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Meetings and sessions

Head of the Supreme Court Meets Assistant Secretary for Bureau of International Narcotics and Law Enforcement Affairs INL

On April 3, 2019, *Qanoon* Sayed Yousef Haleem, head of the Supreme Court met Ms. Kirsten D. Madison, INL Assistant Secretary and Ms. Elizbeth INL Justice Team Lead who had official trips to Kabul in his office.



Ms. Kirsten talked about improvements of case management system in Afghanistan and added, “Supporting the system is one of the priorities of INL and considering its importance as database which records various processes of cases such as detection, investigation, and trial and ensures transparency in justice and judicial performance, will be seriously

focused and INL is committed to support this system in terms financial, technical and equipment requirements and facilitate its transferring to the Afghan Government within the planned framework.”

Thanking and appreciating supports of the United States of America to Afghanistan Government specifically to justice and judicial organs, head of the supreme court considered the case management system s great achievement in recording and tracking civil and criminal cases and hoped that with continuation of INL supports, working ability and accountability levels had developed and Afghanistan Government should receive a completely functional, accountable and safe system.

The parties also discussed alternative to incarceration, INL assistance secretary added, “We plan to take a regional round trip to monitor this factor in various countries of the world and we are eager to know legal anticipation of Afghanistan in this regard.” In return, head of the supreme court stated in the light of the criminal procedures court, in addition to describing legal challenges and implementation of alternative to incarceration, mentioned improvements which were obtained regarding implementation of alternatives to incarceration and hoped that with provision of foreground of implementation of alternatives to incarceration by the responsible governmental organizations and this action should be practically implemented.

Report on Meetings of High Council of the Supreme Court

On March 2 and 5, 2019, Sayed Yousef Haleem chaired SCt high council periodic meetings and discussed topics in the agenda and made the following decisions and approvals:



❖ The council discussed the draft *Tashkeel* of 1398 of the supreme court which was developed by a noble committee composed of members of the SCt high council. Considering commitments of the Islamic Republic Afghanistan in the Geneva International Forum, prohibition violence against women courts will be established in six more provinces in the new SCt *Tashkeel*, the established courts completed the 28 provinces and establishment of the remaining six courts will be focused in the next year *tashkeel* in accordance with action plan of the judiciary system. Also, the committee brought some reductions, additions and amendments to the *tashkeel* based on the requirements

and developed a balanced and appropriate organizational structure to regulate judicial services delivery and manage workload within the framework structure of courts and it was approved after some remarks.

❖ The council heard report on performance and activities of Balkh Appellate Court through video conference.

Based on the provided report, 5,758 cases including 3,260 civil cases and 2,498 criminal cases have been referred to Balkh courts in 1397 and the cases were handled in the light of the enforced laws and only 617 civil cases and 123 criminal cases are pending. The incomes of the court make a sum of 76,000,000 Afn from price of various types of deeds and income collateral deeds and civil and commercial decisions and have been deposited to the state account.

Head of the Balkh Appellate Court also presented information on other activities of the court in regards to conducting regular coordinating meetings with justice and judicial administrations, open judicial meetings, administrative meetings and conducting meetings of complaints hearing commission of the litigants and reported on maintaining impartiality and neutrality of judges in addressing cases, ensuring desired and mutual based communication with officials of that province and other provincial administrations, using legal conduct on referred allocation, concentration on attendance accountability and regular supervision of the attendance in the center and district courts of that

province. At the end, he pointed out some problems that Balkh Courts faced with and asked for attention of the leadership judiciary system in solving the problems

Then, head of the supreme court reflected report on performance and activities of that court in the reports of judicial audit general directorate and revealed them positive and added, “The responsibility and duties of judicial are key and important and require esteemed judges to act with good conduct while performing their duties and addressing legal requests of litigants. They should try to satisfy people with transparent performance without any corruption as their last hope reference.” Head of the supreme court also assigned general administrative department of judicial to solve problems of Balkh courts which were mostly in the areas of work environment, infrastructure, lack of building, security, and other issues considering budget.

❖ The high council heard report on 1397 performance of SCt divisions. Based on the presented report, totally eight supreme divisions of the supreme court in 1397, a total of 14,272 cases were legally handled that include 9,113 approved decisions, 220 reversed cases, 423 amended, and 305 voided cases and necessary decisions were made regarding the remaining cases observing provisions of the enforced laws.

