

CHARTER OF FUNCTIONS

TITLE: Custom Police Officers
MINISTRY: Ministry of Finance
ORGANIZATION: Afghan Customs Department
LOCATION: Customs Area / Afghanistan's Territory

The Ministry of Finance (MoF), Afghan Customs Department (ACD) Training Coordination Unit (TCU) has coordinated efforts with the German Police Project Office (GPPO) and drawn up Terms of Reference for the Afghan Customs Police to ensure that the 'Customs Police' are adequately skilled in the specific customs related activities which they would be expected to perform while in the employ of the ACD.

For ease of understanding and brevity the TOR's have been divided under the following heads:-

- Background
- Legislative Provisions
- Objective
- Activities

I. BACKGROUND

The Customs Police Administration is a section within the Ministry of Interior but was created jointly by MoI and MoF and performs enforcement duties for the ACD as described in the legislative provisions of the Afghan Customs Code – 1384. Based upon the Memorandum of Understanding between the Ministries of Interior and Finance dated 4th September, 2005 responsibilities for the administration of the Custom Police were spelt out in line with the legislative provisions. However there has not been any progress in describing their 'custom specific' functional activities. Although they are receiving training in general 'police' skills, they lack in developing 'customs' related skills that are most essential to their roles and responsibilities as a proper functioning law enforcement organization.

II. LEGISLATIVE PROVISIONS

The 'Customs Police' is designed to be a joint venture between the Ministry of Interior and the Ministry of Finance and its time bound '3-year sunset clause' provides for a review before continuation of the whole scheme. In order to have a clear understanding of the concept, scheme and requirement for the institution of the 'Customs Police' the legislative provisions as in the Custom Code 1384 are being reproduced below:-

Article 164 (Customs Police Administration)

(1) A Customs Police Administration shall be created jointly by the Ministry of Finance and the Ministry of the Interior for the purpose of detecting and preventing violations of the provisions of this law and for arresting the relevant suspects throughout the Customs Territory of the State, in accordance with section 3 of this Article.

(2) Customs Police officials shall be part of the organization of the Ministry of the Interior. The Ministry of the Interior shall be responsible for:

1- Approval, Employment, and dismissal of customs police, on recommendation of the Ministry of Finance,

2- Providing the Customs Police with salaries and any other incentives as provided by law

3- Recruiting, of Customs Police candidates, and maintaining their records (personnel files)

4- Providing appropriate uniforms and other equipment in accordance with the duties they perform, as agreed with the Ministry of Finance

5- Providing training for police candidates required to carry out their police duties

(3) The Ministry of Finance, as the agency responsible for directing and managing the work of the Customs Police shall have the following duties and authorities:

1- Determining the duties and scope of authority of Customs Police and determining their locations of work.

2- Providing for the necessary training for Customs Police concerning the administration and enforcement of the customs legislation

3- Recommending [to the Ministry of the Interior] remunerations and punishments for Customs Police and other personal matters of Customs Police affecting their work.

(4) The Ministry of Interior and the Ministry of Finance may jointly provide additional inter-ministerial guidelines implementing section 2.

(5) The Ministry of Finance may, as required, provide procedures implementing paragraph 3.

(6) Section 2 of this Article shall be effective for three year period upon enforcement of this law. The Ministry of Finance and the Ministry of the Interior may recommend its retention, amendment or deletion to the Council of Ministers. The approval of the Council of Ministers shall be regarded effective in this regard.

(7) Customs Police shall be obliged to perform their assigned duties in accordance with the provisions of this law, (the anti-smuggling law) and other guidelines and procedures only under the direction of the Ministry of Finance.

III. OBJECTIVES

To allow the Afghan Customs Department to function as a self sufficient and well integrated efficient organization enabling it to perform its assigned tasks skillfully. This would be achieved by putting in place a well groomed, well turned out uniformed force for implementation and execution of specific customs functions. The expected timelines for training the entire force of the approximately 600 police officers in all facets of their prescribed duties and responsibilities would spread over a period of 3-years as prescribed under Article-164 of the Custom Code-1384.

Clearly spelt out roles and responsibilities as envisaged under the Custom Code 1384 would stand defined & implemented. Customs Duty enhancement, better enforcement,

improved protection of goods & installations, wider networking for anti-smuggling, and an increased accountability within the organization are but a few mentionable expected outcomes.

Inter-ministerial Cooperation would improve as outstanding and unresolved issues between the Ministry of Interior and the Ministry of Finance in regard to the 'Customs Police' would be stand amicably resolved.

IV. ACTIVITIES

The 'Customs Police' is required to perform duties in a number of areas based upon advanced and specialized training.

The broad categories of activities (with certain cardinal areas) are as follows:-

A. Legal / Administrative

1. Custom Code – Knowledge of the relevant provisions of the Custom Code, regulations & procedures for general application in day to day functioning.
2. Familiarity with the administrative reporting system and operational chain of command in the customs organizational structure.

B. Shift Duties

1. Punctuality and timekeeping for 'Handing-Over & Taking-Over' when the shifts change.
2. Vigilance in all senses of the term while on duty.

C. Guard Duties

1. Guarding goods under import, transit, export or seized and premises such as bonded, state or private warehouses and governmental or private installations.
2. Guarding the accused, detained or arrested persons under whether under interrogation or in custody.

D. Escort Duties

1. Escorting documents, vehicles and goods whether duty paid or not.
2. Escorting personnel suspects, witnesses or accused from one destination to another including travel to & from lockup or Court etc.

E. Patrolling Duties

1. Patrolling of borders, border zones, roads, rivers, ICD's and other such areas as directed by the competent authorities.

F. Rummaging Duties

1. Raiding, searching premises, warehouse and vehicles inclusive of searching persons.
2. Seizing contraband, smuggled, offending and evaded goods and handling them without causing damage or danger to them or oneself.



G. Maintenance Duties

1. Managing and maintaining weapons and knowing when and how to use them.
2. Operating and maintaining equipment including radios, vehicles and personal kits.
3. Maintaining office premises, equipment, furniture & fixtures as and when deputed to.

H. Gate Duties

1. Securing entry and exit points and gates at airports, custom houses / stations, offices, warehouses, free zones.

I. Uniformed Force

1. Performing exercises / drills in marching, parade guard of honour, saluting and flag hoisting.

J. Interaction / Trade Facilitation

1. Passenger handling and facilitation, including VIP handling, at the Airport as well as road / river border stations. Dealing with traders, brokers, and general public.
2. Interagency coordination and developing cordial working relationships with functionaries of collocated governmental / non governmental organizations.

K. Suspect Handling

1. Handling suspects, accused persons and those under interrogation. Resistance management, conducting an arrest and handcuffing a criminal liable to prosecution.
2. Lock-up Management and securing a criminal under arrest while keeping self-protection in mind.

L. Reporting

1. Methodology of making verbal, written and telephonic reports and making entries in the daily diary for record and evidence.

M. Organizational

1. Having a conceptual knowledge and understanding of the Afghan Customs Department mission, values, ethics and self-restraint mechanisms.

N. Networking

1. Maintaining vigilance and observation whether on or off duty. Cultivating and retaining informers as well as gathering, filtering, using and passing on the appropriate information.