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Supreme Court Conducts First Session of Justice and Judicial Coordination Committee

Sayed Yousuf Halim, Chief Justice of Afghanistan conducted first session of justice and judicial coordination committee.



On August 07, 2018, the Supreme Court conducted the session with participation of Attorney General, Minister of Justice, Deputy Attorney General, Deputy Minister of Interior Affairs, Deputy Director of National Directorate of Security, Director of Judicial System, Huquq and Legislative Sections of the Office of the President and Huquq Director of Ministry of Defense's Chief of Staff.

Initially, Chief Justice welcomed members of High Coordination Committee and added, "Justice, judicial

and security institutions operate cooperatively and are connected as a chain to fulfill their shared responsibilities in terms of ensuring rule of law, substantiating justice and fighting corruption in the society. Thus, easing coordination and further support between such institutions can facilitate better opportunities in terms of reaching mentioned goals and improving as well as finding solutions for available challenges.”

Later, the High Coordination Committee members spoke in turn and ensured consideration of establishing High Coordination Committee between justice and judicial institutions as a positive step towards further understanding and easing of expected work atmosphere. They also emphasized that they hope the High Coordination Committee becomes an effective and confident reference for solving problems arise between such institutions.

Subsequently, the members reviewed the draft of procedures for justice and judicial institutions High Coordination Committee in accordance with agenda which was studied by members of the committee and prepared observing collective opinions. At the end of the day, 15 articles were approved following exchange of views and amendment.

The procedure includes structure, method for conducting seminars and authority, mandatory participation in meetings, committee secretariat, record of decisions, committees for provincial coordination, observance of procedure by provincial

committees, report by provincial committees, expansion of committee activities at districts level and implementation as well as publication of decisions. The ordinary meetings are planned to take place once in two months and extraordinary meetings will take place as required by the Chief Justice and participation of High Coordination Committee members within the Supreme Court.

Approvals by Administrative Council of the Supreme Court

On August 13, 2018, Najibullah Akbari, Acting Director of General Administrative Department of the Judiciary conducted administrative meeting with participation of central SC directors and discussed as well as exchanged opinions on issues included in the agenda. Followings are approvals made by the council:



- The council discussed and exchanged views on issues related to draft on coherence and monitoring better implementation of the SC programs presented by policy and planning director. The decision was made to assign central directors to study the draft accurately and report their opinions and considerations no later than August 25, 2018 to
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policy and planning directorate.

- The council also talked about spending extraordinary budget which was approved based on SC proposal and decision was made to ensure policy and planning director prepare a comprehensive request for consuming the budget based on operation plan and proposals received from directorates. The SC finance director was assigned to deliver shares (budgets) of provincial courts and central departments based on their operation plan and proposal, so they can spend the allocated budget legally in accordance with their basic needs and requirements. The council decided that the issue should be reported to provincial courts within one week and central departments should submit their purchase requests to General Administrative Department of the Judiciary by August 15, 2018.
 - Regarding purchase of consumables, the council discussed a few issues and decided that a committee consisting of policy and planning, administrative and finance as well as publication directors should determine the purchase method and requirements of departments and submit a report on the topic until August 18, 2018 to General Administrative Department of the Judiciary so that a separate purchase committee is determined, and the items are purchased accordingly.
 - Below options are considered very important in developing proposals for assistance provided by China:
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- The money should be calculated and deposited in US account.
 - The proposal should be translated in English language.
 - The capacity building and judicial care directorates should complete their proposals.
 - Regarding reconstruction of judicial training directorate building and district courts, the administrative directorate was assigned to complete the building map and other requirements within one month and submit them to judicial department.
 - Regarding speed in purchasing as well as addressing needs of courts and central departments, the decision was made to talk separately with respective directorates and act accordingly.
 - Necessary instructions were given to administrative directorates and its related sections to speed up reasonable expenditure of SC budget in 2018.
 - Discussions were made on follow-up and presentation of reports by directorates. Central directorates were requested to act swiftly in terms of dealing with instructions from the Supreme Court senior management and submit the report to General Administrative Department of the Judiciary. In return, the respective directorates vowed to act accordingly against instructions and report the result. The policy and planning directorate was also instructed to prepare a draft on follow-up of the instructions and decision was made to ensure that
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General Administrative Department of the Judiciary registers and follows up the instructions by assigning a member and reporting the result accordingly.

- Regarding procedures for implementation of action plan and finding weaknesses as well as reasons for not implementing the action plan, policy and planning director was assigned to share unimplemented indicators with respective directors and include details on not implementing the plan in six months report to clear the official's doubts.

- Regarding the issue of employees' capacity building for their admission in master's and higher degrees mentioned by capacity building director, the decision was made to prepare a comprehensive proposal and share it with Ministry of Higher Education. Moreover, to prepare the proposal, it was instructed that a committee including Research and Scrutiny Director, Judicial Trainings Director, Human Resources Director and Capacity Building Director be formed to work on the issue and share the result with General Administrative Department of the Judiciary.