❖ SCt Judicial Audit Office presented its 1397 performance report. Based on the efforts of the judicial audit office, totally 71 individuals including one judge, six administrative staff, six defense lawyers and 58 breakers, forgers and some other individuals have been

arrested for the charges for different crimes and their cases are being prosecuted.

❖ In relation to forgery, fraud and manipulation in safe recording of property deeds which were detected during investigation of general and requested inspections or as a result of remarks of the officials of archives or documents and deeds registration sections, it was instructed whenever there is doubt in these regards, the results of primary investigations should be referred to respective references through general audit directorate or if the issue is related to public law, it should be officially referred to the government cases general directorate to take required legal measures to protect public rights and properties.

❖ To further manage issues related to revision of criminal cases and avoid waste of time of the relevant references, it was instructed to the secretariat of the high council that revisions which are rejected by the advisors' board of attorney general's office, are not referable to respective SCt commission and the initial commission of the high council should act in the regard. Only, the revision requests which take place in accordance with provision of article 282 of criminal procedures code and article 34 of the law on organization and jurisdiction of courts, shall be referred to commission of divisions of the supreme court. Then as per decision of the commission, the remarks which are referable to SCt high council meeting shall be added in the agenda and in regard to the remaining remarks shall required measures be taken based on the decisions

of the SCt commission.

❖ Considering general and contingent inspection reports, the high council addressed judicial offenses of three former and current judges of Kandahar Appellate Court and in addition to issuing disciplinary actions for two of them observing provisions of the code of conduct, offense of one of them was identified to trial and his separation from duty and the correspondence directorate of the high council was assigned to submit his interim dismissal to the president of Islamic Republic of Afghanistan in order to further process legal proceedings.

❖ Considering contingent inspection reports in Balkh and Badakhshan Appellate Courts, once documentation of related offenses was identified, disciplinary actions were issued for two former heads criminal division of Balkh Appellate Court and Ishkasham District Primary of Badakhshan Province in accordance with provisions the code of conduct.

❖ In relation to an inquiry for instruction by the Jawzjan Appellate Court regarding to suspended imprisonment which the penal code is silent in this regard and also in relation to an inquiry for instruction by Baghlan Appellate Court regarding how to suffice collateral inheritance while the claimant is unable to summon death of the testator and drag of legacy, it was instructed that the Scrutiny and Studies General Directorate should carry out the required researches and studies regarding the abovementioned inquiries for instructions chaired by *Pohanwal* Abdul Qadir Adalat

Khwah, *Qazawatpoh* Barat Ali Mateen and *Qazawatpoh* Abdul Haseeb Ahadi, members the SCt high council and present their finds in the next meeting.

❖ Regarding an inquiry for instruction by Herat Appellate Court, with amending some parts of the draft no. 285 dated May 22, 2019, it was stated that civil and public law courts shall be able to take required measures regarding to asking opinions of professionals in pending cases when required based on the provisions of articles 175 and 176 of the civil procedures code.

❖ Regarding to an inquiry by the Afghan National Bank in regard to how to deposit tax of a commercial decision from selling a property which had been sold in exchange to a bank grantee, it was instructed that in accordance to provisions of articles 2,397 and 2,398 of civil procedures code, taxation shall have the right of priority rather than other incomes and Afghan National Bank shall act accordingly

❖ Regarding to joint draft of the general personnel directorate of ministry of interior affairs and deputy attorney general's office for military affairs concerning managing duty absence cases of military personnel, the scrutiny and studies general directorate was assigned to review the target draft with presence of representatives the respective references and to present a comprehensive instruction in the next meeting.

❖ Furthermore, one conflict of jurisdiction, two court convert cases and one public law issues were handled as per request of the government cases general directorate. Also, Faryab, Jawzjan, Ghor, Samangan,

Paktika, Ghazni, Takhar, and Nangarhar Appellate courts were authorized to handle 27 criminal cases as per request of the attorney general's office. Likewise, four civil revision requests were investigated in presence of the parties and observing consistency of three requests with conditions of article 482 the civil procedures code, cancelled the issued decisions and ordered reinvestigating the cases. Some issues related to promotion of cadre grade judges were included in the agenda which required decisions were made accordingly.

