

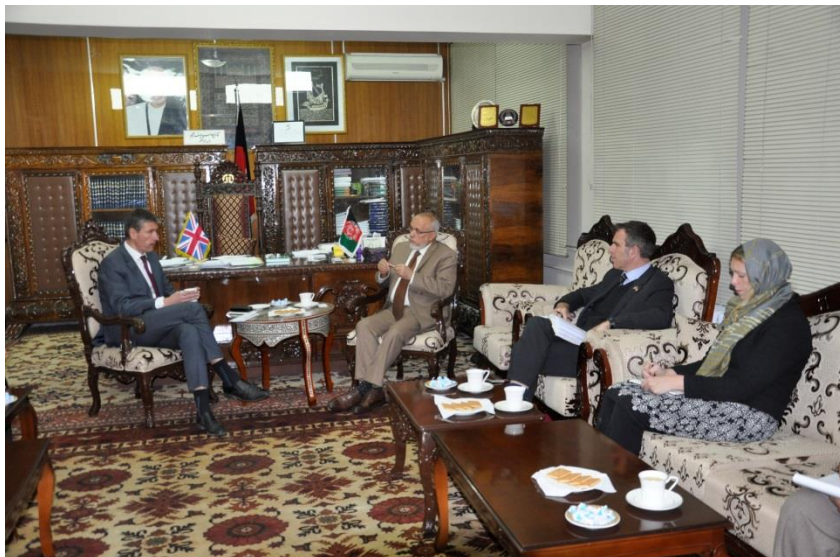
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Meetings and Events

Chief Justice Meets Mr. Giles Lever, Deputy and Acting UK Ambassador to Afghanistan, and UK Embassy Legal and Judicial Advisors

On January 02, 2019, Chief Justice *Qanoonpoh* Sayed Yosuf Halim met Giles Lever, Deputy and Acting UK Ambassador to Afghanistan, along with UK Embassy's legal and judicial advisors in his office.



First, Mr. Giles pointed at technical cooperation of UK in terms of conducting training programs to judges, providing technical cooperation and equipment to Counter Narcotics and Corruption Crimes Justice and Judicial Centers as well as to some criminal courts of the country. He added that cooperating judicial system of Afghanistan is part of the commitments of United Kingdom

and UK is still interested in providing better cooperation and capacity building programs, conducting judicial trainings and facilitating academic as well as observation trips of the judges according to the requirements of the judiciary.

The UK Acting Ambassador to Afghanistan further continued that, considering the judiciary's mission, ensuring justice and enforcing rule of law, providing cooperation and supporting judicial system of Afghanistan are the main priorities of United Kingdom and UK will seek to train the trainers so that they can take responsibility of conducting such programs by the SC Judicial Training Center adding that, in case the Supreme Court facilitates online trials through legal channels, UK will provide equipment and technical cooperate and support.

Later, the Chief Justice appreciated the previous material and technical cooperation of UK Embassy and their commitment in continuing such support adding that Supreme Court hopes to deliver cooperation at all levels and encouraged optimum use of such assistance.

Chief Justice Meets Mr. Vinay Kumar Ambassador of the Republic of India

On January 14, 2019, Chief Justice *Qanoonpoh* Sayed Yosuf Halim met Mr. Vinay Kuma, Ambassador of the Republic of India, in his office.



During this meeting, Chief Justice spoke on the historic and positive relations between the two countries and described the role of India as a model of democracy in the world in favor of the political system, as well as the provision of material and technical services in the areas of infrastructure to the government and the contribution to the reconstruction and modernization of Afghanistan. He expressed hope that ties between judiciary of the two countries would expand and that the Supreme Court would be able to use its assistance and experiences in implementation of justice and judicial programs.

The Chief Justice also called for the signing of a Memorandum of Cooperation between Supreme Courts of the two countries in terms of providing training opportunities, capacity building,

observation trips, special master and doctorate scholarships and exchange of experiences about legal and legislative systems of India to the judges.

Later, the Indian Ambassador thanked for the opportunity to meet and stated that his government, in respect to the judiciary, wants to develop relations in all aspects, including in the judiciary, and the embassy promised to be in constant contact with the judiciary and, understanding the training needs, discuss all aspects of cooperation covered by the MoU with the Supreme Court of the country and will report the results later.

The parties also talked about details as well as priorities of the MoU and other related issues in the meeting.

Chief Justice of GIRA Meets ILF Executive Director

On January 15, 2019, Chief Justice *Qanoonpoh* Sayed Yosuf Halim met Ms. Jennifer Smith, Executive Director of ILF, in his office.



First, Ms. Smith provided information about activities of the relevant institution, which focuses on providing services through advocates and legal aid providers to the needy people of criminal cases in Afghan courts, and stated that in light of the constitution and other laws of Afghanistan, the suspects, accused and convicts of criminal cases are provided with legal counsel of legal aid provider for defending their rights, but now they intend to give women the opportunity to access to justice, especially in the courts of elimination of violence against women.

Later, the Chief Justice added that according to the law, suspects, accused and convicts of criminal cases have the right to seek

legal counsel to defend their cases, but the lack of capacity and ability of some, especially women and children, as a vulnerable group of society, deprive them of their legal right. In general, they should seek legal assistance from the Ministry of Justice, as well as ILF and International Legal Foundation to ensure that the legal rights of the needy, including women, are secured in the judicial proceedings by the provincial courts, and that courts shall not refuse any kind of cooperation to the people in need.

Chief Justice Meets Sousin I Gilbert, General Director of Women's Program in the Government (USAID/Promote)

On January 20, 2019, Chief Justice *Qanoonpoh* Sayed Yosuf Halim met Dr. Sousin I Gilbert, General Director of Women's Program in the Government (USAID/Promote) and their colleagues in his office.