At the end of the meeting, all central directorates of the Supreme Court were assigned to perform their duties and activities based on action plan, monitor complete implementation procedure and report any challenge they might face in terms of performing their duties in the next meeting.

Finally, the secretariat of the judiciary was assigned

to consolidate opinions as well as approvals made by administrative council members and disseminate them to relevant references after taking signatures of the meeting participants.

Acting Director of General Administrative Department of the Judiciary Meets IDLO Director

On August 02, 2018, *Qazawatwal* Najibullah Akbary, Acting Director of General Administrative Department of the Judiciary met Mr. Colin Bass, Director of IDLO and Ms. Niakasandar Mahallati, Head of Curriculum Development and Training Unit of IDLO in his office.



At first, IDLO director provided details on judicial training programs as well as training of trainers (TOT) for judicial zones, collaborations on enhancing capabilities of Judicial Training Database, efforts to improve the quality of seminars in the general and specific areas of Criminal Code and

reprogramming of Criminal Code trainings for judges. They also demanded views of the Supreme Court on the matter. Later, Mr. Akbari complimented the cooperation of IDLO Organization with the Supreme Court in terms of conducting Judicial Training Courses and training of trainers (TOT) as well as contributions of the organization in the field of equipping classes for judicial staggers, and added that in the aftermath of these collaborations, Criminal Code training programs are a requirement, and we support these programs in general, but it is better to share it with the Supreme Court Judicial Training Directorate as a coordinator for coordination in regular basis.

Acting Director of General Administrative Department of the Judiciary Meets New JSSP Technical Director

On August 08, 2018, *Qazawatwal* Najibullah Akbari, Acting Director of General Administrative Department of the Judiciary met Justine M. Rukeba, new technical director of JSSP in his office and talked regarding procedures for collaboration with judicial system of Afghanistan and other issues relevant to these collaborations.



During the meeting, Ms. Justine M. Rukeba spoke on the Afghan judiciary system and promised updating and computerizing documents related to this office. She also promised cooperation in terms of projects

that had previously halted due to lack of financial support and vowed to deliver any kind of collaboration in the future.

In the meeting, they also talked about updating database of Kabul Governor's Office and highlighted that it would be great achievement for the people and visitors. Ms. Rukeba said that understanding of the Afghan judiciary was important to her as it facilitates an important opportunity in the process and creation of e-governance.

The commitment was also made in the meeting on transportation and judicial properties and registering them on computers, so that the Supreme Court could register and manage all its assets on a regular basis and utilize them while solving its problems whenever necessary.

The parties also spoke on issues related to capacity building of new personnel.

Report on 2016/2017 High Judicial Seminar Conference Replay in Panjshir Province

On July 28, 2018, Replay/Repeat of 2016/2017 High Judicial Seminar Conference started in Haji Mohammad Nazir Hotel's hall in center of Panjshir Province.

The seminar was organized by ADALAT Project in coordination with Research and Scrutiny Directorate with participation of *Qazawatmal* Enayatullah Hafez and *Qazawatwal* Ahmad Fahim Qawim, Judicial investigators/inspectors, Mohammad Naser Adel, Head of Appeals Court of Panjshir Province, Mohammad Alam Izadiyar, First Deputy of National Assembly's Upper House, Mohammad Iqbal "Bedar ", Head of Panjshir Appellate Prosecution Office, 25 appeals court judges and 15 judges from city court. The seminar began with recitation of some verses from Holy Quran by Mohammad Taher Taeb, Head of Public Security Division of Appeals Court.

Subsequently, Head of Appeals Court, speaking briefly and welcoming guests and judges, commented on importance of such conferences, and emphasized that conducting such conferences and seminars are very useful in resolving complicated cases and establishing a single judicial procedure. he continued saying that heads of appeals courts and judges have solved complex and difficult issues in

the light of laws and regulations, which fortunately have been published and are now available to judges.

He expressed hope that the guidelines on seminars and conference would be used extensively. Then, the first deputy of upper house welcomed the guests and emphasized that conducting such seminars by the Supreme Court is considered as a positive step towards enhancing capacity and awareness of judges in terms of ensuring justice and implementing laws. He appreciated the efforts made by ADALAT Project and leadership of the Supreme Court.

Capacity Building and Performance Appraisal Directorate Conducts Database Training Course to Employees of SC Secretariat

On August 04, 2018, Hamed Baha Ayar, Capacity Building and Performance Appraisal Director inaugurated Database Training Course in three phases. The database was created by Database Advisor of Human Resources Directorate under supervision of Capacity Building and Performance Appraisal Directorate with cooperation of Secretariat's technical team.