Training Program on Budget Preparation and Execution Conducted for Finance and Administrative Staff of North Zone Courts

In series of training programs of the capacity building and performance appraisal directorate, a training program was conducted with financial assistance of Afghanistan Justice Sector Support Program (JSSP) for 20 finance and administrative staff of Balkh, Sar-e-Pol, Baghlan, Jawzjan, and Samangan Courts in Balkh from February 18 to 20, 2019.

Learning objectives included identifying the concept of budget and budget process, identifying budget execution principles, utilizing Afghan Budget Calendar, calculating primary expenses of activities of ordinary and development budget, budget circular no. 1, budget circular no. 2, budget execution process, chart of accounts, Afghanistan Financial Management and Information System (AFMIS), financial planning, budget allocation process and different budgetary forms.

The program started with recitation some verses of the Holy Quran. Then the participants were assessed and later the program was conducted in accordance with agenda and lesson plan by budget and procurement advisors and it was emphasized that whenever the participants learned from the training program should practice them in their routine performance. The training ended with distribution of certificates to the participants.

Gender, Prohibition of Violence against Women and Anti-Harassment Training Program Conducted for Staff of Central Directorates of the Supreme Court

The capacity building and performance appraisal directorate conducted gender training program with technical and financial assistance of United Nations Development Program (UNDP) for employees of central directorates in accordance with the MoU in training center of the directorate from February 26 to February 27, 2019.

First, the director of capacity building pointed out to principles, objectives and desired outcomes of the training program and the MoU. Then a trainer conducted the training covering topics in addition to health, welfare and work safety, included understanding basics of gender, relationship between human rights and prohibition of violence against women, women's rights in Islamic Sharia, Law on Elimination of Violence against Women and its uniformity with Afghan Constitution, types of violence from prospective of law on elimination of violence against women, introduction and objectives of Anti- Harassment Law to Protect Women and Children.

Basic Skills of Court Administrative System and Performance Appraisal Training Program Ended for Administrative Employees of Sar-e-Pol, Jawzjan, Samangan, Baghlan and Balkh Primary and Appellate Courts

The training program on Basic Skills of Court Administrative System and Performance Appraisal was conducted with financial assistance of “Checchi” Adalat in the north zone from February 24 to 27, 2019. Administrative employees of Sar-e-Pol, Jawzjan, Samangan, Baghlan and Balkh primary and appellate Courts participated in this training program.

The training program covered basic principles of courts books usage (from the primary to the supreme court stages), letter writing, inquiry, proposal, report writing, performance appraisal cycle (planning, monitoring and performance appraisal), courts administrative procedures system, minutes of meeting and its types and components.

In addition to thanking the efforts and initiatives the capacity building and performance appraisal directorate and conducting such programs, Mohammad Sharif Fani, head of Balkh Appellate Court expected the correspondents and employees to practice whatever they had learned from the training in their routines. At the end of the program, certificates were distributed to the participants and the training ended.

Five-Day Seminar on Code of Conduct Ended in Faryab Appellate Court

A seminar on penal code was conducted with financial assistance of International Law Development Organization (IDLO) by Atiq u Rahman Habeeb, member of the Judicial Audit General Directorate to judges of Faryab Appellate Court in a perfectly legal and academic atmosphere on March 6, 2019. Ghulam Sakhi Habeeb, head of the appellate court considered the seminar very educative and valuable and mentioned conducting such programs necessary in the areas of specialized crimes, civil, commercial, personnel affairs, and even in the area of correspondence and added, “I have been appointed as the head of the appellate court for two years and no seminar or workshop has been conducted this period due to security threats here. And he asked for continuation of such programs to further improve effective experiences of judges. Head of the appellate court thanked Atiq u Rahman Habeeb and Naeqebullah Oryakhel who despite the security threats, were present to cooperate in this regard and asked blessings for them from Almighty Allah. Also, judge Rahimullah and judge Samira thanked the instructors for their well behavior. The ceremony ended with well wishes by the head of Khaja Sabz Posh District Primary Court.

