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Meetings

Head of the Supreme Court Meets Heads of Political and Rule of Law of UNAMA

Sayed Yousef *Qanoonpohe* ,On October 08, 2018 Halim, Head of the Supreme Court received Scott Smith, director of Political Services and Ms. Romana, director rule of law of United Nations Assistance Mission in Afghanistan in his office.



The UN officials talked regarding rule of law activities as funding the justice and judicial entities and added

that despite the *Tashkeel* restrictions, would help the judiciary in fighting corruptions, reforms, and attracting funds from donor countries and also facilitating judges' transportation as much as possible.

Head of the Supreme Court , appreciating previous Rule of Law with the -Acooperation of the UNAM judiciary specifically publishing activities and real functions of the judiciary in the UN report, stated the priorities of the Supreme Court and hope that rule of law shall be able to cooperation with the judiciary using regulating and delivering assisstances of the ,facilities organizations and the International Community. The parties discussing other issues in this meeting too.

Meeting is Conducted with Adalat Project to Establish National Judicial Academy

On October 10, 2018, *Qazawatwal* Najeebullah Akbary, acting director of judicial general department of Afghanistan met Stephen, judicial director of Adalat Project in his office. The parties discussed establishing the National Judicial Academy that its plan has been developed by the project to develop professional capacities of judicial employees and judges.



Mr. Stephen added that the primary plan had been developed by them in accordance with international standards and asked the leadership of the Supreme Court to cooperate and be prepared to implement it. Mr. Akbary appreciated the Adalat Project for developing the plan and stated that they would consult its

implementation with Judicial Education Directorate, and Research and Studies Directorate. Mr. Akbary mentioned the establishment of the academy an important requirement of Afghanistan's judicial system. Mr. Stephen stated that they would cooperate in establishment of the academy in order that the judge be educated in accordance with international development standards and to hold effective role in justice application. The plan is composed of three stages that will be further discussed with the officials of the Supreme Court of Afghanistan in coming meetings. The representative of the Adalat Project committed to provide facilities and technology and pave the ground for scientific travels of the employees of the judicial system.

Report on the Supreme Court High Council Meetings

On October 02, 09, 12 and 27, 2018, *Qanoonpohe* Sayed Yousef Halim, head of the Supreme Court chaired the periodic High Council meeting and discussed issued in the agenda and made the following decisions and approvals:

The council heard the report on participation of the head of the Supreme Court in the Fourth International Forum of Chief Justices Hosted by the Turkey Country in Istanbul City.



On October 11 and 12, 2018, the meeting was initiated by the United Nations Development Program and the Supreme Court Turkey. 36 heads of supreme courts and

chief justices from various counties attended the forum to discuss the draft (Istanbul Declaration) which concentrates on securing transparency in judicial performance. The participants discussed the necessity, affects and legal consequences of the declaration in securing transparency in judicial performances and approved it in 15 principles in the general sessions while the primary steps had been accomplished in previous sessions.

Regarding the approved principles in the Istanbul Declaration, the head of the Supreme Court added that Afghanistan had fortunately observed most of the enshrines articles in the enforces laws and in administrative and judicial performance and observing the rest principle are optional shall be beneficial in bringing transparency in administrative and judicial performance, could be utilized through amending legislative documents. The council evaluated participation of the head of the supreme court in the forum positive.

❖ Head of the Supreme Court congratulated assignment of those who were recently appointed as heads of central divisions and appellate courts based on the decree of the president of Islamic Republic of Afghanistan and told some of them who present at the meeting that appointment and change were principles

which were practiced in the Supreme Court by observing eligibility and merit standards hoped that the recently appointed head would be able to be good judicial actors and to regulate and secure their relations with other justice and security entities with mutual respect and within the legal authorities of each respective office in order to further secure rule of law and judicial justice. Head of the Supreme Court also added, “We all have been appointed by attaining people’s trust and we must hear problems and legal requests of people and to solve requests and litigants within our jurisdiction with great and humanitarian conduct because this is the only way to decrease distance between the people and courts.”

Mr. Halim added, “serious fight against corruption, preventing any kind of influence and interference in judicial performance, paying attention to develop capacities of courts and delivering experiences and professional knowledge to judicial and administrative staff are of the important duties and obligations of heads of courts that you should continuously focus to realize them as legal obligation.