Besides giving a thorough information on benefits of creating an e-database for registration of activities in an expected period and procedures for entering information and performing a functional use of the database, Capacity Building and Performance

Appraisal Director encouraged participants to have a regular attendance in this training course to be able to remove challenges in terms of database development. It is planned to conduct the training course until July 14, 2014 to 31 employees of the secretariat in three practical and theoretical phases inside the Supreme Court.

Judicial Trainings Directorate of Supreme Court and UNODC Conduct Anti- Corruption and Financial Crimes in Penal Code Training to Judges, Prosecutors and Other Judicial Employees in Bamyan Province

On August 5-9, 2018, the SC Directorate of Judicial Trainings conducted Anti-Corruption and Financial Crimes in Penal Code Training to judges, prosecutors and other judicial employees with cooperation of UNODC in the meeting hall of Bamyan Appellate Court.

The training began with recitation of some verses of Holy Quran by a participant. Then, *Qazawatmand* Ghawsuddin Tahiri, Head of Bamyan Appellate Court welcomed the guests and colleagues from the Supreme Court Judicial Trainings Directorate and UNODC from Kabul to conduct the training. He talked about efficiency of such programs and asked continuation of further programs for judges and other justice and judicial institutions through Judicial Trainings Directorate as well as partner organizations and appreciated conducting such

trainings. It is worth mentioning that on Thursday August 9, 2018, the training ended with Head of Appellate Court's speeches and distribution of appreciation letters to the participants.

**Herat Appellate Court Conducts Awareness
Program on Establishment of Badghis
Elimination of Violence Against Women Court in
Herat Province**

This program was conducted with presence of Herat and Badghis Appellate Courts' Heads and Deputy Directors Head of Herat Urban Court, Planning Officer of the Supreme Court Policy and Planning Directorate, representative of Women's Affairs Directorates, Appellate Prosecution Offices, Herat Civil Society and Neda Organization.

At the beginning, *Qazawatmand* Shams u Rahman Rayis Khail, Head of the Appellate Court welcomed the participants and talked about role as well as status of women in Islam and enforced laws of the country. He said, "Establishing special courts shows government's commitment in seriously fighting and dealing with perpetrators of violence against women and reducing statistics of these crimes to further handle the violence against women issues and perform fast and serious follow up of such crimes."

Qazawatmand Mufti Mohammad Wazir, Head of Badghis Court called establishing this court efficient and said "Despite of security threats, Badghis judges try their best to handle the violence against women

cases and seriously and legally deal with perpetrators of such crimes. Meanwhile, Hamed Omar, SC Policy and Planning Directorate Officer talked about presence of twenty three percent of females in judicial levels and key positions. She added that a new department under the name of Gender is created in the framework of the Supreme Court that represents attention of central government officials in providing justice and respecting women's right.

Further, Head of the Elimination of Violence against Women Division of the Appellate Court, civil society representatives, prosecution office on elimination of violence against women and judicial members of elimination of violence against women court talked about women's access to these courts, appreciated the initiative of Chief Justice and emphasized on continuity of such programs.

**Afghanistan Justice Sector Support Program
(JSSP) Conducts Case Management System
Seminar in Nimroz Appellate Court**

JSSP conducted a one-day seminar for employees, correspondents and managers responsible for recording cases of the Appellate Court in Nimroz province based on *Qazawatyar* Sayed Abdul Qayuum Kamali, Head of Nimroz Appellate Court's guidance and taught the required guidelines.

Head of the Appellate Court called the mentioned seminar effective and emphasized that all participants should proceed their duty related to

case recording on special forms properly to assist the implementation effectively and to make the recording easy for CMS employees. Whenever there is negligence, it means the employee hasn't performed his/her duty properly and they will be subject to disciplinary actions according to law and regulations. He also appreciated Mr. Adilyar, head of JSSP provincial office's efforts and asked for further JSSP cooperation in implementation of programs properly. The Seminar ended with participants prayers.

Capacity Building and Performance Evaluation Directorate Conducts Budgetary and Accounting Training for Administrative Employees of Herat and Badghis Courts

On July 31 - August 1, 2018, Capacity Building and Performance Evaluation Directorate conducted a training program sponsored by Adalat organization (Checchi) in Sadat Hotel, Herat province by its trainer and representatives of Revenue, Budget and Money Transfer Unit of General Directorate of Finance and Administration.

Finance managers and employees of Herat and Badghis Appellate Courts were invited to this program. Shams u Rahman Rayis Khail, Head of Herat Appellate Court called it important and appreciated the initiative of capacity building and performance evaluation directorate to set and perform activities in a timely manner and according to educational needs assessment. He said that he considered it a foundational need for each employee and added that there were many issues in finance and revenue unit of the court and conducting such programs would resolve them.