News and Events

- On March 30, 2019, *Qazawatwal* Najeebullah Akbary, acting head of general administrative department of judiciary met Ms. Siri Um Chin gong, management specialist of UNDP and talked about infrastructure requirements of the judicial system and capacity building and gender requirements of judges. The parties agreed to develop a proposal to present it to donors later to attract technical and financial supports on judicial action plan.
- On March 27, 2019, Judge Fazil Rahman Fazli, head of Badakhshan Appellate Court met Ahmad Zia Rahmani, GIZ representative for Faiz Abad and attracted cooperation of that organization in procuring and providing equipment of meeting hall of the court and 101 volumes of penal code to fulfill the requirements of the court and in response the party committed to cooperate.
- On March 4, 2019, head of Badakhshan Appellate Court had a brief meeting with Doran representative of Agha Khan Health Section for Faiz Abad and attracted attention of Agha Khan Organization to cooperate with appellate court in the areas of constructions, establishment of health clinic inside the court and equip offices. The representative in addition to visiting

different parts of the court, promised to cooperate by dispatching a representative to note the requirements.

➤ The high council evaluated the activities of judicial care office positive in 1397. This office arrested and prosecuted 71 individuals including one judge, six administrative staff, six defense attorney, and 58 breakers, fraud and forgers.

➤ On March 13, 2019, *Qazawatyar* Said Abdul Qayum Kamali, head of Nimroz Appellate Court met Abdul Saboor Khalili competent representative of Afghanistan Justice Sector Support Program JSSP) who traveled from Kabul to Nimroz. They talked about challenges and problems in the system and electronic devices including internet issues. Then, they visited civil and public law divisions of the appellate and primary courts, and civil and criminal sections of the case management system and heard the current problems and gave required instructions accordingly.

COUNTER CORRUPTION

A. Report on Judicial Activities of Kabul Anti-corruption Primary Court

1. Report

Kabul Anti-corruption primary court handled 18 criminal cases related to corruption crimes from February 20 to March 20, 2019. In relation to the cases, 34 individuals were trialed for charges of misuse of official authority, misuse and concealing the truth, bribery, forgery, embezzlement, illegal extortion and illegal weapon possession amongst five individuals were acquitted and the 29 of them were sentenced to different punishments as following:



- One month to one-year imprisonment (6

people)

- One to five years imprisonment (8 people)
- Five to 15 years imprisonment (2 people)
- Cash fine convicts (13 people)

Total of cash fines make a sum of USD 38232.

Table 1: Figures of Judicial Performance by Kabul Anti-corruption Primary Court in March and April 2019

No	Types cases	No. of cases	Judicial Decisions							
			No. of accused	No. of acquittals	No. of convicts	No. of convicts to imprisonment				
						1 month to 1 year	1-5 years	5-15 years	Convicts of cash fine	Cash fine
1	Misuse of official authority	4	6	2	4	1			3	1368
2	Misuse and concealing the truth	4	10	1	9				9	7714
3	Bribery	5	9		9		7	2		6150
4	Embezzlement and forgery	2	3		3	2			1	20000
5	Illegal extortion	2	5	2	3	3				1000
6	Illegal possession of weapon and military facilities	1	1		1		1			2000
Total		18	34	5	29	6	8	2	13	38232

Also, the court issued three rulings and sent them to the respective references to fill investigative gaps and deficiencies.

Table 2: figures of judicial rulings issued by Kabul Anti-corruption Primary Court in March and April 2019

No	Type of cases	No. of cases	No. of accused	Ruling	Respective Reference
				Gaps and Deficiencies	
1	Embezzlement	2	5	2	Prosecution Office
2	Duty negligence	1	1	1	Prosecution Office
Total		3	6	3	

2. Summary of Verdicts Issued by Kabul Anti-corruption Primary Court

Verdict dated March 16, 2019

Conviction an Officer of Paktika Police Headquarters for the Charge of Illegal Possession of Weapon and Military Equipment

Based on a notice received to central investigation department (CID) of Paktika Police Headquarters stating, “A sergeant of Jani Khel District Police Headquarter has fled to Kabul with illegal possession of one weapon and some ammunitions.” And it was asked to arrest him. Detective and operative actions were taken regarding the case. The house of the sergeant identified in vicinity of PD 15 of Kabul City. Police with presence of representatives from prosecution office and Criminal Police Department started searching his house at 12:00 on December 1, 2019. One black colored Ranger Vehicle without plate number was found in the yard and he had blocked himself in the basement of the house. Despite several demands, the accused did not open the door for three hours and

finally he opened the door and surrounded himself to the police after three hours. Then police searched the basement and obtained some ammunitions and one weapon from there and introduced the accused to justice and judicial institutions for further investigations.