❖ To better observe legal procedures on hearing appeals and court change requests which their hearing delay due absence of one of the litigants, the council stated, “Whenever one of the requesters or of the

litigants despite a previous notice and receiving a summon letter from the correspondence directorate, does not show off to the high council meeting, the council shall decide in their absence based on provisions of laws and the absents' right to complain is preserved.”

❖ The council considered important discussions and concentrations for under review cases and stated according to article 227 of the criminal procedures code that assessing contents of the prosecutor's suit, defending the accused, discussions of the parties and those who are involved in the case, collected reasons, and other enshrined papers of the investigation are of the vital issues of judicial discussion which should be directly observed by the judge.

❖ The high council discussed some duty offenses of judges of from deeds department of district three and primary court of district two of the Kabul City, primary court of Kofan District of Badakhshan Province, and appellate courts of Jawzjan, Ghor, and Paktia Provinces and issued disciplinary punishments for 16 judges of above mentioned courts considering investigations of general and judicial audit and scrutiny comments based on provisions of regulation on hearing judicial offenses.

❖ Considering request of Kabul Appellate Court and for the purpose of better regulating cases hearing

included in the request, and also to assure single judicial performance, the council canceled some rulings issued by the final court which were in contradiction with approval no. 1074 dated December 12, 2018 of the SC high council and instructed to act in accordance with mentioned approval.

❖ Considering inquiry for instruction by the attorney general's office (AGO) regarding extraditing one of the criminal convicts who had already been sentenced to imprisonment of the Islamic Republic of Iran, but using the opportunity fled to Afghanistan and is now detained by the security forces, bearing in mind that there is no mutual protocol on his extradition, the council instructed AGO to ask Islamic Republic of Iran to add his name convicts' list which they are extradited based on convicts' extradition agreement in order to spend the remaining imprisonment term based the enforced laws of Afghanistan.

❖ In regards an inquiry for instruction by Kabul Appellate regarding justification of the claimant while he/she is overseas whether he/she can oath online or not, the high council stated that according to Civil Procedures Code, presence of the person to oath against judge is obligatory, but in order to facilitate it, the legislative bodies of the country shall resolve the issue by proposing amending the code.

❖ Regarding an inquiry for instruction by deeds department of the first district on how process house deeds which the buyer died and adult heir while there is a young heir among them, intends to process the house deed to the client, the council instructed that the client should deposit share of the young heirs in a bank as per court's prescription or prove buying in the court before processing the deed or should pend processing until the young heirs get adult.

❖ Regarding an inquiry for instruction by Kabul Appellate Court on whether a representative can buy something for himself/herself while is assigned to sell it. Judicial board of the deeds department had their comments based on provisions of the law and the council confirmed the comments.

❖ Regarding an inquiry for instruction by Bamyan Appellate Court on installing decisions' outcome, the council instructed that the decision's installment belongs the court issuing the decision and once the verdict is issued the outcome changes to obligation and failure to pay the installments based on logical justifications shall not stop appeal and final court hearing process and installment paying process by the defendant should be followed up by huquuq bodies randomly in order to avoid waste of government rights.

❖ Regarding an inquiry by Kapisa Appellate Court

stating that reasoning in a decision of legal actors explains confirmation of claim of claimant and requirement of the defendant, but the verdict does not mention the claim, the council instructed to refer the case the court issued the verdict to correct it.

❖ Regarding an inquiry for instruction by Ghor Appellate on jurisdiction of district primary courts in hearing violence against women case, the high council stated, “As there are primary and appellate courts of elimination of violence against women as special courts in the center of the province, so hearing such cases are of the jurisdiction of the mentioned.”

❖ Regarding an inquiry by Ghazni Appellate, the high council instructed that processing and preparing compulsory deed property are the jurisdiction of deeds and documents registration department, but obtaining the debt of the property from the debtor while the property has legal documents, is applicable only from the share of the debtor and shall not affect shares of other heirs.

❖ Regarding an inquiry by Baghlan Appellate Court in relation to ruling procedure on conditional abandonment, the high council stated that the issue is explained in article 335 of CPC and should be acted accordingly.

❖ Regarding an inquiry for instruction by Baghlan

Appellate Court pertaining issues related to possessor's (occupier's) statement, death of testator and argument on inheritance and testimonies of witness, the Research and Scrutiny Directorate was instructed to investigate the issue with presence of *Qazawatpoh* Barat Ali Matin and *Qazawatpoh* Mohammad Zaman Sangari, members of SC High Council, according to provisions of enforced laws and present their comments as well as findings in the next session.