At the end, the program was evaluated and based on evaluation result and participants' opinions, the program had been very efficient, and it was suggested to consider budget, accounting, procurement and monitoring public revenue in the coming plans of capacity building and performance evaluation directorate.

Capacity Building and Performance Evaluation Directorate Conducts Basic Administrative Skills and Performance Evaluation Training for Employees of Bamyan, Ghor and Daikundi Courts

Capacity Building and Performance Evaluation Directorate conducted a training course sponsored by Adalat organization (Checchi) for 30 employees of Bamyan, Ghor and Daikundi courts based on its five-year plan in 2018 at zones and center level. The priority was given to conduct a training on basic administrative system skills that was conducted on July 22-July 25, 2018.

The training was started by reciting some of verses Holy Quran. Then Shakil Ahmad Kazimi, Head of Civil Division and Acting Head of Bamyan Appellate Court talked about importance of training programs and initiatives of the Capacity Building and Performance Evaluation Directorate. He said the programs are conducted as time allows and following a needs assessment to plan such programs based on job scope of employees. He further added that such programs shall continue and conducting such programs are the basic needs of all employees. Afterwards, the participants were evaluated in the beginning and training was conducted according to their needs.

The trainer carried forward the question-and-answer method and more time was given to participants who followed the course eagerly and had a significant engagement. At the end,

participants demanded conducting of such programs in the future.

Head of Bamyan Appellate Court Meets Head of Afghanistan Integrity Watch

On July 31, 2018, *Qazawatmand* Ghawsuddin Tahiri, Head of Bamyan Appellate Court and Sayed Akram Afzali, Head of Afghanistan Integrity Watch together with Mohammad Amin Alipoor, Head of Bamyan Integrity Watch had a meeting in Bamyan Appellate Court.

At first, Ghawsuddin welcomed Afzali to Bamyan and added that he had always tried to facilitate monitoring organizations' efforts towards monitoring performances of Bamyan Court and thanked almighty Allah for granting him success at all levels.

Then Head of Afghanistan Integrity Watch appreciated Tahiri's cooperation and said he was hopeful that his cooperation would continue in the future. He added that by participating in judicial sessions and getting information in this regard, employees of Integrity Watch would be able to deliver the information to different levels of people in the society. As a result of such activities, public perspective, especially the perspective of the people of Bamyan had changed towards judiciary and they had obtained a positive perspective with regards to the judiciary.

Head of the Appellate Court said the courts in the center and districts performed their normal

operations, but some of the courts faced problems due to lack of apartments. In return, Mr. Afzali promised that he would share the issues with donor agencies.

News and Events:

- On Saturday August 28, 2018, Qanoonpoh Sayed Yusuf Halim, the Chief Justice visited all central administrative sections while other administrative directors were accompanying him. Meanwhile, he congratulated the Eid al-Adha and surveyed sections and performances of judicial and administrative personnel.
 - On Saturday, 28, 2018, Pohanwaal Abdul Qader Adalatkhwah, member of the Supreme Court High Council visited Kabul Primary and Appellate Courts. Meanwhile, he congratulated the Eid al-Adha to administrative and judicial personnel of courts and monitored their performance and judicial services delivery.
 - On July 23, 2018, Qazawatmand Mufti Mohammad Wazir, Head of Badghis Appellate Court met Habibullah Morghabi Head of Badghis Radio TV Afghanistan in the Appellate Court and talked about legal required cooperation in terms of live broadcasting of judicial sessions and conducting educational programs. Head of Badghis RTA appreciated the performance of courts and tangible results in terms of providing justice in the province and promised to continue his full support.
 - On July 22, 2018, Qazawatyar Mohammad Ajmal Arabzai, Head of Farah Appellate Court met Lieutenant General Abdul Basir Salangi, governor of
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Farah Province in his office and talked about the security of court surrounding. The governor appreciated transparent performance as well as neutrality of Appellate Court and added that people of Farah province were happy with courts' performance. He added that he would not allow any organization in the province to interrupt in judicial performance.

- From July 22, 2018 – August 22, 2018, Civil and Public Rights Division of Khost Appellate and Urban Courts registered 79 legal cases, whereas issued ruling regarding four cases, two cases have been rejected and 73 cases were remained.

- On Sunday, July 29, 2018, Qazawatmand Faiz Mohammad Saeb Qadiri, Head of Public Security and Anti-Corruption Crimes Division of Appellate and Urban Primary Court of Nimroz talked about different traffic accidents and predicted punishments in the Penal Code through National TV.

- On Sunday, August 5, 2018, closing session was conducted under Qazawatyar Fahimullah Neyazi leadership to investigate performance of Uruzgan Appellate Court in 2017 with presence of judges, administrative employees while Judicial Audit team was also present. Neyazi talked and appreciated behavior of auditors with judges as well as applicants and their cooperation with judges and applicants. Afterwards, judicial auditors talked about different topics and emphasized that performance of the court had been better in the year

2017 than previous years and briefed the judges and officers on relevant sections.