The case was then referred to Kabul Anti-corruption primary court after completion of initial investigations. The court heard the case in a judicial session held on March 16, 2019 and sentenced the former first sergeant of Paktika Police Headquarters to two years and six months imprisonment, reimbursement of the mentioned amount of money and separation from the duty and termination from the profession for the charge of illegal possession of weapon and ammunitions totally costed 266,689 Afn according to article 24 (1 and 2) annex no. one of the penal code regarding military crimes, article 388 (2) article 391 (1and 2) and article 398 of the penal code. The court also sentenced the accused to cash fine of 40,000 Afn and returning of the weapon for the charge of possessing one 303-weapon according to articles 536 and 545 of the penal code. As there was no unity in committed crimes or no objective to be added to them, both mentioned punishments are applicable on him based on provision of article 75 of the penal code.

Report on Judicial Activities of Balkh Anti-corruption Primary Court

1. Report

Balkh Anti-corruption primary court handled 17

criminal cases related to corruption crimes from March 21, 2018 to March 19, 2019. In relation to the cases, 30 individuals were trialed for charges of misuse of official authority, bribery, forgery and embezzlement amongst eight individuals were acquitted and the 22 of them were sentenced to different punishments as following:

- One month to one-year imprisonment (2 people)
- One to five years imprisonment (7 people)
- Five to 15 years imprisonment (1 people)
- Cash fine convicts (12 people)

Total of cash fines make a sum of USD 9503.

Table 1: figures of judicial performance by Balkh Anti-corruption Primary Court in 1397

N o	Types cases	No. of cas es	Judicial Decisions							
			No. of accus ed	Acquitt als	No. of convi cts	No. of prisoners				
						1 mon th to 1 year	1-5 yea r	5- 15 yea rs	No. of cash con vict s	Cash fine
1	Misuse of official duty	9	16	1	15		3		12	7493
2	Forgery	4	8	5	3		3			363
3	Embezzle ment	3	5	2	3	1	1	1		1516
4	Bribery	1	1		1	1				131
Total		17	30	8	22	2	7	1	12	9503

Also, the court issued 19 rulings and sent them to the respective references to fill investigative gaps and deficiencies.

Table 2: figures of judicial rulings issued by Kabul Anti-corruption Primary Court in 2019

No	Type of cases	No. of cases	No. of accused	Ruling	Respective References
				Gaps and deficiencies	
1	Misuse of official authority	6	23	6	Prosecution Office
2	Forgery	5	6	5	Prosecution Office
3	Bribery	1	1	1	Prosecution Office
4	Embezzlement	5	5	5	Prosecution Office
5	Duty negligence	2	9	2	Prosecution Office
Total		19	46	19	

Verdict dated March 9, 2019

Conviction of One Police Officer of 5th PD of Balkh Province

Balkh military prosecution office received petitions of duty misuse case by a police officer of 5th PD from Intelligence Department of Balkh Police Headquarters for scrutiny purpose. The case came under investigation and as a result of investigation, the mentioned police officer was arrested red handed while using his duty authority, received 3,000 Afn from visitors of Consulate by the Intelligence Officers of Balkh Security Headquarters. At the time of arrest, four Passports were discovered from the accused pockets, the police officer was investigated as the following: “One day before of the incidence an officer of 5th PD intelligence office came to me and asked me to help his two friends with obtaining visas and I said that if they

go to the shops near to the Consulate they can fill the forms there and receive their Visas by Irani authorities. The officer told me that the shops ask for more money and that you are the police officer of the PD and our colleague in the meantime, I will send the persons tomorrow with their Passports. I said I will ask for 1,500 Afn for each Passport.”

The intelligence Officer arrested the accused at the time of taking the mentioned money and referred the case to justice and judicial institutions.

The court in its judicial session dated March 9, 2019 convicted the accused on charge of misuse of official authority according to paragraph 1 and 2 of article 403 of penal code to 600,000 Afn cash fine and discharge from his duty, according to article 346 of criminal procedure code, accused's 21 days wages (8,400) Afn will be deducted from the total fine.