During this meeting, Ms. Gilbert first described the project's goals, which began to work in 2015, and added that the project, according to the plan, will attract a part of the female graduates of the universities of Afghanistan to a one-year training course as interns and will train them on the applicable laws, Law on Civil Service and administrative principles of Afghanistan. After completing a three-month practical training course, the Promote program will cooperate in recruiting them as government administrative staff within the framework of the Gender Program. She also expected the Supreme Court to cooperate and recruit them in administrative departments and related sections to complete their internship period.

Later, the Chief Justice said that the judiciary has considered the gender issue and, in accordance with the indicators of the judiciary's action plan, the participation of women in the judicial and administrative affairs of the Supreme Court has been taken into consideration, and that the percentage of female interns has been completed in the center but there are serious problems arising from the lack of female staff in some provincial appellate courts. He asked the head of the project that, if the female students want to complete their internship period and perform jobs in the provincial appellate courts, the Supreme Court is prepared to give priority to hiring them according to administrative rules and regulations.

The Promote Project Director also provided information about the capacity of the project with regards to policy-making and conducting advanced technology and administrative programs to the employees.

Report on SC High Council Meetings

On January 01, 08, 15 and 22, 2019, the SC High Council conducted periodic meetings led by Chief Justice *Qanoonpoh* Sayed Yosuf Halim and talked on issued included in the agenda. Below are the important decisions and approvals made in the meetings:



During these meetings, the first report on the performance and activities of the Appeals Courts of Herat, Kandahar and Nangarhar provinces was heard through a video conference with presence of heads and judges of the mentioned courts where the heads of the courts reported their activities in the following order:

➤ The head of Herat Appellate Court reported that during the first nine months of this year, 7559 cases of criminal, civil and commercial cases have been brought to the courts of Herat province. 6717 of the mentioned number of cases have been heard considering justice and the remaining cases are still under process. The revenue of the court reached sixty million and seven hundred thousand Afghanis which was delivered to the government treasury. The head of Herat Court reported that the

court continues to maintain good relations with the Provincial Governor's Office and other governmental departments to maintain the independence of the judiciary, conduct regular coordination meetings by the justice and judicial institutions at the provincial level, conduct administrative meetings, pay attention to the case management system, and performances of the Complaint Complainants which is scheduled to hear the complaints and requirements of the parties on a weekly basis. He also illustrated the rehabilitation and reconstruction process of the courts under the provincial districts, emphasized on the provision of land for the construction of primary courts in some districts and facilitating construction of the city primary court as an important requirement.

Later, the Chief Justice said that he considers the purpose of reporting through video conference one of the means for maintaining direct relations with the courts, realizing problems and rapid transfer of directives from the center to the provincial courts. While expressing satisfaction with the court's performance in procurement of a land for construction of primary courts in the districts of the province, he added that it was a priority of the judiciary's action plan, and the President of the Islamic Republic of Afghanistan has assigned the Ministries of Finance, Urban Planning and Housing and ARAZI to fully cooperate on this matter. The Chief Justice also provided guidance to the general administrative department of the judiciary in resolving other suggestions from the Herat Appellate Court in the areas of lack of staff, better security of courts and judges, and the implementation of necessary allocations for solving the court's requirements.

➤ Moreover, the head of Kandahar Appellate Court through video conference and with the presence of judiciary and administrative department staff reported that in the above period,

a total of 2352 criminal and civil cases were filed in the courts of the province, 2143 of which were heard, and the rest are still under process in the courts. Also, 2757 different collaterals have been implemented through this court, and the total amount of twelve million and fifty thousand Afghanis revenue have been received through proceedings of decisions and collaterals and the amount is deposited to the government's treasury.

The head of Kandahar Appellate Court also reported conducting of continuous public judicial sessions, performances/activities of the Appellate divisions, conducting of administrative meetings, organizing coordination meetings of the justice and judicial institutions, visiting of the head of appellate court from the prisons and juvenile correction centers in the province. He also explained the monitoring mechanism of the attendance of the central staff and judges of the primary courts in the districts, describing the relations between courts and the Provincial Governor's Office and other provincial departments which is based on mutual respect and within the limits of the legal jurisdiction of the institution.

Later, the Chief Justice firstly condemned the martyrdom of a member of the administrative staff of the court and appreciated the report on the work and activities of the court, which complied with the reports of the Supreme Court's judicial auditors. He insisted that the courts continue to provide judicial services to the people of the province, with full respect for Regulation on Judicial Conduct, and pay attention to obtain the satisfaction of the people. In response to the suggestions of the court, the Chief Justice instructed to send their applications formally so that the general administrative office of the judiciary can address them.

➤ The Head of Nangarhar Appellate Court also reported that during two months of the current year, the court has received 3461 criminal and legal cases, out of which, 3141 cases have been heard justly and 8443 different collaterals have been dealt

with. The revenue of the court reached 31 million and 170 thousand Afghanis through issuance of legal and commercial orders and collaterals.

➤ The Head of Nangarhar Appellate Court also provided comprehensive information on the measures of the court to strengthen the security measures of judges and courts, renovation work of office and residential buildings of courts, procurement of land for some primary and appellate city courts of the province that lack land, attention to training issues of judges, provision of the technical equipment required by the courts, focus on the sound implementation of the case management system and administrative system of the courts, utilize allocations given in accordance with the provisions of the law, conduct regular coordination meetings of the justice and judicial institutions, conduct administrative meetings and monitor attendance of the judges especially judges of the primary courts in the province, which is scheduled regularly and based on a fixed format and explained some challenges of the court.

Subsequently, the Chief Justice showed satisfaction from the court's activities and stated that reporting is among the principles of the administration and maintains relations between central and provincial agencies. The Chief Justice also mentioned that the work and performances of the court were confirmed in judicial reports of the auditors. However, there are some shortcomings that have already been informed by the auditors to be resolved. The Chief Justice also emphasized that the presence of judges in the primary courts of the districts as well as the activity of these courts in the district headquarters, with full transparency in the affairs, is possible only if law enforcement agencies and security officials assure us from the security of the location and route of judges. Certainly, no excuse is acceptable with the above conditions.