- ❖ Regarding an inquiry for instruction by Baghlan Appellate Court in relation to issues related to

- ❖ Regarding an inquiry for instruction by military personnel of Maidan Wardak Appellate Court on whether to hear cases of duty absence of solders based on military crimes or personal affairs of officers, sergeants and staff sergeants. The high council instructed that as solder is affected by military crimes law and should be acted accordingly.

- ❖ The council handled and decided on 16 criminal and civil revisions based on article 282 of CPC in presence of Dr. Ghulam Haider Alama, deputy director of prosecution of AGO, colleagues, folks, and defendant's attorney of the convicts.

- ❖ The council handled two cases of jurisdiction conflict, change of 15 civil and criminal cases and authorized appellate courts of Ghazni, Herat, Takhar,

Faryab, Kunar ha, Badghis, Balkh, Khost, Smangan, Sar-e-Pul, Baghlan, and Kapisa to handle 51 criminal cases.

❖ Also, eight civil and criminal court change inquiries, and some issues related to raising grades judicial cadres were parts of the agenda which the high council made necessary decisions and also based on a request of AGO, the council authorized appellate courts of Bamyān, Ghazni, and Kandahar to handle 24 criminal cases.

The New Head of Counter Narcotics and Intoxicants Appellate is Introduced

On October 28, 2018, Esteemed *Qazawatwal* Najeebullah Akbary, acting director of judicial system general department with partnership of esteemed Nesar Ahmad Malikzai, general director of scrutiny and studies introduced Mohammad Najim Hamidi, newly appointed director of counter narcotics and intoxicants appellate court in presence of personnel of justice and judicial of counter narcotics and intoxicants center to judges and other employees of the justice and judicial center.



Mr. Akbary said that Mr. Hamidi had been appointed based on decision of the SC high council of Islamic

Republic of Afghanistan and congratulated his appointment and wish him further success to assign duty.

Appreciating performance of Mr. Qauim Halim former director of the appellate, Mrs. Manizha Bahara ki, director of counter narcotics primary court and general director of counter narcotics prosecution office congratulated his appointment and promised to cooperate with him within mutual respect and scope of the legal jurisdiction. At the end Mr. Akbary visited other various judicial and administrative sections of the counter narcotics primary and appellate courts.

Report on Conducting Coordinating Meeting and One- Day Workshop Titled Counter Terrorism Funding and Money Laundry

On September 25, 2018, to fill gaps and deficiencies in detecting crimes, arresting suspects, investigating the accused and fair trial process, a one-workshop titled counter terrorism funding and money laundry with participation of Fayez, director of appellate court, and director of justice and judicial center of Bagram Detention Center, General Shams u Rahman Ahmadzai, general director of counter internal and external security prosecution, general Kabir Ansar, director of justice and judicial center of Bagram Detention Center, judicial attaché and advisors of different fields of the US Embassy in Kabul, many prosecutors and employees of NDS 501 and 241.

Director of the appellate court and justice and judicial center of Bagram Detention Center presented key points in detecting crimes and arresting suspects in

accordance with law for a professional designee and which initiates infrastructure of professional case and that how much facilitates investigations for in-charges. He also pointed out to some deficiencies and gaps in case of unprofessional conduct in detection, arrest process, prosecution, investigation process, outcomes of referring incorrect, and incomplete cases to courts which stops legal process of the case and challenges fair handling of the case and will finally result violating enforced laws.

He then presented some points regarding following cases up in investigation phase in Bagram Detention Prosecution Office considering enforced laws on investigation and prosecution and legally handling cases in court.

The participants specifically detention and investigation officers of justice and judicial center considered professionalism of provincial detention officers as one of factors of the problem and added that they were given access based on laws and observance of detention and arrest norms and also after referring cases to justice and judicial center while having gaps and deficiencies which are sent provinces to fill the gaps and deficiencies or there is no response to dispatching faxes or faxes are not replied in timely manner or due to unprofessional conduct of provincial detection and

investigations officers while detecting and arresting and collecting proving reasons and due to those proving reasons or are lost or confused and can enshrine the accurate and satisfactory data in response to the inquiry and are sent to justice and judicial center and it results cases to be deficiently sent to the center for further proceeding. The officials noted the issues to resolve them act accordingly.