Verdict dated October 9, 2018

Conviction of Former Engineer of Mazar Sharif Municipality on Charge of Embezzlement

According to a letter dated August 12, 2018 of Mazar Sharif Municipality stating that one of Mazar Sharif's 5th district employee quit his job and then separated from his position, has not submitted a Laptop computer costing 58,650 Afn and 19,000 Afn cash he received from the office based on his needs based on which he is now under prosecution and his responsibility papers towards embezzlement of a computer and 19,000 Afn cash is completed and referred to anti-corruption primary court.

The court in its judicial session dated October 9, 2018 convicted the accused on charge of embezzlement of a laptop computer to six months of imprisonment based on paragraph 1, article 391 of penal code and considering article 215 of the mentioned code effective as of detention date.

C) Report of Judicial Activities of Kabul Anti-corruption Primary Court

Report

Kabul Anti-corruption Primary Court addressed criminal cases relevant to corruption from March 21, 2018 to March 20, 2019 where 66 individuals with regards to these cases were arrested on charges of duty misuse, money laundering, illegal possession of money, embezzlement and treachery, of which 15 of them were proved acquittal due to lack of sufficient proofs and 51 were trialed and convicted to different punishments.

- one month to one-year imprisonment (6 persons)
- one to five years imprisonment (38 persons)
- five to 15 years imprisonment (6 persons)
- cash fine convict (one person)

Total of cash fine reaches (9,262) USD.

N o.	Type of Case	No. of Cases	Judicial Decision							
			No. of Accused	No. of Acquittals	No. of Convicts	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 forgery	7	38	5	33		28	4	1	1368
2	Illegal possessio n of cash	1	1		1	1				
3	Treacher y	1	1		1	1				
4	Embezzle ment	2	2		2		1	1		
5	Money launders g	7	24	10	14	4	9	1		7894
Total		18	66	15	51	6	38	6	1	9262

Verdict dated February 24, 2019

Conviction of Ghor Provincial Council Representative on charge of Treachery of Public Property

Attorney in-charge claimed that on February 22, 2019, personal vehicle of Ghor provincial council representative heads to Dolina district of that province stopped on the mid-way due to technical problem. when the mentioned accused reached in the mentioned district, he asked the acting security commander to lend him a Ringer vehicle which was partly damaged to use its spares in his own vehicle and will submit it back as soon as he reached the city. The acting security

commander submitted him the vehicle and on May 13, 2017, three Ringer vehicles including the one which its machine was lent to the accused were returned to the security headquarter of the mentioned province for fixing. A team of three audits were appointed to express their views and the result was that engine of one of the Ringers is missing. On December 20, 2017, the accused submitted the mentioned engine to Technique Department of Ghor Security Headquarters while in the meantime he was arrested on charge of treachery of government property and introduced to justice and judicial institutions.

Following completion of primary investigations, the case was referred to Kabul Anti-corruption Primary Court where the court in its judicial session dated February 24, 2019 trialed the accused based on paragraph 2, article 270 of penal code and respecting articles 39 and 273 of the mentioned law and articles 17, 58 of penal code and paragraph 6, article 212 of penal code, on charge of treachery of government property to six months of imprisonment and refund of 436,320 Afn to the government.

Verdict dated March 18, 2019

Conviction of Three Individuals on Charge of Illegal Transfer of Money

On January 12, 2019, at the time of a joint control by Intelligence Department and Torkham Commissar National Security Department they suspected, stopped and checked a Suzuki white colored vehicle belonged to a Pakistani subject which entered to Afghanistan soil

without any document and road pass in front of Torkham Commissar area. During the check, they found 150,000 Saudi Rials, 100,000 UAE Dirham and 15,000 Euro masterly placed on the back seat of the driver. Three persons were arrested linked to the case and introduced to justice and judicial institutions.