Other decisions and approvals of these meetings are as follow:

- ❖ To better preserve procedural laws including Civil Procedures Code during judicial proceedings, it was emphasized that the courts shall obey principle objectives clearly stipulated in article two of the above-mentioned law as; Observing the equality of citizens' rights and implementation of provisions of the laws, Management of the due process in judicial proceedings, Determining the limits of rights and duties of the parties to the claim, Management of the manner of giving testimony and evaluation of legal documents, Management of affairs related to appeal, final appeal and review of the decisions and final rulings of the courts and Expediting the proceedings in civil actions so that judicial justice can best be provided.
- ❖ Draft Law on the Interpretation of Constitution and Legislative Documents and checking their compliance with the Constitution of Afghanistan, which was drafted in accordance with Article 121 of the Constitution in four chapters and fifteen articles and reviewed in several High Council meetings, is approved and the secretariat was assigned to forward the approved draft to Ministry of Justice for legislative proceedings.
- ❖ Considering a report by General Directorate of Judicial Audit and scrutiny views, one of the judges of Nimroz court was subject to disciplinary actions due to duty violation in accordance with provisions of Regulation on Procedures for Addressing Judicial Violations.
- ❖ Five requests for criminal appeal and two requests for

criminal appeal review were heard in presence of *Saranpoh Ghulam Haider Alama*, Deputy Attorney General for Investigation, respective colleagues and relatives of the criminal convicts. Necessary decisions were taken in the light of provisions of Article 282 of Criminal Procedure Code.

- ❖ During discussions on some of the received requests for instruction and regarding a request for instruction by Kabul First Zone Deeds and Collaterals Department pertaining process of power of attorney for sale and preparation of a definitive deed for one of debtors, it was instructed that unless the debtor does not pay off all the debts owed to the government and other lenders (creditors) and settles his dues, all of his properties will be kept as a guarantee against the payment of debts by the creditor. Therefore, process of power of attorney for sale and preparation of a definitive deed for properties kept under guarantee by the creditor against payment of debts is not possible. The courts shall proceed in accordance with the provisions of laws with regards to this matter.
- ❖ With regards to request for instruction by Supreme Court Military Personnel Division regarding Statute of Limitations in criminal cases, it was instructed according to the enforced laws of the country that any crime, which has not been prosecuted for ten years and the causes as well as reasons of Statute of Limitations were not outside the will of the prosecution authorities, a claim might no longer be filed against the criminal case and the case falls under crimes that have statutes of limitations. However, statute of limitations does not prevent victims' rights for claim
- ❖ Regarding request for instruction by Kabul Commercial

Primary Court A regarding whether a court can permit sale of a property which is written on a common traditional document and kept as guarantee by the lawyer against payment of bank loans, it was instructed that the court is allowed to take legal and necessary actions accordingly only if the lawyer has performed his duties within the jurisdiction listed in legal collateral deeds of a power of attorney and the common traditional document has been processed legally and authenticated as the official document.

- ❖ Regarding request for instruction by Kabul Appellate Court pertaining procedures for hearing a criminal case of kidnapping which resulted in violence and rape, it was instructed that Crimes Against Internal and External Security Division of Kabul Appellate Court shall hear the case in the light of provisions of the Penal Code and considering draft number 125 dated April 17, 2018 of SC High Council as well as considering severity of crime.
- ❖ Regarding a request for instruction by *Huqoq* Directorate of Ministry of Justice pertaining procedures for obtaining income/revenue from defendant in a commercial case prior to payment of debt by a debtor, the General Directorate of Research and Scrutiny was assigned to review the case with supervision of *Qazawatpoh* Barat Ali Matin, member of SC High Council, and in accordance with provisions of articles 2396-2397 of the Civil Code as well as considering rights of priority in general and special laws. The team shall provide results in the next meeting.
- ❖ Considering the request for instruction by Kabul Appellate Court regarding lack of advertising summon for absent defendant in cases related to general laws by the General Directorate of Government Cases due to lack of budget, it

was instructed that the Ministry of Justice, as the separate budgetary unit, has the required budget for this matter. Therefore, the General Directorate of Government Cases can act accordingly and in case of lack of necessary budget, they can request it from the Ministry of Justice and the Ministry of Justice shall cooperate accordingly.

- ❖ Regarding request for instruction by Counter Corruption Crimes Division of Kabul Appellate Court pertaining procedures for hearing multiple offenses related to each other in which the verdict of the primary court did not include all demands of the prosecution office or some of the demands depended on the silence of the law, it was instructed that the jurisdictions of the Appellate Courts concerning rejection or revocation of such decisions and issuance of a new decision are stipulated in paragraphs two and five of Article 267 of Criminal Procedure Code. The appellate courts can act accordingly.
- ❖ Some of the requests for instruction by General Directorate of Government Cases were reviewed with the presence of deputy and legal advisor of Kabul Municipality, representative from the Ministry of Mines and Petroleum, deputy of the Academy of Sciences of Afghanistan, General Director of Government Cases and respective prosecutors, representatives from MAIL and public health, experts and parties to the claim. After hearing necessary explanations by respective officials, necessary decisions were taken accordingly and in the light of provisions of Civil Procedure Code.

Moreover, 69 requests for change in the courts that deal with criminal and civil cases and one case of conflict of jurisdiction between two courts, 13 issues related to promotion of judicial

cadres were review and necessary decisions were taken according. The appellate courts of Laghman, Farah, Paktia, Sare Pul, Parwan, Herat, Helmand, Badakhshan, Balkh, Daikundi, Kandahar, Nangarhar, Kunduz and Kunar Ha were authorized with relevant jurisdictions to hear 59 criminal cases. Herat Appellate Court was authorized to hear one criminal case following the demand of Attorney General's Office.