Head of the appellate court and director of Bagram justice and judicial center once again on behalf of the ministry of justice asked the judicial attaché, the Resolute Support and the US Embassy to continue their cooperation with detection and investigation officers in special checkups or providing DNA lab tools, biometric machines, explosive particles checkups tools and other requirements of the detection and investigation through their organizations in order enable Bagram Justice and Judicial Center to deliver it duties in a timely manner, secure social justice, conduct fair trials, secure human rights of prisoners in detection centers.

At the end of the meeting titled coordinating meeting, head of the appellate and director of justice and judicial center answered other questions, suggestions, and critics expressed by the participants in the light of enforced laws and specifically an annex of CPC with its amendments based on decree no. 76 dated December

02, 2015.

In the second part of the meeting, issues related to counter funding terrorism, and money in cooperation with Bureau of International Narcotics and Law Enforcement Affairs (INL) United States Department of Justice, UK Embassy, and Bagram Detention Justice and Judicial Center were evaluated, and necessary decisions were made. The issues were covered based on an arranged agenda and discussed on how to find the facts and arrest crime partners or perpetrator, why partners are used among suspects, and how to further investigate funding terrorism and what strategies to use for preventing money laundry.

Nesar Ahmad Yousufzai, head of Finance Intelligence Unit of Afghanistan discussed collecting data from banks, hawala (order money), currency exchangers, local or foreigners travel inside and abroad and transfer money with themselves or passengers who resided in the country and transfer money and other banks issues which somehow involve in money laundry and are controlled by Finance Intelligence of Afghanistan. Certificates were distributed to the participants at the end of the one-day workshop.

Penal Code Explanation Seminar is Conducted in Kandahar Appellate Court

On September 30, 2018, a Penal Code Explanation Seminar for 25 judges was conducted in south west zone as a result of efforts of Head of Kandahar Appellate Court and IDLO. *Qazawatyar* Noorul Haq Muslih, deputy head of the appellate said that a five-day workshop would be conducted in cooperation of IDLO in which 25 judges from Kandahar, Helmand and Zabul Province would attend the seminar.



He added that the seminar would explain the penal code titled conditions for determining an alternative for

imprisonment. Mr. Muslih considered the seminar efficient and promised further conducting such as seminars to develop capacity.

News and Events

On October 11 and 12, 2018, his excellency *Qanonpoh* Sayed Yousuf Halim, chief justice of the supreme court attended the Fourth International Supreme Courts Forum in Turkey and stated a statement regarding Judicial System of Afghanistan.

➤ *Qazawatpoh* Mohammad Zaman Sangari, acting head of the supreme court was invited in a District Governors' National Conference by Independent Directorate of Local Governance and stated a statement on behalf of the Supreme Court regarding justice and rule of law on the second day.

➤ On October 07, 2018, a five day-training seminar on penal code-Anti-corruption chapter was conducted in coordination with the SC and AGO and cooperation of United Nations Office on Drugs and Crimes (UNODC) to develop capacities of judges, prosecutors and other respective officials of justice and judicial of Panjshir Province with presence of Mohammad Nasir Adel, head of the appellate court, Mohammad Iqbal Bedar, director of appellate prosecution office, UNODC legal advisors, professional members of judicial education, and other judges and prosecutors.

Representative of UNODC briefed on the training seminar. Then, head of the appellate welcomed the participants appreciated cooperation of the funding organizations for conducting the seminar. Judges, prosecutors and other participants of justice field of the province said that comprehensive benefit should be taken from provided opportunity.

➤ Welcoming the participants, Mohammad Iqbal Bedar talked about importance of such programs hoped better usage for the participants. At the end, legal advisor of UNODC appreciated their participation and expressing comprehensive cooperation by heads of the appellate of court prosecution office. The seminar ended with good wishes.

Counter-Corruption

A) Judicial activities report of Kabul Anti-Corruption Primary Court

1. Report

Kabul Anti-Corruption Primary Court addressed (8) criminal cases related to corruption crimes from September 23 to October 22, 2018. As a result, 16 persons were trialed for committing crimes such as duty misuse, forgery, bribery and embezzlement, out of which one person acquitted of the imposed allegations due to lack of sufficient evidences and 15 others were sentenced to different punishments, imprisonment and cash penalties as following:



- One month to one-year imprisonment (one person)
- one to five years imprisonment 11 people
- Total of cash penalties (4,134) USD

Table 1: indicates statistics of convicts of Kabul Anti-Corruption Primary Court in September 2018

No	Type of case	No of cases	Judicial Decision								
			Number of accused	Acquittal	Number of convicts	Number of prisoners for imprisonment					
						1 month to 1 year	1-5 years	5-15 years	15-20 years	Convicts for cash penalty	Cash penalty
1	Duty misuse	4	4	1	3	1	1			1	570
2	Forgery	2	10		10	1	9				2866
3	Embezzlement	2	16		2	1	1				698
Total		8	16	1	15	3	11				4,134 \$

The Court issued rulings for 5 cases for filling the investigative gaps and flaws sent them back to the related references.