The case was referred to Kabul anti-heavy corruption crimes special primary court that the court in a judicial session dated March 18, 2019, heard the case and in accordance with paragraph one, article 505 of penal code, respecting article 57 of the mentioned code convicted one of the accused on charge of illegally brining money to five months, and convicted the second accused on the same charge according to paragraph one, article 505 of penal code and respecting article 58 of the mentioned code, 5 months of imprisonment effective as of detention date and the third accused was proved acquittal due to lack of sufficient proofs according to article 5 of penal code and article 235 of the mentioned code and paragraph four of article 19 and paragraph 26 of article four of penal code. The cash (150,000 Saudi Rials, 100,000 UAE Dirham and 15,000 Euro) were confiscated according to article 505 of penal code while the vehicle was ordered to be submitted to its owner according to paragraph one of article 141 of penal code.

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

Report

Kabul Anti-corruption Appellate Court addressed 8 criminal case related to corruption from February 20, 2019 to March 20, 2019 where 17 persons with regards to these cases were arrested on charges of duty misuse, bribery, forgery, embezzlement and illegal possession of weapon, of which 1 of them were proved acquittal due to lack of sufficient proofs and 16 were trialed and convicted to different imprisonment.

- one month to one year of imprisonment (9 persons)
- one to five years of imprisonment (7 persons)

Table (3): indicates census of judicial activities in Kabul Anti-corruption Appellate Court in March 2019

No.	Type of Case	No. of Cases	Judicial decision						
			No. of Accused	Acquittals	No. of Convicts	No. of Custodial Imprisonments			
						1 month to 1 year	1 to 5 years	5 to 15 years	15-2- years
1	Misuse of duty authority	1	7		7	5	2		
2	Bribery	3	5	1	4	1	3		
3	Embezzlement	1	2		2	1	1		
4	Forgery	1	1		1	1			
5	Illegal Possession of weapon	2	2		2	1	1		
Total		8	17	1	16	9	7		

In addition, the court also issued three rulings and sent

them to the respective sources due to investigative gaps.

Table (4): Indicates Judicial Rulings by Kabul Anti-corruption Appellate Court in March 2019.

No	Type of Cases	No. of Cases	No. of Accused	Ruling Cause	Respective Office
				Investigative Gap	
1	Misuse of duty authority	1	1	1	Prosecution office
2	Illegal Possession of weapon	1	4	1	Prosecution office
3	Embezzlement	1	2	1	Prosecution office
Total		3	7	3	

2. Summary of Verdicts Issued by Kabul Anti-corruption Appellate Court

Verdict dated March 17, 2019

Conviction of Acting Director of Correspondence of Kabul Appellate Court on charge of bribery

Due to a petition by one of Parwan province's residents who lives now in 10th PD of Kabul city to Judicial Care and Control Administration, stating that "My case is referred Kabul Appellate Court following issuance of judicial ruling, while previously the judicial ruling number 27 dated April 17, 2018 of High Council of Supreme Court was issued regarding conflict of jurisdiction but unfortunately the Acting Director of Correspondence of Kabul Appellate Court asks me for two thousands USD to send my lawful case to its main source that after bargaining, we agreed on 400 USD." which is considered as misuse of duty authority. Case of plaintiff was later referred to the Supreme Court and based on the instruction of the Supreme Court, a delegation appointed by Judicial Care Administration

were instructed to first record voice of Acting Director of Correspondence of Kabul Appellate Court while asking for USD 400 that as a result, the mentioned 400 USD was discovered from Desk of the mentioned Director and he was arrested on charge of bribery. Following completion of investigation and litigation against him, the case was referred to Kabul Anti-corruption Primary Court and the court heard the case in judicial session dated November 25, 2018 and convicted the accused on charge of bribery of 400 USD in accordance with paragraph 3, article 371, paragraph 2, article 375 and article 385 of penal code and respecting articles 213 and 215 of the mentioned code to one year and one month imprisonment and cash fine equivalent to the cash bribed, and separation of his duty effective as of detention date.

However, the case was referred to Kabul Anti-corruption Appellate Court as it was not accepted by the accused, and the appellate court on its judicial session dated March 17, 2019, confirmed the verdict of Kabul Anti-corruption Primary Court according to article 54 of Law on Organization and Jurisdiction of Courts of Judiciary.

