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Meetings and Events

Chief Justice Meets Great Ambassador of Tajikistan

Qanoonpoh Sayed Yousef Halim met great ambassador of Republic of Tajikistan in his office on January 30, 2019.



First, the ambassador of Republic of Tajikistan talked about friendly and brotherly relations among Afghanistan and Tajikistan and mentioned from one hundred memorandums of understanding in the fields of economy, culture, and justice and judicial between the two countries and asked for further improvement in relations specifically in judicial cooperation among both countries.

He also asked to expedite signed MoU among the two

counties to handle cases related to citizens of that country in legal and criminal references and demanded fair trials within provisions of laws.

Afterward, the chief justice said, “The existing good ties among the both countries are tangible. While we assure observing enforced laws in handling any cases in Afghan Courts. Understanding the deference in judicial systems of the two countries, we are interested of mutual cooperation in exchange of judicial experiences and awareness on issues related to judicial conduct and without doubt the relations will be effective and efficient to further strengthen judicial relations between the two countries.

The parties also discussed other subjected issues in this meeting.

Chief Justice Meets U.S Deputy Ambassador in Kabul

Qanoonpoh Sayed Yousef Halim, head of the supreme court met James Dehart U.S Deputy Ambassador and rule of law and INL Advisor on February 11, 2019.



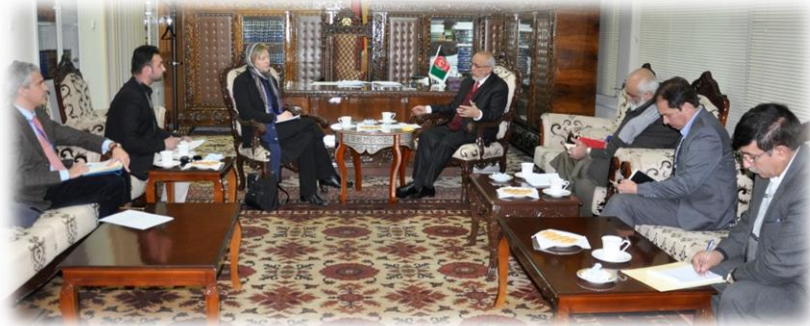
Thanking the assistance of that country with Afghanistan Government specifically with justice and judicial organs, the head of the supreme court talked about reform programs of judiciary system adheres to action plan and anti-corruption strategy and expressed readiness to publish optional decisions for public awareness, support registration process and disseminate assets to judicial staff in accordance with the law, ensure transparency in the coming judicial test and consider CMS as a civil and criminal database. He added that all measures had been taken to ensure work transparency and seriously fight against corruption and the SCt tries to realize indicators of implementation plan of action plan specifically in infrastructures that financial and technical assistances of international

community and the united states will be efficient and effective accordingly. The parties discussed other subjected issues.

Head of the Supreme Court Meets Advisor of United Nations

On February 24, 2019, Qanoonpoh Sayed Yousef Halim met Miss. Priscilla Henry, a UN advisor and her colleagues who has officially come to Afghanistan.

Mis. Henry stated her objectives to Afghanistan as studying women's human rights in Afghanistan and added, "I want to know public specially women and children's access to justice and the supreme court utilizes which mechanisms to handle cases specifically victims' rights. She also asked instructions on Afghan legislation system and the interpretation and justification reference for Afghan Laws.



Afterwards, describing the Afghan Judicial System, the head of the supreme court stated that Afghan Constitution and the Law on Organization and Jurisdiction of Courts of Judiciary have regulated the jurisdiction of the courts and Afghan Courts deliver their judicial performance accordingly to hear cases. Head of the supreme court added Afghanistan procedural laws have regulated cases hearing procedures and addressing victims' rights is not only

secured in Afghan laws while considering importance of ensuring individuals' rights, is protected in pardon and commutation decrees of the president and are addressed in accordance with legal procedures.

Head of the supreme court as well talked about independency of the judicial system and legal authorities of as well as relations and coordination of courts with detection and investigation organs and added that courts are justice and rule of law assurance reference and cases are addressed independently and neutrally.

Head of the Supreme Court Meets Chief of Team of Afghanistan Justice Sector Support Program

Qanoonpoh Sayed Yousef Halim, head of the supreme court met Mr. Emery Adoradio JSSP-Chief Team on February 20, 2019.

Mr. Emery highlighted JSSP training programs in justice and judicial organs specifically case management system (CMS) and considered following opinions and remarks of Afghan Justice and Judicial Administrations including the judicial system of the county of the JSSP duties and added, “Considering importance of CMS and facilitating its usage, JSSP is ready to hear recommendation of experts in justice and judicial offices and bring required changes and to improve their efficiency.