Report on a Training Program About Gender, Elimination of Violence Against Women and Elimination of Harassment Against Women and Children Law for Female Staff of Central Directorates of the Supreme Court



The Gender Training Program was launched on January 22 and 23, 2019 in this directorate's Training Center with the technical and financial assistance of UNDP for central staff. The Capacity Building and Performance Evaluation Director inaugurated this program and talked on role and status of women first from the perspective of Islam, the distinction between sex and gender, the history of the phenomenon of violence, the formation of feminism and its types; liberal feminism, radical feminism and post-modern feminism and emphasized the role of international humanitarian law. He added that the Supreme Court leadership pays remarkable attention to women, their well-being, health and safety and is committed to their recruitment without any social-

gender discrimination. Topics covered in the training program included basic concepts of gender, relationship between human rights and elimination of violence against women, women's/girls' rights in Islamic Law, Law on Elimination of Violence Against Women and its compliance with the Constitution, types of violence in accordance with the Law on the Elimination of Violence Against Women, the introduction and principle objectives of Anti-Harassment of Women and Children Law. At the end, the representatives of U N D P appreciated the program and expressed their gratitude to the effective activities of the Capacity Building and Performance Evaluation Directorate.

Penal Code Training Seminar

A five-day seminar on penal code was conducted on 16-20 December 2018 by Judicial Trainings Directorate of Supreme Court in cooperation with IDLO, led by Abdul Sami Khatibi and participation of 25 judges from Bagram Prison's primary and appellate court and Parwan province's appellate court in Bagram Prison's justice and judicial center.

The seminar started with recitation of some verses of the Holy Quran. In addition to the mentioned instructions and clarifications of paragraph components and code articles, a few cases, that were under investigation in the above-mentioned courts, were chosen as presumptive cases while preserving the reputation of lawsuit parties and discussing better approaches towards implementation of laws. Participants were happy from the teaching method led by trainers and considered it useful in ensuring justice and fair trial.

After a certain period, the seminar was evaluated extremely positive by participants and they praised program organizers and the Supreme Court for conducting such seminars. The judges look forward to participating in such useful seminars and workshops in the future too to build their capacity and professional knowledges. The seminar was concluded with prayers and further success of Judiciary.

Penal Code Seminar holds in Maidan Wardak Appellate Court

On December 8-12, 2019, a five-day seminar was held under title of Penal Code by Judicial Trainings Directorate and cooperation of IDLO in Maidan Wardak Appellate Court's Judicial Meetings Hall.

The seminar started with recitation of some verses of the Holy Quran. Then, Director of Appellate Court, *Qazawatwal* Sediqullah Haqiq welcomed presence of professional member of Judicial Trainings Directorate, Faizullah Faiz, representative of IDLO, Dr. Shah Faisal and other participants in the mentioned seminar and considered launching of such seminars, which are held for judges and administrative staff of the Supreme Court, very useful and efficacious and praised the Supreme Court and IDLO for providing such an opportunity. He asked the judges, who were introduced to the seminar, to attend on time. Later, *Qazawatmal* Faizullah Faiz and Dr. Shah Faisal provided basic information about the seminar to the participants. Subsequently, the seminar was led by professional member of Judicial Trainings Directorate, Mr. Faiz, with technical cooperation of IDLO representative. At the end, leadership of Appellate Court considered holding such seminars useful for judges and administrative staff and the seminar was concluded by distributing certificates to the participants on December 12, 2019.

Report on Conducting a Training Program on Basic Skills of Courts Administrative System for Administrative Staff of Primary and Appellate Courts in Some Provinces

In the series of training programs, Directorate of Capacity Building and Performance Evaluation launched a training program on basic skills of courts administrative system with financial cooperation of JSSP from 22 to 24 December 2019 in Golden Star Hotel in Kabul Province with presence of staff from primary and appellate courts of Maidan Wardak, Logar, Parwan provinces and Bagram Detention Center. Instructure in Capacity Building and Performance Evaluation Directorate, Mohammad Nadir Sadiqi led the program and discussed issues such as implementation of procedures on administrative system of courts, legal petition, letter writing, inquiry, proposal, report writing, writing method and covering up civil, commercial and criminal cases, writing method of product tariff, appeal petition registration, appeal and its term, judges and staff entry book, meetings, meeting minutes, organizing meetings, filing, planning and arranging work plan. At the end, they appreciated launching such programs and emphasized on continuity of such programs. The program was concluded by distributing certificates to the participants.

Report on Nine Months Performances of Judicial Trainings Directorate

- On April 7, 2018, second stage courses started for six months duration for 59 judges from insecure districts of the country that 11 subjects in criminal, civil and commercial fields were taught, and the courses ended on October 10, 2018.
- Monitoring conducted from attendance of the two first quarters of 2018 of the stagers and their monthly salaries were listed and reported to their 17 relevant provinces.

- Arrangement of Procedure for Accepting Applicants for 31th judicial stage applicants was completed and sent to General Administration Department of the Judiciary for further instructions.
- About 6 committees for acceptance of applicants for 31st round of judicial stage was established from total staff of that directorate. Their TORs are prepared, and they are ready for acceptance of the applicants.

Capacity Building of In-Service Judges of the Courts:

- In three first quarters of 2018, about 42 training programs were launched for in-service judges of the provincial courts in criminal, civil and commercial fields where 795 judges participated, including 728 male judges and 67 female judges.
- During this time, a 10 days seminar was conducted for instructors/lecturers of 8 zones of provincial courts in Judicial Trainings Directorate where 22 lecturers of the zones participated.
- Arrangement of 14 lesson manuals by professional members of the mentioned directorate in criminal, civil and commercial fields for training of judicial stage and capacity building of in-service judges.
- Ten out of 42 training programs in the first quarter, 19 programs in second quarter and 13 training programs in third quarter of 2018 were launched.

Training Database:

- Report of 14 out of 42 training seminars have been sent to the center so far and are included in the database and the rest of seminars are about to be sent.
- Assessment of seminars registered in the database indicates that 22% improvements have been made in knowledge levels of participants.
- About 59 judges in insecure districts conducted needs assessment. Their needs and problems are registered, analyzed and evaluated in database.