Table 2: indicates rulings of Kabul Anti-Corruption Primary Court in September 2,018

No	Type of case	No. of cases	No. of accused	Reason for ruling	Related references
				Gaps and flaws	
1	Duty misuse	2	4	2	Prosecution office
2	Treachery	1	2	1	Prosecution office
3	Embezzlement	1	2	1	Prosecution office
4	Forgery	1	7	1	Prosecution office
Total		5	15	5	

1. Summary of Verdicts Issued by Kabul Anti-Corruption Primary Court

Verdict dated October 15, 2018

Conviction of three employees of the Directorate of Kindergarten of the Ministry of Labor and Social Affairs, Martyrs and Disabled for the charge of illegal possession of 168,955 AFN

Based on a letter to General Directorate of Treasury of the Ministry of Finance, guidance of the Minister of Labor and Social Affairs, Martyrs and Disabled that the delegation compared the m40 form with the September 2015 timesheet and bank statement of Kindergarten Directorate personnel. The September 2015 statement showed 295 people have taken salaries, the report shows that 128,516 Afn have withdrawn from the bank. November 2015 report showed that 37 teachers have taken 17,135 Afn. The investigation showed that employees of payment sub-directorate of Kindergarten Directorate has taken amount of 200-7500 AFNs and deposited to their personal accounts. General Manager of Salaries and two other employees were arrested in relation to the case and introduced to justice and judicial Institutions. The case was then referred to Kabul Anti-Corruption Primary Court after completion of primary investigations. The court handled the case in a judicial session held on October 15, 2018 and sentenced each of the accused to one-year imprisonment for the charge of illegal possession of 168,955 AFNs according to article 396 of the penal code.

C: Report on Judicial Activities of Herat Anti-Corruption Primary Court

Herat Anti-Corruption Appellate Court addressed (22) criminal cases related to corruption crimes from July 23 to August 22, 2018. As a result, 41 people were trialed for committing crimes such as: duty misuse and bribery, embezzlement, and forgery out of which five people were acquitted of the imposed allegations due lack of sufficient evidences and 36 others were sentenced to different punishments, imprisonment and cash penalties as following:

- One month to one-year imprisonment (5 people)
- One to five years imprisonment (31 people)
- Total of cash penalty (7,066) USD

Table 1: Indicates figures of Verdicts by Herat Anti-Corruption Primary Court in April-Aug 2018

No	Type of case	No of cases	Judicial decision							
			Number of accused	Acquittal	Number of convicts	Number of prisoners for imprisonment				
						1 month to 1 year	1-5 years	5-15 years	15-20 years	Convicts for cash penalty
1	Duty misuse	5	11		11	2	9			100
2	Bribery	10	17	1	16		16			6944
3	Embezzlement	3	8	3	5	1	4			
4	Forgery	4	5	1	4	2	2			
Total		22	41	5	36	5	31			7,066

1. Summary of Verdicts Issued by Herat Anti-Corruption Primary Court

Verdict dated September 2, 2018

Conviction of two Employees of Population Registration Department of Adraskan District of Herat Province for the Charges of Forgery

Based on an information and instruction stating that one employee of the department of Herat NDS distributed identity card for two Iranian residents. The Iranian guys sent their photos to head of a village in Adraskan district, he processed it as for his brothers through Population Registration Department and one of the employees found out the Iranian citizenship of the two guys and that the head of village does not have any brother. The employee rejected to issue the Identity card, but another employee of Population Registration Department insisted, that as a result, three persons were introduced to Justice and Judicial Organizations.

The case was then referred to Herat Anti-Corruption Primary Court after completion of primary investigations. The court handled the case in a judicial meeting held on September 2, 2018. As a result, the court sentenced one of them to one year and six months imprisonment for the charge of forgery according to article 438 (1) of the Penal Code and the other employee to one year and three months imprisonment for the charge of forgery according to article 438 (1) and article 214 (4) of the mentioned code. The court acquitted the last suspect due to insufficient reasons according to article 5 of the Penal Code.