In addition to discussion on importance of the CMS as criminal and civil database, the head of the supreme court said, “This system is focused by justice and judicial organs now and there is a optimism in government level regarding its activities, is efficient

and accountability are necessary that JSSP should consider remarks of recommendations of the judicial delegation in Indonesia Conference and take measures to meet equipment requirements, maintenance as well as technology needs of the system.

The parties agreed to conduct a joint meeting to deliver presentations as well as discuss on technical issues of the system, evaluate problems and identify appropriate solutions.

Report on Meetings of the Supreme Court High Council

SC high council conducted periodic meetings under chairmanship of the Sayed Yousef Halim, head of the supreme court on January 01 and February 22, 2018 and discussed the issued in the agenda. The decisions and approvals of the meeting are as follow:



- ❖ The council delivered condolence and deep sympathies due death of *Qazawatpoh* Bay Mohammad Deldar, one of the experienced judge and martyrdom of judge Mirwais Azizi, judge of Parwan Appellate Court who was martyred last week in a terrorist attack and both were good judges of the country and asked from Allah paradise for the late and great patience to their families.

Report on performance of Kunduz Appellate Court was heard through video conference.

- ❖ Head of Kunduz Appellate Court reported that the curt has heard 23-5 criminal and legal cases and

made decisions based on the provisions of the law following fair trials principles this year. The court has also processed 4373 various collateral deeds and total of incomes from cash fines received from convicts, compensations, price and incomes of deeds make a sum of over 33.000.000 Afn. Head of the appellate also added that the court had spent the allocates based on the law and had taken measures to reconstruct courts in accordance the available budget. In addition, timesheets of the staff specially, the judicial staff's attendance in primary and district courts, judicial uniform observance, fair conduct with visitors and greenery of the courts have been monitored. Required measures has been taken to procure required lands for urban and district courts in that province. He also had some recommendations to improve administrative and judicial affairs of the courts

- ❖ Thanking activities and performance of the appellate which were reflected in the inspecting reports too, the head of the supreme court added that the supreme court would necessarily take measures regarding the recommendations considering availability of facilities. He also added that Kunduz Appellate Court and other courts of the country are obliged to follow instructions of the inspection in their performances to correct judicial performance and should be even strict in fighting corruption and considering this point that judges are people's servant they should hear problems and legal requests

of people with well conduct as judges conduct has a vital stimulus in elimination of the distance between people courts.

- ❖ In response to an inquiry for instruction by the Government Cases Directorate on how to evacuate some governmental properties which are leased to people and individuals and the government demands the properties to be evacuated due negligence of advisors from benefits enshrined in the contract, it was instructed that in such conditions while issues are not based on the nature and requires evidence or lack evidence, courts shall issue ruling in accordance with the anticipated conditions of the contract and requirements of the parties.
- ❖ In response to an inquiry for instruction by the collateral deeds department of PD three of Kabul City on processing or not processing property deeds of the properties which have been or are being constructed in agricultural and garden lands and the mentioned lands are being changed to commercial and residential areas, it was instructed that agricultural lands are transferable in the type which is registered and in case that its type changes, based on the provision of article 108 of Law on Land Management, requires agreement of Ministry of Housing and Arazi and approval of the president.
- ❖ In response to an inquiry for instructions by Jawzjan Appellate regarding a criminal case and how the evidences of courts on issued rulings of higher courts and approval of the SCt high council, it was

instructed that approval of the SCt high council is on delegation of jurisdiction is preferred and the case should be referred to appellate division.

- ❖ Considering a recommendation by the SCt correspondence directorate regarding reviewing demands of a number of petitioners to cancel final verdicts based on the conditions enshrined in article 34 of the Law on organization and jurisdiction of courts, articles 282 and 482 of Civil procedures code and criminal procedures code, it was stated that claim shall not perceive any effective and shall be a reason for confirming revision and the verdicts of competent courts shall proceed its legal steps in accordance with the mentioned provisions of the competent court issued the provision regarding proving stated claims.
- ❖ In response to an inquiry by Kabul Appellate Court on how to apply result of a civil decision that the case has been switched to commercial in terms of issue while proceeding in the appellate court, it was instructed to act based on article 2 (9) of Governmental Tariff Revenue Law, the amount of money which has been applied to the defendant by the primary court as tax shall be applicable and its modification shall be enforceable in the coming decision in proceedings of courts
- ❖ While *Saranpoh* Dr. Ghulam Haider Alama, deputy attorney general for judicial prosecution and his colleagues were present, the council heard 8 criminal and civils appeals with presence of folks

and defense attorneys of the defendants and made necessary decision for each case in the light of article 282 of CPC accordingly.