Activities of the Supreme Court Gender Unit

➤ Gender Department has been added to Supreme Court's 2016 structure and this department officially started its activities in May 23, 2016. Gender Department, from its establishment to date, could strengthen its relations and coordination with Administrative Affairs Office of the President, Chief Executive Office, AGO, MoWA, IARCSC, and other ministries and NGOs, including female judges. It has also arranged its 2018 and 2019 work plan, conducted training needs assessment for female cortex in the center of Supreme Court, implemented IARCSC by female staff in capacity building section and also participated in internal meetings of Supreme Court and workshops outside the court conducted for improvement of women's situation and a representative on behalf of each central directorates has been appointed to address challenges and proposals of women who set meetings once a month to address their problems. In the meantime, a two-days (gender awareness) workshop was held with cooperation from Capacity Building Directorate in Kabul and Herat provinces.

Objectives of Gender Department:

- 1- Implement enforced laws (regulations, bills of the Supreme Court, law on elimination of violence against women, regulation on prevention of harassment, resolution of 1946 and other international covenants) for enhancing participation level of women in the office.
- 2- Increase awareness level of employees about gender, hold workshops in Kabul and other provinces, broadcast gender programs via Directorate of Broadcasting.
- 3- Participate in administrative meetings, recruitment process and committees, create mechanism for participation of women in leadership level.
- 4- Increase educational level of employees, attract cooperation from relevant institutions regarding provision of higher education and training program.
- 5- Establish commission on prevention of women harassment and complaints according to article four of regulation on prevention of women harassment.
- 6- Celebrate national and international days (woman day, Mother's Day, elimination of violence against women day.)

7- Unification of cases of violence against women and protect them from types of violence and discrimination through implementation of surveillance while respecting the laws.

News and Events

Pre-planned 2018 programs under title of “leadership by women training program” were launched according to the five-year capacity building plan from December 16 to December 17, 2019 by Capacity Building and Performance Evaluation Directorate with financial cooperation of JSSP for 20 administrative employees of Herat provincial courts. The program started following recitation of some verses of the Holy Quran and the participants were evaluated by instructors of Capacity Building and Performance Evaluation Directorate. The program continued according to the plan and agenda.

The training method was based on questions and answers and participants were given more time to follow the program fondly.

- On December 26, 2018, Director of Uruzgan Appellate Court, Fahimullah Niazi met with Human Rights regional officer of that province and his delegation.

Representative of Human Rights asked Head of the Court to recount weak and strength points of regional office in performing relevant affairs so that the main office takes measures and resolves them. Head of Court recounted activities of regional office and pointed out some cases to be underlined. Likewise, the Human Rights representative promised to resolve it. Head of Appellate Court added that even though constitution along with other laws respect human rights and support them, the holy religion of Islam has been pioneering honoring of human dignity and obliged people to respect and value it.

- In the series of training programs, Directorate of Capacity Building and Performance Evaluation launched management and leadership training program with financial cooperation of JSSP for managers and administrators of human resources directorate on 13 to 15 January 2019. The issues discussed in the training program included concepts of manager and management, management elements, manager’s primary duties, manager’s basic duties, management levels,

management skills, management methods, difference between management and leadership, types of leadership, methods of leadership, leadership skills and principles. At the end, the program was considered successful and it was emphasized that the managers should apply whatever they learned in the program. The ceremony concluded by distributing certificates to the participants.

- On January 17, 2019, as promised by action plan of Judiciary, a session was conducted on the initiative of Plan and Policy Directorate led by Director of Parwan Appellate Court Criminal Division, *Qazawatyar* Abdul Malik Rajabzada, while Director of Elimination of Violence against Women Division, Abdul Bais Mawlawizada and his judicial members, director of city court and his judicial members, representative of civil society, representatives of Afghanistan Independent Bar Association (AIBA), Women's Advocacy Institutions of Directorate of Women's Affairs and Prosecution Office for Elimination of Violence against Women, including Manager of Policy and Plan Directorate were present. After recitation of some verses of the Holy Quran and playing the national anthem, the program was inaugurated by *Qazawatyar* Abdul Malik Rajabzada. In the program, Director of City Court, *Qazawatmand* Fida Mohammad Erfan and representatives of Directorate of Women's Affairs, *Qazawatyar* Mawlawizada, Diba Khuroshan, and representative of civil society, Dr. Shafi Mushfiq talked about the aims for establishing courts for elimination of violence against women and role of these courts in addressing cases derived from violence and access of women to justice.

Counter-Corruption

A: Report on Judicial Activities of Kabul Counter-Corruption Primary Court

1. Report

From December 22, 2018 to January 20, 2019, Kabul Counter-Corruption Primary Court addressed (15) criminal cases related to counter-corruption. (24) persons were arrested on charge of duty misuse, duty negligence, bribery, forgery, embezzlement, illegal extortion and illegally possession of arms relevant to these cases. (4) of them were acquitted due to lack of sufficient reasons and (20) of them were sentenced to different terms of imprisonment as the following:



- One month to one-year imprisonment for two persons
- One to five years imprisonment for 11 persons
- Five to 15 years imprisonment for 2 persons
- Cash fine convicts, five persons
- Total of cash fines of convicts reach (21902) USD.

Table (1): Indicates census of convicts of Kabul Counter-Corruption Primary Court in 2018-2019

No.	Type of Case	No. of Cases	Judicial decision							
			No. of Accused	Acquittals	No. of Convicts	No. of Custodial Imprisonments				
						1 month to 1 year	1 to 5 years	5 to 15 years	Cash Fine Convicts	Total Cash Fine
1	Duty misuse and negligence	3	4	1	3				3	1236
2	Bribery	3	8	1	7	1	6			20351
3	Embezzlement	2	3	1	2				2	315
4	Illegal weapons acquisition	3	3		3		3			
5	Forgery	3	5	1	4		2	2		
6	Illegal Extortion	1	1		1	1				
Total		15	24	4	20	2	11	2	5	21902

In addition, the abovementioned court issued verdicts on eight judicial cases and sent them to the respective sources due to investigative gaps.