- An apartment on 150 meters square land was constructed by efforts of Qazawatyar Mohammad Ajmal Arabzai, Head of Farah Appellate Court and with cooperation of Abdul Rahim Ishaqzai, mayor of Farah spending 100,000 AFN which was later inaugurated to be used by Farah Appellate Court.

- On July 24, 2018, SC Judicial Audit Board including Qazawatyar Ghulam Rasool Azim and Qazawatmand Sayed Dawood Sadat headed to Zabul province court for auditing and inspection of performances in Zabul Appellate Court and audited performances of districts' courts, Appellate Divisions and Urban Court as well as financial procedures of those courts until August 4, 2018. They appreciated performances of the related courts in a session and instructed the judges and administrative staff about shortcomings in the performances.

- On August 1, 2018, Director of Jawzjan Appellate Court, Qazawatmand Sibghatullah Mushfiq met with Director of UNAMA in Northern Zone, Mr. Luis Goggas and appreciated his cooperation. Later, the Penal Code and Gazette number 1,260 dated 2017 and holding monthly sessions of justice and judicial institutions were discussed. Director of the Appellate Court enlightened the role of law implementation in criminal justice, prevention of crime and maintaining public order and security and

talked about human rights and individual's freedom which is clearly stated in the law. Director of UNAMA expressed happiness regarding the mentioned information and said that he would participate the monthly sessions of justice and judicial institutions hereinafter and will assist in spreading copy of Penal Code to all judges of the provinces.

- On August 8, 2018, the expedited Audit Board of the Supreme Court visited people of that province ranging from scholars, elders, heads of civil society, businessmen and litigants to evaluate court performances, judicial desperation, behavior of judicial staff and assessing results of Anti-Corruption reforms and strategy program.

- On August 8, 2018, Director of Public Security and Administrative Corruption of Baghlan Appellate Court, Abdul Latif Sarwary talked about Criminal Justice and aims of Criminal Procedure Law in Judicial Education Program aired on National TV of that province.

Counter corruption

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

Report

Kabul Anti--Corruption Primary Court brought about (13) criminal cases related to corruption under judicial review from July 23, 2018 to August 22, 2018 where 26 people were tried on charges of crimes such as misuse of official authority, bribery, embezzlement, mediation in bribery and forgery and beating of whom 13 people were acquitted from the accusations and the 13 others received different imprisonment and cash fine punishments as the



follows:

- 1 Month to 1-year imprisonment (7 persons)
- 1 to 5 years imprisonment (4 persons)
- 5 to 15 years imprisonment (1 person)
- Cash fine punishment for (1 person)

Total of cash fines make a sum of (USD 99,605).

Table number (1) shows statistics of convicts by Kabul Anti-Corruption Primary Court in July and August of 2018

No	Type of the case	No. of cases	Judicial Decision								
			No. of accused	No. of acquittals	No. of convicts	No. of convicts to imprisonment					Cash fine
						1 month to one year	1-5 years	5-15 years	15-20 years	Cash fine convicts	
1	Bribery	4	5	1	4	2	1	1			\$ 24,931
2	Mediation in bribery	2	2		2	1	1				\$ 71,000
3	Embezzlement	1	2		2	2					\$ 311
4	Misuse of Official Authority	3	6	4	2	1				1	\$ 164
5	Misuse of Official Authority and Forgery	1	8	8							
6	Misuse of Official Authority and Forgery	1	2		2		2				\$ 2,739
7	Missing weapon	1	1	1							\$ 460
Total		13	26	13	13	7	4	1		1	\$ 99,605

In addition, the mentioned court has issued 13 rulings so far and sent them to the relevant sources

for filling investigative gaps and defects.

Table number (2) shows ruling of Counter-Corruption Crimes of Kabul Primary Court in August of 2018.

No	Type of case	Number of cases	Number of accused	Cause	Relevant source
				Gaps and defects	
1	Misuse of Official Authority	5	29	5	Prosecution Office
2	Misuse of Official Authority and Waste of Papers	1	3	1	Prosecution Office
3	Forgery	4	6	4	Prosecution Office
4	Forgery and Treachery	1	4	1	Prosecution Office
5	Embezzlement	1	1	1	Prosecution Office
6	Embezzlement and Forgery	1	3	1	Prosecution Office
Total		13	46	13	

Summary of Verdicts Issued by Kabul Anti-Corruption Primary Court

Verdict dated August 5, 2018

Conviction of Two Security Police Officers of 7th Police District of Kabul City on charge of Bribery and Exceeding Official Authority

Following a complaint by a resident of 7th PD to Directorate of Anti Heavy Corruption Crimes of Ministry of Interior Affairs stating that a resident of this area had borrowed 37,600 USD for purchasing a vehicle from him. To receive his money back, he had written a petition to the 7th PD and summoned the obligor to the PD. The Regional Control Officer of 7th PD and his Assistant was asking for 200,000 Afs as bribe.