- ❖ In addition, the council handled one conflict of jurisdiction and 16 court change requests in criminal cases and based on the request of AGO, Faryab, Sar-e-Pul, Paktika, Paktia, Khost, Jawzjan, Nooristan, Kunar ha, Takhar, Ghor, Herat, Helmand, Badakhshan, Nimroz, Balkh, Badghis, Kandahar, Nangarhar, Samangan, Kunduz, Daikundi, Baghlan, and Farah Appellate Courts were authorized to handle 169 cases.

Head of Supreme Court Visits Archive and Division of Kabul Appellate Court

Qanoonpoh Sayed Yousef Halim, head of the supreme court along with *Qazawatpoh* Barat Ali Mateen, member of the high council and *Qazawatwal* Najeebullah Akbary, acting general director of administrative affairs of judiciary visited legal documents and deeds archive of Kabul Appellate Court on January 29, 2019. Head of the Supreme Court monitored and evaluated the condition of archive, status of placing documents, safety and preventive precautions, computerization process of deeds and other



archive related measures.

Archive in-charge described, “The required measures that have been taken to safely protect documents have lacked access of opportunists and fraudsters to documents and response is provided to judicial and non-judicial organs regarding safe registration of legal documents once documents and fundamental records

are evaluated and suspicious and forgery case shall be investigated the judicial audit directorate upon detection.”

Upon visiting and monitoring condition of the archive, head of the supreme court instructed director of Kabul Appellate Court to refer comprehensive proposals to the supreme court in order to better manage the archive and for removed and worn out pages of deeds using quality materials to print new deeds on quality papers and other requirements which will be efficient and effective for the archive and to bring required and positive changes in the condition of the archive as valuable asset and property of people in terms of quality and quantity in order for usage for future generations too.

It is worth mentioning that there are more than 100,000 safe registration of various types of deeds and legal decision of the central and provincial courts since 1298 in the storage of Kabul legal documents archive. More than 1,000,000 legal deeds have been entered the database and application of clients are handle electronically.

After visiting the archive, head of the supreme court visited division of Kabul Appellate Court and issued necessary instructions on better judicial service delivery to people, hearing cases in on timely fashion and address legal requests and demands of visitor and litigants.

Academic-Investigative Seminar of Judges and Prosecutors on Identifying Challenges and Solutions of Annex No. One of the Penal Code on Military Crimes is conducted

Academic and investigative seminar of military judges and prosecutors tilted identifying challenges and solutions of annex no. one of the penal code on military crimes was conducted on February 10, 2019. *Pohanwal* Ab. Qadir Adalat Khwah, member of the high council and head of military officers' criminal division of the supreme court.



Mr. Adalat khwah highlighted a number of military crimes which have not been enshrined in the annex and requested comprehensive debate and proposing recommendations of the participants accordingly. Then, Lt General Ab. Fatah Azizi, deputy attorney general for military affairs and Lt general Iqbal Ali Naderi, deputy minister of national defense for education and

personnel affairs talked about various dimensions of annex no. one of the penal code, shortages of criminalization of some factors violating military order which result some problems during detection, investigation and trial process. They asked to establish a legal committee to review and prepare required amendment recommendations in the annex accordingly. Then, the assessment of military officers' criminal division on problems of detective and investigative references and courts which raise while proceeding shared in a report with the participants of seminar.

Based on this assessment, problems related to regional and thematic, extend of detention, lack attorney's presence in the investigation process, description of crime, lack of presenting reason in selecting articles of legal documents, lack of comprehensive investigation, non-sense refer and withdraw of cases, issues related to compensation of damage, usage of acronyms, and lack of its justification, delay and rotation in investigation and addressing cases, repeat participation of judges in addressing violated cases, lack of following up of instruction of SCt divisions, lack professional of conduct of some detective reference while presenting required information and totally implementation issues of provisions of annex no. one of the penal code about the military crimes were of the challenges which were discussed in this academic and investigative conference. Once provisions of annex no. one of the penal code regarding military crimes were accurately described, judges and prosecutors comprehensively

discussed accordingly and committed to perform their duties even more powerfully and develop cases out of any deficiency and investigative gaps in order to make fair and legal decision and apply trial circulation.

Qazawatwal Najeebullah Akbary, acting general director of administrative affairs of judiciary concluded the seminar and stated, “The seminar was agreed based on the light of current challenges in the annex no. one of the penal code through establishing a specialized committee and it was committed to solve and fill gaps in the investigative and addressing process of military cases. Totally, this seminar was a good opportunity to exchange”

The seminar ended with distribution of certificates to the participants.