Table (2): Indicates Judicial Rulings by Kabul Counter-Corruption Primary Court for the Month of January 2019.

No.	Type of Cases	No. of Cases	No. of Accused	Ruling Cause	Respective Office
				Investigative Gap	
1	Misuse of official authority	2	12	2	Prosecution Office
2	Forgery	4	9	4	Prosecution Office
3	Embezzlement	2	6	2	Prosecution Office
Total		8	27	8	

2. Summary of verdicts issued by Kabul Counter-Corruption Primary Court

Verdict dated January 15, 2019

Conviction of Two Staffs Kabul PD 4 Traffic Management on the Charge of Bribery

Based on information by Director of Afghan Right Company regarding his armored Toyota Landcruiser vehicle, that was stopped by traffic officers of Kabul PD 4, and he was asked for \$300 and 1500 AFN bribery. Intelligence Management of (101) Kabul Asmaye Zone gave the mentioned amount to the informing person according to the plan. Then, an officer of Kabul PD 4 Traffic Management brought the armored Toyota Landcruiser, that belongs to Director of Afghan Right Company, in Salim Caravan Square to take the cash and release the vehicle. The officer received the cash and contacted his department by phone. At this time, the present prosecutor recorded the conversation between them, started searching the officer and found the \$300 and 1500 AFN from his pocket. The officer mentioned name of his crime associate and he was also arrested by police and they were introduced to justice and judicial institutions. After completion of primary investigations, the case was referred to Kabul Counter-Corruption Primary Court and the count in its judicial session dated January 15, 2019 convicted the accused on charge of \$300 and 1500 AFN bribery (that is total 24255 AFN) to two years and three months of imprisonment in accordance with clause (3), paragraph (1) of article (371) and paragraph (1) of article (385), paragraph (2) of article 375 of penal code, counted from the start date of detention, and paying of cash fine equivalent to the amount of bribery and also discharge from their duties.

C) Report on Activities of Kabul Counter-Corruption Appellate Court

1) Report

From December 22, 2018 to January 20, 2019, Kabul Counter-Corruption Appellate Court addressed (10) criminal cases related to counter-corruption which resulted in arrest of (28) persons on the charge of misuse of official authority, bribery, forgery, treachery and illegal extortion, among which (5) of them were acquitted due to lack of sufficient reasons and the rest (23) were imprisoned to different imprisonment.

- One month to one-year imprisonment for 5 persons
- One to five years of imprisonment for 13 persons
- Five to 15 years of imprisonment for 4 persons
- One person convicted to cash fine
- Total of cash fines reach (7921) USD.

Table (3): Indicates Judicial Activities of Kabul Count-Corruption Appellate Court in January 2019.

No.	Type of Case	No. of Cases	Judicial Decision							
			No. of Accused	No. of Acquittals	No. of Convictions	No. of Enforced Imprisonment				
						1 Month to 1 Year	1 - 5 Years	5-15 Years	Cash Fine	Total Cash Fine in USD
1	Misuse of Official Authority and treachery	3	11	5	6	4	2			
2	Embezzlement and forgery	3	11		11	1	6	4		7000
3	Forgery and bribery	3	4		4		3		1	921
4	Illegal extortion	1	2		2		2			
Total		10	28	5	23	5	13	4	1	7921

In addition, the abovementioned court issued (8) judicial cases and sent them to the respective sources due to investigative gaps.

Table (4): Indicates Judicial Rulings by Kabul Counter-Corruption Appellate Court in January 2019.

No.	Type of Cases	No. of Cases	No. of Accused	Ruling Cause	Respective Office
				Investigative Gap	
1	Misuse of Official Authority	4	8	4	Prosecution office
2	Bribery	2	3	2	Prosecution office
3	Embezzlement	1	2	1	Prosecution office
4	Forgery and missing documents	1	1	1	Prosecution office
Total		8	14	8	

2. Summary of verdicts issued by Kabul Counter-Corruption Appellate Court

Verdict dated December 29, 2018

Conviction of three RTA staff on the charge of forgery in payroll reporting

Based on the verdict of Supreme Audit Office and in the series of previous audits, the board assessed salary forms (41m) of 2014-2015 and (16m) forms of payments, attendances and payroll report from RTA via an inquiry letter number 51, dated August 30, 2017. As a result, it seemed that during the mentioned years, in addition to their salaries (which are transferred to their bank accounts), a number of RTA staff repeatedly received (596980) AFN miscellaneous salaries in 2014, (729897) AFN in 2015 and (1131667) AFN in 2016/2017 which totals (2458544) AFN deposited in cashiers' account and they stated that during the above-mentioned years, they have not received any miscellaneous salary. In addition, the Internal Audit Administration of RTA has reported in its letter number (344)

dated September 30, 2017 about embezzlement of (710943) AFN to the Supreme Audit Office where the Payroll Manager has confirmed the repeated payment of the mentioned amount. Therefore, investigations were conducted from the accused. After completion of primary investigations, the case was referred to Kabul Counter-Corruption Primary Court and the court, in its session dated November 13, 2018 sentenced the Payroll Manager of RTA, Accounting Manager and Cashier on the charge of document forgery and embezzlement of (3169487) AFN according to paragraph (1) article (313) and article (268) of penal code respecting supplemented paragraph (6) of article 148 and articles 150 and 155 of the mentioned code to five years and one month imprisonment and according to verdict of paragraph (1) article 398 of penal code, punished the convicts for embezzlement. Others, who have signed, and their names are inserted in the table and payroll during 2014 and 2018, are under investigation and based on that money, their embezzlement level will be appointed and will be under prosecution based on the instructions of article 69 of penal code. But due to dissatisfaction of the accused, the case was referred to Kabul Counter-Corruption Appellate Court and the court, in its session dated December 29, 2018, confirmed decision of Kabul Counter-Corruption Primary Court in presence of the legal parties of the case in majority, in accordance with article 54 of Law on Organization and Jurisdiction of Judiciary and considering verdict of article 17 of penal code.