The Criminal Directorate marked and submitted USD 2,900 to the mentioned person where as a result, the Regional Control Officer along with his Assistant were arrested in presence of representatives from 101 Kabul Asmaye Zone Headquarter and Military Prosecution of Counter-Corruption and introduced them to Justice and Judicial Institutions. Police discovered a Makarov Pistol and two Magazines with 48 bullets and the marked money kept illegally from the accused.

After completion of primary investigations, it was delivered to Counter-Corruption Primary Court of Kabul. The court in its August 5, 2018 judicial session convicted the accused on charge of exceeding official authority and bribery of the amount 200,000 Afs, each to 2 years of imprisonment and cash fine equal to the bribed amount and job detachment according to the verdict of paragraph 2, article 375 and paragraph 1, article 385 of the Penal Code and observing article 76 of the mentioned code and considering articles 213 and 214 of the Penal Code.

Regarding an accused in case of illegal possession of a Russian-made Makarov Pistol and other ammunitions a verdict was issued based on article 536 and 545 of the Penal Code to cash fine of 31,000 Afs and confiscation of the Pistol and ammunitions. As there are irrelevant multiplicities in the mentioned crime, adaption of article 75 of the Penal

Code for the accused which are two years imprisonment and 31,000 Afn cash fine will be applicable.

D) Report on Judicial Activities of Kabul Anti-Corruption Appellate Court

1) Report

Kabul Anti-Corruption Appellate Court heard four criminal cases relevant to corruption from July 23, 2018 to August 22, 2018. As a result, and in connection with this case, seven persons were arrested, of which three of them were acquitted due to lack of sufficient reasons and four others received different terms of imprisonments as the following:

- 1-5 years of imprisonment (3 persons)
- 5-15 years of imprisonment (1 person)

Total of cash fine reaches (USD 22,954).

No	Type of cases	Number of cases	Judicial decision							
			Number of accused	Acquittal	No. of convicts	Number of imprisoned accused				
						1 Month to 1-year	1- 5 years	5-15 years	Convicts to cash fine	Cash fine
1	Bribery	1	1		1			1		\$20000
2	Mediation in bribery	1	1		1		1			\$2739
3	Bribery	1	2		2		2			\$215
4	Misuse of official authority	1	3	3						
Total		4	7	3	4		3	1		\$22954

Table number (3) shows statistics of performances of Counter-Corruption Crimes of

Kabul Primary Court in August of 2018

The mentioned court issued 10 rulings and sent them to the related sources for filling investigative gaps and defects.

Table number (4) shows ruling of Counter-Corruption Crimes of Kabul Primary Court in August of 2018.

N	Type of cases	Number of cases	Number of accused	Cause	Related source
				Gaps & defects	
1	Misuse of official authority	5	13	5	Prosecution Office
2	Treachery	2	13	2	Prosecution Office
3	Embezzlement	1	12	1	Prosecution Office
5	Bribery	2	3	2	Prosecution Office
Total		10	41	10	

Summary of Verdicts Issued by Kabul Anti-Corruption Primary Court

Verdict dated August 12, 2018

Conviction of Former Investigation Officer of Kabul West Zone Appellate Prosecution Office on Charge of Twenty Thousands Dollars bribery

Following a petition to AGO's Control Department with the following descriptions, "A person has claimed on me and my son regarding the alleged murder of his son and our case is under investigation in west zone of Kabul Prosecution Office. While there is no document, proof and evidences against us and we consider it unjust claim, now the Investigative Officer of West Zone

Prosecution Department ask for \$20,000 as bribe to resolve our case. He says he would put us in custody if not being paid.” Based on the instructions of AGO, an authorized board comprised of AGO Control Department and representative of Kabul Security Headquarter acted and handed the \$20,000 marked cash over to the plaintiff. Later the Investigative Officer called his advocate and came to the plaintiff home and received the cash, it was the time that he was arrested red-handed and introduced to Justice and Judicial Institutions.

After completion of investigations, the case was sent to Counter-Corruption Primary Court where on June 23, 2018, the accused was imprisoned to 10 years and fined equal to the bribed amount and also exclusion from his position based on paragraph 6, article 371, paragraph 1, article 375 and paragraph 1, article 385 of the Penal Code, and respecting the articles 211, 213 and 214 of the Penal Code.