Evaluation Meeting on Judicial, Administrative and Operative Affairs of Judicial Care Office Was Conducted

On February 19, 2019, Judicial care office conducted evaluation on judicial, administrative and operative affairs meeting to apply action plan of the supreme court in order to expedite fight against corruption in courts level of the judiciary in the third quarter of 1397 in the judicial care office.

At the beginning, Qari Abdul Raziq recited some verses of the Holy Quran. A comprehensive discussion according to the agenda was delivered and it was recalled that the 24 individuals, officials of courts and other people who have received money from courts' visitors for various purposes to carry out their works and were arrested red handed, their cases should be referred to prosecution offices.

Also, officials who untiredly deliver their designated duties were appreciated. Then, performance report of officials in various fields were heard and necessary decisions were made fill gaps and shortages accordingly. The officials were given further heavy responsibilities and the meeting ended with well wishes.

Training Program on Concepts of Gender Fundamentals Was Conducted for Central Employees of the Supreme Court

On February 3 and 4, 2019, training and capacity building directorate conducted a training program on concepts of gender fundamental in series of its period training programs in cooperation of Afghanistan Justice Sector Program for 20 employees both men and women in the Golden Star Hotel in Kabul City. Training objectives included concepts of gender fundamentals, gender from Islamic Prospective, gender term in Dari Language, difference between sex and gender, difference between gender equity and equality, effective factors to empower women, national and international documents which Afghanistan Government is committed to, international human rights declaration (1948) and policy on gender equity framework of Afghanistan Government.

The program was started with recitation of some verses of the Holy Quran. Then, a trainer of the Performance and appraisal and capacity building directorate evaluated the training program. The training was conducted based on the agenda and the lesson plan and it was emphasized that supervisors and managers should apply the lessons which they learned in this training program. The training was ended with distribution of certificates to the participants.

Training Program on Case Management System in Justice and Judicial Center of Bagram Detention Center Was Ended

Afghanistan Justice Sector Support Program conducted a three-day training program on case management system (CMS) from February 9 to 11, 2019 from judicial and administrative employees of justice and judicial center of Bagram Detention Center. It was said that CMS is an Afghan system and belongs to Afghan Government. It has been established to safely maintain and record cases criminal cases from detection to the end of the justice and judicial processes in order to secure facility, transparency, and coordination between justice and judicial organs. The lesson included five learning objectives.

- 1- Description of case management system
- 2- Procedures of case management system process
- 3- Types of case management system forms
- 4- How to use database of case management system, maintain and privacy of the case management system

Total objectives of the case management system were trained to the participants in three days from 8:30 a.m. to 3:10 p.m. and was ended after the conclusion and covering all the topics in the agenda.

Report on basic skills of courts' administrative system and performance appraisal training program for Primary and Appellate Courts' staff of Nangarhar, Laghman, Kunar and Nooristan

In the series of training programs of Directorate of

Capacity Building and Performance Appraisal, basic skills training program for administrative system of the courts launched from January 27 to 30, 2019 with financial cooperation of ADALAT (Checchi) in Nangarhar zone with participation of staff from primary and appellate courts from Nangarhar, Laghman, Kunar and Nooristan.

The program was focused on administration's basic principles for usage of courts' manuals (planning, performance monitoring and evaluation), courts' administrative system's procedure, proceedings and its types and components. At the end of program, Correspondence Director of Appellate Court, Abdul Rahman Malikzai, while mentioning worthy and on time efforts of Directorate of Capacity Building and Performance Appraisal, sated that correspondents and staff shall be virtuous and with best professional knowledge and must apply their knowledge. The program concluded with distribution of certificates to participants.

News and incidents

- On February 3, 2019, Chief Justice, *Qanoonpoh* Sayed Yousuf Halim received Director of Rule of Law Ms. Romana Schwinger in his office and discussed topics of interest, while Attorney General and Ministry of Justice were present in their meeting.
- On February 3, 2019, Acting Administrative Director of Judiciary, Qazawatwal Najeebullah Akbari met with two Audit Officers of SIGAR and discussed on benchmarks related to counter-corruption, government's strategy and judiciary's strategy and commitments on counter-corruption, developments in these areas as well as reform programs of judiciary. Mr. Qazawatwal met one of JSSP-CMS officers on February 6, 2019 and discussed responsiveness and performance of the available system. In the meeting, CMS officer talked about second version of the system which will be started soon. They agreed on system's requirements and improvements and establishment of a working group in Directorate of Plan and Policy framework.
- On December 31, 2018, Director of Kabul Appellate Court, Qazawatwal Mirajudding Hamedi received Director of Terrorist Crimes Section of British Embassy in Kabul, Ms. Pilcheri in Directorate of Appellate Court and welcomed her as newly appointed officer of that section and exchanged views on different subjects.
- Due to efforts of Director of Kandahar Appellate Court, Qazawatyar Zabihullah Ibrahim and SCs

