed by the Chief Justice of the Supreme Court. The Attorney General expresses their opinion regarding the review request."

Clause (5): "If the review request and its related case file are received by the Supreme Court, the Supreme Court sets a date for the hearing of the case and notifies the appellant and the Attorney General at least five days before the start of its session. The Prosecutor and the convicted person or the defense lawyer have the right to express their views during the case hearing session regarding the review."

**6. Execution of Final and Definitive Verdicts of the Courts by the Prosecutor**

When final and definitive verdicts of the courts are issued and the litigation process ends as a result of these final and definitive verdicts, the need for their execution is felt because court verdicts are ineffective without their execution; their effect lies in their execution. Since the execution of verdicts is the duty of the executive branch of the three pillars of the state, and the Prosecutor's Office, based on Article (134) of the Constitution, is part of the executive branch but independent in its functions. The execution of final and definitive court verdicts is also carried out by the Prosecutor's Office. In addition to the specific duties of investigation and judicial prosecution, the Prosecutor's Office also bears the duty of executing court verdicts. As Clause (4) of Article (8) of the Provisional Criminal Procedure Law states: "The primary Prosecutor's Office implements the final verdicts. For this purpose, the appellate court and the Supreme Court send the issued verdict back to the primary Prosecutor's Office along with the seized documents and objects." The text of the mentioned article explicitly states that the primary Prosecutor's Office implements the final verdicts of the courts because the case was judicially prosecuted through the primary Prosecutor's Office, and the criminal case was initially filed in court. When the litigation process concludes, it must return to the initial authority that filed the case.

This is the reason why the legislator authorized the primary Prosecutor's Office to execute the court judgment. And likewise, the legislator has addressed the appellate court and the Supreme Court, stating that they should send the final and definitive verdicts of the courts to the Prosecutor's Office so that the primary Prosecutor's Office can execute the judgment.

**Conclusion**

The institution of the Prosecutor's Office (*Sarnwali*) is a key pillar of Afghanistan's criminal justice system, bearing grave and diverse responsibilities at various stages of criminal litigation. The Criminal Procedure Law of Afghanistan elaborately specifies the authorities and duties of the Prosecutor, from crime discovery and preliminary investigation, issuing detention or release orders with guarantees, demanding the completion of investigations, collecting new evidence, following up on violations by investigative and security institutions, to filing cases in court and executing final judgments. These authorities are designed to secure the rights of the parties to a case, guarantee the principles of a fair trial, and protect public order and interests.

According to the law, the Prosecutor is obliged to evaluate incriminating and exculpatory evidence impartially and simultaneously safeguard the rights of the accused and the victim. The Prosecutor's role in appealing verdicts and court orders to higher courts, as well as in the cassation and review stages, is an important tool for monitoring the correct implementation of the law and preventing judicial errors. Furthermore, the responsibility for implementing and executing final court judgments is a vital executive duty defined for the Prosecutor's Office within the framework of functional independence but within the executive branch. However, historical and legal analysis shows that the independence, transparency, specialization, and accountability of this institution have always faced challenges. Political changes, instability of structures, and interference from other institutions have sometimes weakened the efficiency of the Prosecutor's Office and created grounds for the abuse of authority or violation of the rights of the accused and victims. To strengthen the role of the Prosecutor in securing criminal justice, it is essential to undertake comprehensive legal and administrative reforms to guarantee independence, enhance specialized capacities, create effective monitoring mechanisms, and strictly adhere to the principles of a fair trial, so that this institution can properly fulfill its primary mission, which is to secure justice, protect citizens' rights, and maintain public trust in the judicial system.

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