2. Report on Judicial Activities of Balkh Anti-Corruption Primary Court

1) Report

Balkh Anti-Corruption Appellate Court handled (4) criminal cases from March 21 to October 22, 2018. As a result, five people were trialed for committing crimes such as: duty misuse, embezzlement and bribery. One of them got acquittal due to lack of sufficient evidences while 4 others were convicted to imprisonment as followings:

- one month to one-year imprisonment 1 person
- one to 5 years imprisonment 2 people
- 5 to 15 years imprisonment one people
- Cash punishment 2 people

Total cash penalties equal USD 13157.

Table 1: Indicates figures of Verdicts Issued by Balkh Anti-Corruption Primary Court in 2018

No	Type of case	Number of cases	Judicial Decision							
			Number of accused	Acquittal	Number of convicts	Number of prisoners to imprisonment				
						1 month to one year	1-5 years	5-15 years	15-20 years	Cash Penalties
1	Duty misuse	1	2		2		2			
2	Bribery	1	1		1	1			1	131\$
3	Embezzlement	1	1		1			1	1	\$13,026
4	Forgery	1	1	1						
Total		4	5	1	4	1	2	1	2	13,157\$

Table 2: Indicates rulings by Balkh Anti-Corruption Primary Court in 2018

No	Type of case	Number of cases	Number of accused	Reason for ruling	Related references
				Gaps and flaws	
1	Duty misuse	2	10	2	Prosecution Office
2	Forgery	2	2	2	Prosecution Office
3	Bribery	1	1	1	Prosecution Office
4	Embezzlement and Forgery	1	1	1	Prosecution Office
5	Duty negligence	1	9	1	Prosecution Office
	Total	7	23	7	

The Court issued rulings for 7 cases and sent them back to related references for filling the investigative gaps and flaws.

Verdict dated August 13, 2018

Conviction of Manager of Agricultural Service of Balkh District for the Charge of Embezzlement

Based on several letters from the Balkh Department of Agriculture, Irrigation and Livestock to the Department of Agriculture and Irrigation in Balkh district, the wheat and chemical fertilizer have been distributed, but the money has not been deposited to bank.

The agricultural service of Balkh let the National Security Directorate know about the delay of depositing the money. After receiving the documents, the NDS arrested him and during the investigation he said to help farmers, Ministry of Agriculture, Irrigation and Livestock distributed 50 tons of wheat seed and corrected wheat and 186 tons of chemical fertilizers as subsidies that cost 3,261,240 Afn and out of which 2 million AFNs is deposited and its receipt is available in the office. Amount of 800,000 AFN has been embezzled and some amount is spent on treatment of his son. During the investigation, remaining amount of 61,200 with farmers is deposited to bank through a receipt and

1,051,240 AFN was embezzled.

He has not provided documents to prove that money is embezzled. The case was referred to Balkh Anti-Corruption Primary Court. The court handled the case in a judicial meeting held on August 13, 2018 with real parties. As a result, the court sentenced the accused to seven years imprisonment for the charge of embezzlement of amount 1,051,240 AFNs according to article 391 (4) in line with article 213 and 214 of the Penal Code and according to article 398 (1)(2) of the mentioned code, amount of 990,040 AFN should be reimbursed effective as of detention date and he was fired from the position.

3. Report on Judicial Activities of Kabul Anti-Corruption Appellate Court

Report

Kabul Anti-Corruption Appellate Court addressed (2) criminal cases from 23 September -22 October 2018. As a result, 3 people were trialed for committing crimes such as: bribery and illegal weapons procession and were sentenced to imprisonment from one year to five years.

- Total cash penalties make a sum of USD 613.

Table 1: Indicates Figures of Verdicts Issued by Kabul Anti-Corruption Appellate Court in Sept and Oct 2018

No	Type of case	Number of cases	Judicial decision							
			Number of accused	Acquittal	Number of convicts	Number of prisoners to imprisonment				
						1 month to 1 year	1-5 years	5-15 years	Convicts of cash penalty	Cash penalty
1	Bribery and Illegal Possession	1	2		2		2			413\$
2	Deception	1	1		1					\$ 200
Total		2	3		3		2			613\$

The Court issued rulings for 2 cases and sent them back to related references for filling the investigative gaps and flaws.