C. Reports on Judicial Activities Nangarhar Anti-Corruption Primary Court

1. Report

Nangarhar Anti-corruption Primary Court heard seven cases related to corruption from September 23 to October 22, 2018. The court trialed 26 individuals on the charge of misuse of official authority, bribery, forgery, treachery and embezzlement. The court acquitted 5 people due to lack of sufficient evidences and sentenced the other 21 people to various punishments of imprisonments as following:

- One month to one-year imprisonment (4 people)
- One to five years imprisonment (13 people)
- Cash fine convicts (4 people)
- Total of cash fines make a sum of USD 28,460.

Table 4: Indicates figures of performance by Nangarhar Anti-corruption Primary Court Sep - Oct, 2018

No	Type of cases	No. of cases	Judicial Decision							
			No. of accused	No. of acquittals	No. of convicts	No. prisoners				
						No. of to 1 year	1 month	1-5 years	5-15 years	Cash fine convicts
1	Misuse of official authority	4	11	4	7	3			4	4399
2	Treachery	1	1		1		1			
3	Embezzlement	1	13	1	12		12			24000
4	Bribery	1	1		1	1				61
Total		7	26	5	21	4	13		4	28460

Verdict dated December 11, 2018

Conviction of Head of Construction and Maintenance at Torkham Commissary on the Charge of Illegal Extorsion

The assigned delegation of the counter heavy crimes department of the ministry of interior affairs, based on a plan dated November 05, 2018, evaluated a notice stating that an individual from headquarter of checkpoint no.2 has been assigned to collect money at the Torkham Gate. As a result of the evaluation, the designated individual arrested the suspect on November 12, 2018 with 1650 Rs in the Torkham Harbor where vehicles commute. The suspect confessed that he was assigned by the head of Construction and Maintenance in Torkham Commissary to collect money from drivers of vehicles traveling to Pakistan and to he will receive 500 Rs in exchange to performing this task on daily fashion. The both accused were arrested and introduced to justice and judicial organs.

The Nangarhar Anti-corruption Primary Court heard the case in a judicial session held on December 11, 2018 and sentenced second lieutenant, head of Construction and Maintenance Commissary at Torkham to three months imprisonment on the charge of illegal extorsion according to article 445 (1) of the penal code observing article 57 of the abovementioned code effective as of detention date and the court sentenced the other accused to 6.000 AFN cash penalty on the charge of mentioned accusation based on the provision of article 445 (2) of the penal code observing article 58 of the mentioned code.

Reports on Judicial Activities Herat Anti-Corruption Primary Court

2. Report

Herat Anti-corruption Primary Court heard 14 cases related to corruption from September 23 to October 22, 2018. The court trialed 24 individuals on the charges of misuse of official authority, bribery, forgery, and embezzlement. The court acquitted two people due to lack of sufficient evidences and

sentenced the other 22 people to various punishments of imprisonments as following:

- One month to one-year imprisonment (12 people)
- One to five years imprisonment (10 people)
- Total of cash fines make a sum of USD 1,863.

Table 4: Indicates figures of performance by Herat Anti-corruption Primary Court in Sep to Oct, 2018

No.	Type of cases	No. of cases	Judicial Decision							
			No. of accused	No. of acquittals	No. of convicts	No. of prisoners				Cash fines
						No. of prisoners to 1 years	1 month to 1 years	1-5 years	5-15 years	
1	Misuse of official authority	6	13	1	12	9	3			1333
2	Bribery	3	3		3	2	1			530
3	Embezzlement	4	7	1	6	1	5			
4	Forgery	1	1		1		1			
Total		14	24	2	22	12	10			1863

3. Summary of Verdicts Issued by Herat Anti-corruption Primary Court

Verdict dated October 24, 2018

Conviction of Four Employees of Herat Municipality on the Charge of Embezzlement

Herat Municipality sent a letter to the prosecution office regarding embezzlement of 76,642 liters of diesel fuel and stated, “On December 09, 2017, the transport department of the Herat Municipality formally sent a letter to Herat Mayor that we are running out of fuel and there is a need to purchase fuel to deliver required activities of the department. The Herat Municipality

demanded assessment of fuel purchase and distribution amount by assigning a delegation. After an accurate assessment, it was revealed that an amount of 83,091 liters of diesel fuel has been embezzled and it was in accordance with report of the assigned delegations of the revenue department.” Four people were arrested in accusation for the case and introduced to justice and judicial institutions.

The case was then referred to Herat Anti-Corruption Primary Court after completion of primary investigation and the court handled the case in a judicial session held on October 24, 2018 and sentenced the accused each individual to five years and six months imprisonment on the charge of embezzlement of 83,091 liters of diesel costing 3,905,277 AFN in accordance with article 391 (4) of the penal code observing article 211 (2) of the mentioned code and ordered them to be discharged of their duties and reimburse the embezzled amount of money.

Counter Narcotics and Intoxicants

A. Report on Judicial Performance of the Kabul Counter Narcotics and Intoxicants Primary Court

1. Report

Kabul Counter Narcotics and Intoxicants Primary Court handled 80 cases related to various types of narcotics and issued orders accordingly from December 22, 2018 to January 20, 2019. The court trialed 118 individuals on the charge of trafficking and transporting drugs. The mentioned court acquitted two individuals due to lack of sufficient evidences and sentenced the other 116 people to different punishments as following:



- One to 5 years of imprisonment (58 people)
- 5 - 15 years of imprisonment (41 people)

- 15 to 20 years of imprisonment (17 people)

In relation to above case, the court ordered to eliminate an amount of 31,426,332 KGs of drugs.