Due to dissatisfaction of the accused, the case was sent to Kabul Counter-Corruption Appellate Court. The mentioned court in its August 12, 2018 session confirmed the decision of the primary court based on article 54 of Law on Organization and Jurisdiction of Courts of Judiciary.

b. Report on Judicial Activities of Kabul Anti-Heavy Corruption Crimes Appellate Court

Report

Kabul Anti-Heavy Corruption Crimes Appellate

Court heard six cases related to corruption in the last two months in 2018. The court has trialed 17 people for charges of misuse of official authority, bribery, money laundry, and embezzlement. The court acquitted two persons due to lack of sufficient evidences and sentenced the others to imprisonment and cash fines as following:

- One month to one year (five people)
- One year to five years (three persons)

Total of cash fines make a sum of \$254,053

Table (1); Figures of Verdicts Issued by Kabul Ant-Heavy Corruption Crimes in 2018

No	Type of the case	No. of cases	Judicial Decision								
			No. of accused	No. of acquittals	No. of convicts	No. of convicts to imprisonment					Cash fine
						1 month to one year	1-5 years	5-15 years	15-20 years	Cash fine convicts	
1	Money laundry	2	5		5	1				4	\$25,2119
2	Bribery	1	1		1	1					
3	Misuse of official authority	2	9	2	7	4				3	\$493
4	Money laundry	1	2		2	2					\$1369
Total		6	17	2	15	5	3			7	\$245,053

Summary of Verdicts Issued by Kabul Anti-Heavy Corruption Crimes Appellate Court
Verdict dated: August 07, 2018

Conviction of Two Tellers (Currency Exchangers) for the Charge of 10,075,000 Saudi Riyal Money Laundry

On February 15, 2018, Nangarhar NDS officials arrested two tellers while transferring 10,075,000 Saudi Riyals in Samar Khel areas of Behsoud District and introduced them NDS 501 for further investigations. During the investigation, they mentioned obtaining of the mentioned amount of money as a result of doing currency exchange for 14 years. NDS 501 sent the case to Nangarhar Prosecution Office after investigations indicating no anti-government activities. Nangarhar Prosecution Office referred the case to respective reference because the obtained money was above 50,000,000 Afn in accordance with articles 147 and 179 of the CPC. The respective reference made decision regarding the accused persons relation to illegal import of the money and litigated to sentence them according to article 505 of the Penal Code observing article 58 of mentioned.

The case was then referred to Kabul Anti-Corruption Primary Court and the court heard the case in a judicial session held on July 31, 2018. The court sentenced every single of the accused to seven months imprisonment and reimburse the mentioned money for the charge of illegally importing 10,075,000 Saudi Riyal based on the provisions of article 505 (1) of the Penal Code observing articles

57, and 17 (1) of the mentioned code and article 237 (1) of the Criminal Procedures Code.

But the case was referred to Kabul Anti-Corruption Appellate Court due dissatisfaction of the accused. The appellate court confirmed the decision of the primary court based the provisions of the article 54 of the Law on Organization and Jurisdiction of Courts of Judiciary and article 267 of the CPC on August 7, 2018.

C. Report on Judicial Activities of Nangarhar Anti-Corruption Primary Court

Nangarhar Anti-Corruption Primary Court heard two cases related to corruption from June 22 to August 22, 2018. The court trialed three persons for the accusations of committing crimes, embezzlement, and forgery and acquitted one of them due lack of sufficient evidences. The other two were sentenced to different imprisonments and cash fines as following:

- One to five years imprisonment (two person)

Table 5: figures of verdicts issued by Nangarhar

Anti-Corruption Primary Court in 2018

No	Types of cases	No. of cases	Judicial Decision								
			No. of accused	Acquittals	No. of convicts	No. of prisoner to imprisonment					Cash fine
						1-month to 1-year	1-5 years	5-15 years	15-20 years	Cash fine convicts	
1	Embezzlement	1	1		1	1					109,574 Afn
2	Forgery	1	2	1	1	1					
Total		2	3	1	2	2					109,574 Afn

c. Summary of Verdicts Issued by Nangarhar Ant-Corruption Primary Court

Verdict dated June 24, 2018

Conviction of One Employee of Rural Development Directorate of Nangarhar Province for the charge of Embezzlement of 109,574 Afn

Officials of internal audit of Nangarhar Rural Development Directorate in result of an investigation found that an employee of Social Affairs Directorate, for nine items donated with the cost of 109,574 Afn by UNICEF were ordered to his name and he didn't submit them to the needy people. Therefore, the mentioned employee was arrested and introduced to justice and judicial entities.

The case was then referred to Nangarhar Anti-Corruption Primary Court after completion of primary investigations. The court heard the case in judicial session held on June 24, 2018 and sentenced

the accused to two years and six months imprisonment for the charge of embezzlement of nine items costing 109,574 Afn according to article 391 (2) considering article 388 of the Penal Code effective as detention date and also the court issued ordered to reimburse 109,574 Afn to the respective office according to article 398 (1) of the Penal Code.