Judicial Education Directorate and cooperation of IDLO, a Five-day seminar was held on January 6, 2019 for 25 Judges of South-West zone for the purpose of explanation of penal code. In the program, Director of Kandahar Appellate Court, members of IDLO and Judges from Helmand and Uruzgan provinces were participated. At the end of program, member of IDLO, Doctor Shah Faisal Sadat said that the seminar was help with cooperation of IDLO to explain penal code to Judges so that they could apply their verdicts based on the provisions of the law.

COUNTER-CORRUPTION

A. Report of judicial activities of Kabul counter-corruption primary court

1. Report

From January 21 to February 19, 2019, Kabul counter-corruption primary court addressed (2) criminal cases related to corruption where 29 persons relevant to this case were arrested on charges of misuse, duty negligence, bribery, forgery, embezzlement, illegal extortion and illegal possession of arms from which 5 of them were acquitted due to insufficient evidence and the rest 24 were trailed and sentenced as the following:



- From one month to one-year imprisonment for 3 persons
- From one to five years of imprisonment for 13

persons

- Cash penalty convicts, 8 persons.
- Total of cash penalties reach (5133) USD.

Table 1: Indicates number of convicts in Kabul counter-corruption primary court in February 2019.

No	Type of case	Number of case	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	2	3		3		1		2	1600
2	Illegal weapons acquisition	2	2	1	1	1				
3	Bribery	4	5	1	4		3		1	3160
4	Forgery	1	4	4						
5	Misuse and treachery	2	15	3	12		9		3	160
6	Illegal Extortion	2	4		4	2			2	213
Total		12	29	5	24	3	13		8	5133

In addition, the abovementioned court issued 10 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 February 2019.

No	Type of Cases	No. of Cases	No. of Accused	Ruling Cause	Respective Office
				Investigative Gap	
1	Misuse of official authority	4	10	4	Prosecution Office
2	Forgery	3	9	3	Prosecution Office
3	Bribery	1	1	1	Prosecution Office
4	Treachery	1	1	1	Prosecution Office
5	Acquisition of military weapons and equipment	1	1	1	Prosecution Office
Total		10	22	10	

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

Verdict dated February 2, 2019

Conviction of one of Jamhuriat hospital's doctors on charge of forgery

One of Arya city residents filed a complaint against her husband to Prosecution office on elimination of violence against women, claiming that during the two years of their marriage and having a daughter, her husband beats her many times while she also complained many times. Once on May 12, 2018 she was beaten by her husband that as a result she went to her father's house and on the meantime filed a complaint against him in 10th PD, at 12:30 AM her brother took her to Doctor and the Doctor replied to inquiry dated June 7, 2016 of Counter-violence against

women designated committee that on May 12, 2018 one of Arya city residents was brought to Jamhuriat hospital at 12:30 AM due to beating incident by her husband and was under treatment for injuries in parts of her nose, third rate comasion and swelling nose while the patient has reportedly been unconscious for 20 minutes at the time of beating, according to general checkup, the patient's situation was in somnolent state and could barely respond to questions and discharged after three weeks, the case was referred to court following the investigations. The Jamhuriat hospital Doctor stated that "I knew the parties before and based on that I hid the truth regarding beating the woman, based on which the mentioned Doctor was arrested and introduced to justice and judicial institutions. After completion of primary investigations, the case was referred to counter-corruption court of Kabul province. The court in its judicial session dated February 2, 2019 convicted the accused to three years of imprisonment in case of forgery based on penal code number 313 and considering article 145 of the mentioned code, and due to lack of committal reasons on misuse of duty authorities based on article 235 of penal code he was proved acquittal.

C) Report and judicial activities of Kabul Counter-Corruption Appellate Court

1) Report

From January 21 to February 19, 2019, Kabul Counter-Corruption Appellate Court addressed 13 criminal cases

related to corruption where as a result arrested 26 persons on charge of duty misuse, bribery, forgery, treachery, embezzlement and illegal extortion, of which 11 of them were acquitted due to lack of sufficient reasons and 15 of them were trailed and sentenced as the following:

- From one month to one-year imprisonment for 3 persons
- From one to five years of imprisonment for 6 persons
- From five to 15 years of imprisonment for 1 person
- Cash penalty convicts, 5 persons.
- Total of cash penalty reaches (1653) USD.