Table 2: Indicates rulings by Kabul Anti-Corruption Appellate Court in Sept 2018

No	Type of case	Number of cases	Number of accused	Reason for ruling	Related references
				Gaps and flaws	
1	Duty misuse	1	4	1	Prosecution Office
2	Violating duty authorities	1	3	1	Prosecution Office
Total		2	7	2	

1. Summary of Verdicts Issued by Kabul Anti-Corruption Appellate Court

Verdict dated October 9, 2018

Conviction of one employee of da Afghanistan Breshna Sherkat for the charge of bribing 15,000 AFN

Based on an information and instruction, one of Breshna team leader is assigned to Qalacha Bini Hesar of PD 8 of Kabul and attempted to take money from customers on June 23, 2018 and the money was marked and he was arrested red handed by employees of Urban Security Section while receiving the money in Mirgol Plaza located in Qalacha Bini Hesar with presence of prosecutor of Kabul Appellate Court and was introduced to justice and judicial organizations.

The case was then referred to Kabul Anti-Corruption Primary Court after completion of primary investigations. The court handled the case in a judicial meeting held on September 12, 2018. As a result, the court sentenced the employee to six months imprisonment for the charge of receiving 15,000 AFN according to article 371 (2) and article 385 (1) of the Penal Code in line with article 375 (3) and article 213 and 215 of the mentioned code and to reimburse the bribed amount of money and to be fired from his position.

But the case was referred to Kabul Anti-Corruption Appellate Court due to dissatisfaction of the accused. The appellate court heard the case in a judicial session held on October 9, 2018 and sentenced the employee to one year and six months imprisonment according to article 54 of the Law on Organization and Jurisdiction of Course of Judiciary for the charge of receiving 15000 AFN in line with article 371 (2) and article 385

(1) and article 375 (2) of the mentioned code effective as of detention date.

Counter Narcotics

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

1. Report

Kabul Counter Narcotics and Intoxicants Primary Court heard (48) cases of narcotics crimes from September 23- October 22, 2018 and issued decisions accordingly. In relation to these cases (73) people were trialed for the charges of smuggling and transporting drugs and were sentenced to different punishments as following:



- One to 5 years imprisonment (19 people)

- 5 to 15 years imprisonment (46 people)
- 15 to 20 years imprisonment (6 people)

Also, in relation to the above cases, an amount of 124,10583 KGs of drugs were eliminated.

**Table (1): Figures of Judicial Activities by Kabul Counter
Narcotics Primary Court in Sept-Oct 2018**

No	Type of Cases	No. of Cases	Quantity of Supplies	Judicial Decision					
				No. of Accused	No. of Convicts	No. of Prisoners			
						1 Month to 1 year	1-5 Years	5-15 Years	15-20 Years
1	Methamphetamine	7	140,399	9	9		8		
2	Opium	12	91,958	22	22		18	4	
3	Heroin	16	4,832,594	23	23	11	8	2	2
4	Hashish	9	268682	11	11	4	7		
5	Alcoholic beverages	4	740,14 liters	8	8	3	5		
Total		48	10,583,124	73	73	19	46	6	2

2. Summary of Verdicts Issued by Kabul Counter Narcotics and Intoxicants Primary Court
Verdict dated October 22, 2018

Ten Years Imprisonment for the Charge of Smuggling 1,900 KGs of Hashish

Based on an information and instruction from Information and sub-directorate of Counter Narcotics and Intoxicants of Balkh Province stated that: “One of shopkeepers in Marmol Street in Mazar-e-Sharif sells hashish and tablet-k. Using his employees, he distributed tablet-K and hashish.” On August 4, 2018, Counter-narcotics personnel acted and searched his shop, as a result some amount of hashish and tablet-k was found in the refrigerator along with 6,000 AFN cash that was earned from selling tablet-k and were confiscated. Three people were arrested

in relation to the case and were introduced to justice and Judicial Institutions. 1,900 kg hashish and 116 tablet-k were detected.

The case was then referred to Kabul Counter-Narcotics and Intoxicants Primary Court after completion of primary investigations. The court handled the case in a judicial session held on October 2, 2018 and sentenced each of the accused to 3 years imprisonment for the charge of selling 1900 KGs of hashish according to article 305 (1,5) of the Penal Code and regarding selling 116 gram Methamphetamine each of the accused were 10 years and 10 days imprisonment according to article (2,5) in line with article 58 and article 73 of the mentioned code. Therefore, the accused were sentenced to two years imprisonment for the charge of selling and providing drugs to addicts according to article 311 (1) of the Penal Code that observing article 75 of the Penal code, two years and 16 days plus two years imprisonment are applicable on him.