Counter Narcotics and Intoxicants

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

Report

Kabul Counter Narcotics and Intoxicants Primary Court heard 48 cases related to drugs from July 23 to August 22, 2018 and issued verdicts accordingly. The court trialed 67 people in relation to the cases for the charges of smuggling and transporting drugs as following:



- One to five years imprisonment (48 people)
- Five to 15 years imprisonment (9 people)
- 15 to 20 years imprisonment (9 people)
- Cash fine (one person)

The court ordered to eliminate an amount of

36,451,461 KGs of drugs obtained during these trials

Table 1: figures of judicial performance by Kabul Counter Narcotics and Intoxicants Primary Court

No	Type of cases	No. of cases	Amount of drug	Judicial Decision					
				No. of accused	No. of convicts	No. of prisoners			
						Cash fine	1-5 years	5-15 years	15-20 years
1	Heroin	23	297/4891	33	33	1	24	4	4
2	Morphine	5	164/068	7	7		4	2	1
3	Opium	2	2336/14	2	2				2
4	Hashish	6	739/22	7	7		7		
5	Chemicals	12	108/229	18	18		13	3	2
Total		48	3645/1461	67	67	1	48	9	9

d. Summary of Verdicts Issued by Kabul Counter Narcotics and Intoxicants Primary Court

Five Years Imprisonment for the Charge of Transporting 950 KGs of Amphetamines

Second Police District Personnel of Baghlan Police Headquarters stopped and searched a Corolla type vehicle traveling from Kunduz Province to Mazar-e-Sharif Province in Zamankhel Police Check of Pul-e-Khemri. As a result of the search, they obtained a 950 KGs of Amphetamines from clothing bag of a passenger and arrested two persons in relation to the cases.

The case was then referred to Kabul Counter Narcotics and Intoxicants Primary Court after

completion of primary investigations. The court heard the case in a judicial session held on August 8, 2018 and sentenced each individual accused to five years imprisonment of the charge of transporting 950 KGs of Amphetamines according to article 303 (2.4) of the Penal Code in line with articles 58, 213, and 214 of the mentioned effective as of detention date.

Meanwhile, the court ordered to confiscate two mobile sets along with their SIM cards based on provision of article 32 of the Counter Narcotics and Intoxicants Law and eliminate the 950 KGs of the Amphetamines based on the article 19 of the new Counter Narcotics and Intoxicants Law.

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

1. Report

Kabul Counter Narcotics and Intoxicants Appellate Court heard 58 cases related to drugs from July 23 to August 22, 2018 and issued verdicts accordingly. The court trialed 58 people in relation to the cases for the charges of smuggling and transporting drugs and acquitted six people lack sufficient evidences and sentenced the other 52 people to imprisonment and cash fine as following:

- One to five years imprisonment (24 people)

- Five to 15 years imprisonment (21 people)
- 15 to 20 years imprisonment (7 people)
- Cash fine (one person)

Also, the court ordered to eliminate an amount of 403,364,963 KGs of the obtained drugs.

Table 1: Figures of Judicial Performance by Kabul Counter Narcotics and Intoxicants Appellate Court in July and August 2018

No	Type of case	No. of cases	Quantity	Judicial Decision					
				No. of accused	Acquittals	Convicts	No. of prisoners to imprisonment		
							1-5 years	5-15 years	15-20 years
1	Opium	10	749/6	10	1	9	4	2	3
2	Heroin	25	/3613 202	25	2	23	7	15	1
3	Morphine	3	101/5	3		3			3
4	Hashish	6	/825 2535	6		6	6		
5	Chemical	14	/21 36747	14	3	11	7	4	
Total		58	/4963 40336	58	6	52	24	21	7

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

Verdict dated August 12, 2018

Eleven Years Imprisonment of the Charge of Smuggling 467,2 KGs of Heroin

Helmand NDS officials arrested one person along with 432 Capsules of drugs that after lab test it was specified to be heroin weighing 467,2 KGs in Pul-e-Sufian area of Lashkargah City.

The case was then referred to Kabul Counter Narcotics and Intoxicants Primary Court after completion of primary investigations. The court heard the case in a judicial session held on February 27, 2018 and sentenced the accused to 11 years imprisonment for the charge of smuggling an amount of 2,476 KGs of Heroin based on the provision of article 302 (5.1) of the Penal Code observing article 17 of the mentioned code effective as of the detention date and ordered to confiscate two mobile phones along with their SIM cards according to article 19 of the Counter Narcotics and Intoxicants Law and also ordered to eliminate the amount of 2,467 KGs of Heroin according to article 16 of the mentioned law.

But the case was referred to Kabul Counter Narcotics and Intoxicants Appellate Court due dissatisfaction of the accused. The appellate court confirmed the decision of the primary court based on the article 267 of the Criminal Procedure Code and article 17 (2) of the Counter Narcotics and Intoxicants Law in a judicial session held on August 12, 2018.