Table (3): Indicates Judicial Activities of Kabul Count-Corruption Appellate Court in February 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 convicts	Total cash fine
1	Misuse of Official Authority and bribery	5	14	9	5	1	1		3	320
2	Embezzlement	2	2	1	1			1		
3	Bribery	4	7	1	6	2	4			
4	Forgery	1	2		2				2	1333
5	Misuse of influence	1	1		1		1			
Total		13	26	11	15	3	6	1	5	1653

In addition, the abovementioned court issued (7) 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 February 2019.

No	Type of Cases	No. of Cases	No. of Accused	Ruling Cause	Respective Office
				Investigative Gap	
1	Forgery and Misuse of Official Authority	3	4	3	Prosecution office
2	Treachery	1	4	1	Prosecution office
3	Embezzlement	1	2	1	Prosecution office
4	Bribery and forgery	2	6	2	Prosecution office
Total		7	16	7	

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

Verdict dated January 21, 2019 Conviction of General Criminal Investigation Directorate's Supply Manager in case of embezzlement of 3578250 Afn

The accused was working from 1987 to 1995 as Quartermaster, supply manager, account manager and operative Quartermaster and started working as supply manager in Criminal Investigation Directorate from February 6, 2014, overtaking responsibilities of operative costs for necessary projects and other requirements of Criminal Investigation Directorate in police relevant sources in the center and provinces, as

well as he had the responsibility of providing necessary materials for Directorate of Criminal Technic. Due to lack of convincing documents for (43004540) Afn he was accused of embezzlement but during investigation the accused emphasized that some legal documents for the costs are with him and he is in custody by investigation group but considering statements of the accused that he can clean up his remaining money, he was transferred from Kabul custody to surveillance home of Criminal Investigation Directorate so that the experts who were appointed as investigation board could fairly address the available documents and other expense documents existing in Criminal Investigation Directorate. As a result of inquiry conducted by the appointed board, some certain documents were found settled and hence the embezzled amount was decreased.

Following completion of primary investigation, the case was referred to Counter-corruption Primary Court of Kabul and the court in its judicial session dated November 26, 2018 convicted the accused to 16 years of imprisonment, started from the first day of detention after refinance of some documents in embezzlement of 3578250 Afn according to paragraph 4, article 391 and article 393 of penal code and paragraphs 1 and 2 of article 398 of the mentioned code. In addition, the accused should refund the embezzled cash and was sacked from his position and was excluded from his profession.

But the case was referred Kabul Counter-Corruption Appellate Court due to dissatisfaction of the accused.

The court in its judicial session dated January 21, 2019, in accordance with instructions of article 54 of law on organization and jurisdiction of court of judiciary adjusted provision of primary court and convicted the accused in case of 3578250 Afn embezzlement case to 11 years of imprisonment started from the first date of detention, refund of the embezzled money, separation from duty and exclusion from his provision in accordance with provisions of paragraph 4, article 391 and article 393 of penal code and paragraphs 1 and 2, article 398 of the mentioned code and respecting articles 213 and 211 of penal code.

COUNTER-NARCOTICS AND INTOXICANTS

A) Report and judicial activities of Kabul Counter-Narcotics and Intoxicants Primary Court

1. Report

From January 21, 2019 to February 19, 2019, Kabul Counter-Narcotics and Intoxicants Primary Court addressed 63 cases related to different types of drugs and issued their decisions accordingly. Regarding these cases, 90 persons were trialed on charge of smuggling and transporting drugs, of which one of them proved acquittal due to lack of sufficient evidence and the rest 89 were convicted as the followings:



- From one month to one year, 1 person

- From one year to five years, 45 persons
- From five years to 15 years, 27 persons
- From 15 years to 20 years, 16 persons
- During the above trials, a provision issued on elimination of (9830,984) KGs of different drugs.