Three Mobile Phone sets along with SIM cards, an amount of 10,000 AFN were confiscated based on articles 32 of the Counter-Narcotics and Intoxicants Law and the 1,900 KGs of obtained hashish and 116 grams of Methamphetamine were ordered to be eliminated according to article 16 of the Counter-Narcotics Law.

Verdict dated October 16, 2018

Five years Imprisonment for the Charge of Smuggling 69 KGs of Heroin

Based on an information of a trusted partner, sub-directorate of counter-corruption of Badakhshan officials established a checkpoint. Around 9:00 am, they searched a Corolla car without plate. As a result, they discovered and confiscated 69 kg of opium in toolbox and two people were arrested regarding the case. One corolla vehicle escaped, and they arrest the vehicle

without the passengers and transferred it to sub-directorate of counter-corruption. The case was then referred to Kabul Counter-Narcotics and Intoxicants Primary Court. On October 16, 2018, the court sentenced each of the accused for five years imprisonment for the charge of 69 kg opium according to article 304 (1) of the Penal Code in line with article 213/214 of the mentioned code effective as of detention date. Due to lack of vehicle license and plate, one of the accused was sentenced to 200,000 AFN cash penalty according to article 560 (1) of the Penal Code in line with article 75 of the mentioned code. Therefore, two mobile sets along with SIM cards and corolla vehicle were confiscated according to article 32 of the Counter-Narcotics and Intoxicants Law in line with article 308 of the Penal Code. According to approval no. 1,001 dated October 2, 2010 of the Supreme Court decided to confiscate the vehicle and eliminate the 69 kg opium according to article 19 of the Counter-Narcotics and Intoxicants Law.

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

1. Report

Kabul Counter Narcotics Appellate Court heard (45) cases of narcotics crimes from September 23 to October 22, 2018 and issued necessary decisions accordingly. The court trialed 45 people in relation to these cases out of which five people were acquitted of the imposed allegations due lack of sufficient evidences and 40 others were sentenced to different punishments, imprisonment and cash penalties as following:

- 1-15 years imprisonment (23 people)
 - 5-15 years imprisonment (10 people)
 - 15-20 years imprisonment (7 people)
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Also, in relation to the above cases an amount of (20,436,438) KGs of narcotics were obtained and confiscated.

Table (1) States the Judicial Activities of Kabul Counter Narcotics Appellate Court in Sept-Oct 2018

No	Type of Cases	No. of Cases	Quantity of Supplies	Judicial Decision					
				No. of Accused	Acquittal	No. of Convicts	Number of Enforced Prisoners		
							1-5 Years	5-15 Years	15-20 Years
1	Heroin	14	88,118	14		14	7	4	3
2	Opium	3	1,046	3		3	1		2
3	Hashish	9	159,568	9	3	6	5	1	
4	Morphine	2	8	2		2	1	1	
5	Chemicals	15	1,538,064	15	2	13	7	4	2
6	Intoxicants	2	2300	2		2	2		
Total		45	20,436,438	45	5	40	23	10	7

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

Verdict dated October 9, 2018

Twelve Years and Four Months Imprisonment for the Charge of transporting 950 kg Methamphetamine

While searching, Security forces of PD2 of Baghlan headquarter found a corolla vehicle in Zamankhail checkpoint of Pole Khumri city while it was on the way from Kunduz to Mazar-e-Sharif. One of the passengers' bag had 950 kg Methamphetamine and two people were arrested related to the case.

The case was then referred to Kabul Counter-Narcotics and Intoxicant Primary Court after completion of the primary investigations. The court handled the case in a judicial session held on August 8, 2018 and sentenced each of the accused to five years imprisonment effective as of detention date according to

article 303 (4, 2) of the Penal code considering articles 58, 213 and 214 of the mentioned law for the charge transferring 950 KGs of Methamphetamine.

Two mobile sets along with SIM cards were confiscated according to article 32 of the Counter-Narcotics and Intoxicant Law and likewise obtained 950 kg Methamphetamine were ordered to be eliminated according to article 19 of new Counter-Narcotics and Intoxicant Law.

The case referred to Kabul Counter-Narcotics and Intoxicant Appellate Court due to dissatisfaction of the accused and the Appellate Court considering article 54 of the Law on Organization and Jurisdiction of Courts in its October 9, 2018 judicial session confirmed the decision of Kabul Anti-Corruption Primary Court.