Table 1: Figures of judicial performance by Kabul Counter Narcotics and Intoxicants Primary Court in Dec and Jan 2019

No.	Types of cases	No. of cases	Quantity	Judicial Decision					
				No. of accused	No. Acquittals	No. convicts	No. of prisoner		
							1-5 years	5-15 years	15-20 years
1	Heroin	25	204.069	35		35	24	7	4
2	Opium	3	465	8		8	2		6
3	Morphine	6	57.2	14		14	5	5	4
4	Methamphetamine	31	50.563	36	1	35	19	16	
5	Hashish	9	21675.5	18	1	17	4	11	2
6	Alcoholic Beverages	3	LT1698	4		4	3	1	
7	Chemicals	1	7000	1		1			1
8	Tablet K	2	276	2		2	1	1	
Total		80	31426,332	118	2	116	58	41	17

2. Summary of Verdicts Issued by Kabul Counter Narcotics Primary Court

Verdict dated January 09, 2019

Five Years of Imprisonment on the Charge of Smuggling 3,300 KGs of Morphine

Based on a notice by information and investigation department to counter narcotics and intoxicants unit of Baghlan province stating that a corolla type vehicle including the driver with his two partners, who were riding the vehicle, had placed some drugs (morphine type) and had started traveling from Takhar Province

and was parked at the Silo-e-Markazi of Pol-e-Khumri City to pass police checkpoint located at east at an appropriated time and enter Kabul. The personnel of the mentioned department went with their vehicle (Saracha) to the area, recognized the corolla vehicle and started searching the mentioned vehicle at the area. They arrested the three accused from the vehicle. As a result of the search, with presence of a delegation and a prosecutor, 13 packages of morphine, that were skillfully placed under the rear pumper of the vehicle, were detected. In relation to the case, three people were introduced to justice and judicial organs.

The case was then referred to Kabul Counter Narcotics and Intoxicants Primary Court after completion of the primary investigation. The court heard the case in a judicial session held on January 09, 2019 and sentenced the two real litigants to imprisonment on the charges of transporting an amount of 3,300 KGs of morphine according to article 302 (5.1) of the penal code observing articles 213 and 214 of the mentioned code with observation of article 58 of the penal code and sentenced the other two to 30,000 AFN cash fine each on the charge of changing the number plate of the vehicle according to article 560(2) of the penal code. Meanwhile the court ordered to confiscate four mobile phones along with their SIM Cards based on the article 32 of the counter narcotics and intoxicants law and to confiscate the corolla vehicle 2006 model transporting the drug based on the provision of article 308 of the penal code. The court ordered to eliminate the 3,300 KGs of the drug in accordance with article 19 of the counter narcotics and intoxicants law.

B. Report on Judicial Performance of the Kabul Counter Narcotics and Intoxicants Appellate Court

2. Report

Kabul Counter Narcotics and Intoxicants Appellate Court handled 47 cases related to various types of narcotics and issued orders accordingly from December 22, 2018 to January 20, 2019.

The court trialed 64 individuals on charge of smuggling and transporting drugs. The mentioned court acquitted three individuals due to lack of sufficient evidences and sentenced the other 61 people to different punishments as following:

- One to 5 years of imprisonment (14 people)
- 5 - 15 years of imprisonment (25 people)
- 15 to 20 years of imprisonment (22 people)

In relation to above case, the court ordered to eliminate and an amount of 20324543 KGs of drugs

Table 1: figures of judicial performance by Kabul Counter Narcotics and Intoxicants Appellate Court in Dec 2018 and Jan 2019

N o.	Type of cases	No. of cases	Quantity	Judicial Decision					
				No. of accused	No. of acquittals	No. of convicts	No. of prisoners		
							1-5 years	5-15 years	15-20 years
1	Heroin	17	322.058	23		23	7	9	7
2	Opium	9	3098.34	15	1	14	3	3	8
3	Methamphetamine	13	46.84	17		17	4	8	5
4	Morphine	4	39.885	4	1	3		2	1
5	Hashish	2	389.42	3		3		3	
6	Chemicals	2	16428	2	1	1			1
Total		47	20324.543	64	3	61	14	25	22

1. Summary of Verdicts Issued by Kabul Counter Narcotics and Intoxicants Appellate Court

Verdict dated January 16, 2019

Five Years of Imprisonment on the Charge of Smuggling 5,900 KGs of Heroin and 300 Grams of Gold

Personnel of counter narcotics unit of Balkh Police Headquarter took measures following receipt of a notice stating that a drug smuggler wanted to transfer some drugs to India. As a result, the personnel arrested the accused red handed with 5,900 KGs of Heroin on July 10, 2018.

The case was then referred to Kabul Counter Narcotics and Intoxicants Primary Court after completion of primary investigation. The court heard the case in a judicial session held on December 08, 2018 and sentenced the accused to five years imprisonment on the charge of smuggling 5,900 KGs of Heroin according to article 302 (5.1) observing articles 212 and 214 of the penal code and to one year imprisonment on the charge of smuggling 300 grams of net gold based on his confession to India according to article 779 (2) of the penal code. The punishments will be applied consecutively according to article 75 of the penal code. The court also ordered to confiscate a mobile phone along with its SIM cards, USD 1,000 and 2,560 Indian Rs obtained during the search, the ticket money, and the money obtained from sale of dry fruit found in his bag according to article 32 of the counter narcotics law. It was also ordered to eliminate the 5,900 KGs of heroin according to article 19 of the counter narcotics and intoxicants law.

But due to dissatisfaction of the accused the case was referred to Kabul Counter Narcotics and Intoxicants Appellate Court. Based on the provision of article 54 of the Law on Organization and Jurisdiction of the courts of judiciary, the appellate court heard the case in judicial session held on January 16, 2019 and the court confirmed the decision of the primary court regarding smuggling of the heroin according to article 17 (2) of the counter

narcotics and intoxicants law and article 267 (1) of the CPC and rejected the decision regarding smuggling the permitted drugs due lack of required evidences and sentenced the accused to five years imprisonment on the charge of trafficking 5,900 KGs of heroin according article 302 (1) part 5 observing articles 213 and 214 of the penal code. The court acquitted the accused in smuggling 300 grams of the gold based on article 25 of the constitution, article 5 of the penal code and article 5 of the CPC. Meanwhile the court ordered to confiscate the items enshrined in the mentioned decision.