Table (1): indicates census of judicial activities in Kabul Counter-Narcotics and Intoxicants Primary Court in February 2019

No.	Type of Case	No. of Cases	Qty of drugs	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	15-20 years
1	Heroin	17	122.946	21		21		16	2	3
2	Morphine	4	84.74	7		7			2	5
3	Hashish	10	6876.096	13		13		7	6	
4	Methamphetamine	21	59.677	34	1	33	1	13	12	7
5	Opium	3	528.135	4		4		3		1
6	Tablet K	2	9539	4		4		2	2	
7	Chemicals		622 lt	2		2			2	
8	Ammonium chloride	1	600	1		1		1		
9	Crystal	1	275	2		2		1	1	
10	Alcoholic beverages	2	567	2		2		2		
Total		63	9830984	90	1	89	1	45	27	16

2. Summary of verdicts issued by Kabul Counter-Narcotics and Intoxicants Primary Court

Verdict dated February 17, 2019

Five years of imprisonment on charge of smuggling (900,397) KGs Opium

Based on a former information regarding transporting

drugs by two persons who want to place it inside straw packs in a Hino model vehicle between highways to Samangan, Balkh and Jawzjan provinces to Andkhoi districts of Faryab province, officers of Counter-Narcotics Management of Jawzjan Security Headquarter acted on December 21, 2018 and after identification, stopped the mentioned vehicle and conducted a check. As a result, (397/900) KGs Opium were found from the packs and two persons were arrested related to the case and the appointed board announced net weight of the discovered drugs (397/900) KGs and the Opium was tested positive in laboratory report. Accused were introduced to justice and judicial institutions and the case was referred to Kabul Counter-Narcotics and Intoxicants Primary Special Court after primary investigations, that the mentioned court in its judicial session dated February 17, 2019 unanimously convicted the accused to five years of imprisonment in case of transporting (397/900) KGs Opium in accordance with clause 6, paragraph 1, article 304 of penal code and considering articles (213, 58, 214) of the mentioned code from the start of detention days. In addition, one of the two accused were ordered to return two mobile phones, 10,000 Afn and the cash of straws sold according to article 32 of counter-narcotics and intoxicants law and article 308 of penal code, and confiscation of white color Hino model vehicle. Order issued for elimination of (397/900) KGs confiscated Opium in accordance with article 19 of counter-narcotics and intoxicants law.

Verdict dated February 4, 2019

Women smuggling 5/940 KGs of Methamphetamine face 16 years of imprisonment

Based on information of a gate controller officers' trusted person in Chawk Arghandi, they stopped a 404-model highway Bus passing Nimroz to Kabul and checked it. As a result, 1/980 KGs drugs discovered from bags of each of the three women, where five persons, including two men were arrested relevant to the case. It is worth mentioning that one of the defendants was submitted to his relatives as he was underage. Net weight of the discovered drug from bag of each women reaches 1/980 KGs which is totally 5/940 KGs and the drug was tested positive Methamphetamine as reported by the laboratory. The case was referred to Kabul Counter-Narcotics and Intoxicants Court and the court in its judicial session dated February 4, 2019 unanimously and in presence of real parties convicted two of the defendants each to (16) years of imprisonment from start of their detention days on charge of transportation of totally (5/940) KGs Methamphetamine in accordance with clause 5, paragraph 302 of penal code and two others on charge of transportation of (3/96) KGs Methamphetamine each to (4-4) years of imprisonment from start of their detention days in accordance with clause 5, paragraph 2, article 302 of penal code and considering articles (213 and 214) of the mentioned code. In the meantime, two mobile sets with their SIMs along with (12000) Pakistani rupees confiscated during the operation will

be kept based on article 32 of counter-narcotics and intoxicants law and the (5/940) KGs Methamphetamine will be eliminated according to article 19 of the mentioned law.

B: Report and judicial activities of Kabul Counter-Narcotics and Intoxicants Appellate Court

1. Report

From January 1, 2019 to February 19, 2019, Kabul Counter-Narcotics and Intoxicants Appellate Court addressed 43 cases related to different types of drugs and issued its decision accordingly. About 65 persons were arrested in connection with this case on charge of smuggling and transporting drugs, of which 2 of them were proved acquittal due to lack of sufficient evidences and 63 of them were trialed and sentenced to different terms as the followings:

- From 1 to 5 years of imprisonment for 10 persons
- From 5 to 15 years of imprisonment for 31 persons
- From 15 to 20 years of imprisonment for 23 persons.

Also, in connection with the above-mentioned cases, (4709,355) KGs drugs were discovered and confiscated.

Table (1): indicates judicial activities in Kabul Counter-Narcotics and Intoxicants Appellate Court in February 2019

No	Type of Case	No. of Cases	Qty of drugs	Judicial decision					
				No. of accused	Acquittal	No. of convicts	No. of Custodial Imprisonments		
							From 1 to 5 years	From 5 to 15 years	From 15 to 20 years
1	Heroin	11	39.899	15		15	4	8	3
2	Opium	9	2507.5	17		17		2	15
3	Hashish	3	436.335	6		6	3	3	
4	Morphine	4	36.06	8		8	1	2	5
5	Methamphetamine	10	9.621	13		13	1	12	
6	Chemicals	3	604.24	3	1	3		3	
7	Tablet K	1	1.700	1		1	1		
8	Alcoholic drinks	2	1074LT	2	1			1	
Total		43	4709.355	65	2	63	10	31	23

3. Summary of verdicts issued by Kabul Counter-Narcotics and Intoxicants Appellate Court

Verdict dated January 22, 2019

15 years of imprisonment for smuggling 760,5 KGs Heroin

Based on a phone call information from Information and Research Office that a silver color Corolla model vehicle which was crossing Taliqan city towards Kunduz province, carrying drugs were stopped after identification by Counter-Narcotics Office personnel in Mabar-e-Gharbi check post and the driver was trying to escape towards the river that the highway police

followed him and after warning shootings arrested him in presence of Takhar Appellate Court's representative and introduced him to Counter-Narcotics Office of Security Headquarter of that province. After checking the mentioned vehicle, the police discovered 12 packs (760,5) KGs Heroin and submitted the vehicle driver to justice and judicial institutions. After completion of primary investigations, the case was referred to Kabul Counter-Narcotics and Intoxicants Primary Court and the Court, in its judicial session dated December 9, 2018 convicted the accused on case of smuggling 760,5 KGs Heroin in accordance with clause 5, paragraph 1, article 302 of penal code to five years of imprisonment and confiscated the mentioned vehicle based on article 308 of penal code and ordered the discovered drugs to be eliminated in accordance with article 19 of counter-narcotics and intoxicants law. But the case, due to dissatisfaction of the appointed Prosecutor entered into second stage and referred to Kabul Counter-Narcotics and Intoxicants Appellate Court and the court in its judicial session dated February 1, 2019, in presence of real parties and unanimously reversed decision of counter-narcotics primary court in accordance with article 54 of law on organization and jurisdiction of courts of judiciary, paragraph 2, article 17 of counter-narcotics and intoxicants law and paragraph 1, article 267 of penal code and convicted the accused on charge of smuggling and transporting 760,5 KGs Heroin to 15 years of imprisonment in accordance with clause 5, paragraph 1, article 302, considering article 61 of penal

code starting from the first days of detention effective October 1, 2018, and in accordance with article 308 of penal code, his corolla model vehicle was confiscated.

Verdict dated January 30, 2019

**16 years of imprisonment for possession of 24 KGs
Opium and some ammunition and military
equipment**

On October 6, 2018, appointed board checked dwelling of one of residents of Trinkot, center of Uruzgan province that as a result, they discovered 24 KGs Opium, 15 RPG-rockets, 750 PK bullets, 830 AK-47 bullets, a Magazine and a fake plate-number of vehicle from the mentioned dwelling and the accused was introduced to counter-narcotics and intoxicants justice and judicial center in connection with the case that after completion of investigation, the case was referred to Kabul Counter-Narcotics and Intoxicants Primary Court. The court, in its judicial session dated September 11, 2018 and unanimously decided regarding possession of 24 KGs Opium in accordance with clause 6, paragraph 1, article 304 of penal code started from the days of detention dated October 6, 2018 and convicted the accused to 16 years of imprisonment, and in case of selling the above-mentioned ammunitions, the accused was convicted to three years of imprisonment in accordance with clause 2, paragraph 2, article 535 of penal code, and in case of using fake plate-number of vehicle, the accused was obliged to pay a cash fine of 30,000 Afn in accordance with paragraph 2, article 560 of penal code, and the above-mentioned

punishments are applicable on the accused subsequently based on article 75 of penal code, also confiscated of bullets, Magazine and a PK bullets was ordered based on article 545 of penal code and according to article 182 of counter-narcotics and intoxicants law the plate-number was ordered to be confiscated. It was decided to eliminate the mentioned 24 KGs of the confiscated Opium according to article 19 of counter-narcotics and intoxicants law. However, the case was referred to Kabul Counter-Narcotics and Intoxicants Appellate Court due to dissatisfaction of the accused and the court in its session dated January 30, 2019 verified part of Primary Court decision but rejected Primary Court's decision on using plate-number of the vehicle and in accordance with paragraph 1 of article 650 of penal code convicted the accused for cash penalty of 20,000 Afn for illegally using the vehicle, and that the punishments will be subsequently applied on the accused based on article 75 of penal code, and in accordance with article 32 of penal code, the above-mentioned punishments will be applicable on the accused subsequently and in accordance with articles 545 and 182 of penal code the listed goods will be confiscated based on the Primary Court decision