Verdict dated March 17, 2019

Conviction of Seven Employees of Ministry of Transport on Charges of Treachery

Based on a notice received by the AGO showed that employees of Transport Regulation Gen. Department of Ministry of Transport appointed in transportation ports of the center and provinces of the country have

peculated bigger part of income by using different methods and submitted a small amount of it to the government treasury. To document the issue, 343 transportation commission receipts belonging to different ports received from different sources and their tables, dates and serial numbers were sent along with letters to Gen. Directorate of Transportation Regulation for filling the amount columns in the government treasury and the mentioned Directorate responded to the all letters, according to the responds it seemed that the responsible employees in transportation ports have transferred 137,359 Afn out of 751,067 Afn to the government and embezzled 613,715 Afn while transferred less than 20% to the government treasury. In connection with this issue, 9 Transportation Employees appointed in North-East of Kabul were introduced to justice and judicial institutions.

After completion of primary investigations, the case was referred to Kabul Anti-corruption Primary Court and the court in its judicial session dated February 1, 2019 convicted four of the accused on case of treachery of 702,451 Afn to one year and six months imprisonment, payment of treachery amount and separation from duty based on article 394 and paragraphs one and two of article 398 of penal code, and in misuse of duty authority case, they were acquitted as no sufficient proof was available based on article 235 of penal code and article five of penal code. The rest five accused were convicted to one year and one month of imprisonment and reimbursement of the

embezzled amount in case of embezzlement of 74,714 Afn in accordance with articles 394 and 398 of penal code, and in case of misuse of duty authority, they were acquitted as no sufficient proof was available. But the case was referred to Kabul Anti-corruption Appellate Court as a result of dissatisfaction, and the court on its judicial session dated March 17, 2019 confirmed the decision of the primary court in misuse of duty authority by seven accused based on article 54 of Law on Organization and Jurisdiction of Courts of Judiciary and considering verdict of article 17 of Primary Court regarding seven accused on charge of misuse of duty authority and violated it in case of treachery of 702,451 Afn based on paragraph two, article 395 and paragraphs one and 32, article 398 of penal code to one year and six months of imprisonment and payment of the mentioned amount and separation from duty, and convicted the rest five of the accused in case of treachery of 74,714 Afn, each to 10 months of imprisonment according to paragraph one, articles 395 and 398 of penal code and the mentioned amount and stated that a separate decision would be made regarding two other accused after verdict enforcement and in case of appeal.

Report on Judicial Activities of Kunduz Anti-corruption Appellate Court

1. Report

From December 22, 2018 to March 11, 2019, Kunduz Anti-corruption Appellate Court addressed four criminal cases related to Anti-corruption and four

persons were arrested in connection with these cases on charge of misuse of duty authority, bribery, embezzlement and illegal possession of weapon and received the following punishments:

- one to five years of imprisonment (3 persons)
- Convicts for cash fines (one person)
- Total of cash fines reach USD 1,155

Table (3): Figures of Judicial Activities by Kunduz Anti-Corruption Appellate Court from January to February 2019

No	Type of case	No. of case	Judicial decision						
			No. of accused	Acquittal	No. of convicts	No. prisoners			
						1 month to 1 years	1-5 years	5-15 years	Cash fine
1	Misuse of duty authority and bribery	1	1		1		1		
2	Demand for bribes	1	1		1				157
3	Illegal possession of weapon	1	1		1		1		972
4	Embezzlement	1	1		1		1		26
Total		4	4		4		3		1155

Verdict dated February 26, 2019

Conviction of an Officer of Ali Abad's Health Clinic on Charge of Embezzlement

Ali Abad's Health Clinic Officer of Kunduz Province in collaboration with Pharmacist of the mentioned Clinic illegally took out four cartons of foods for malnourished children from clinic Depot cost two

thousand Afn and placed them inside a vehicle. On the way to Kunduz, based on operative reports the vehicle was stopped by national security officers and the foods were discovered inside the vehicle and introduced the accused to justice and judicial institutions and referred the case to Kunduz Anti-corruption Primary Court.

The court in its judicial session dated January 26, 2019 convicted the accused on case of embezzlement of four cartons of foods for malnourished children that cost 2,000 Afn to one year and one month of imprisonment in accordance with paragraph one, article 397 of penal code and in case of smuggling the vehicle, the accused received eight months imprisonment and seizure of the smuggled vehicle according to paragraphs one and two of article 781 and respecting paragraph three of article 778 of the mentioned code.

But the case due to dissatisfaction of the accused, the case was referred to Kunduz Anti-corruption Appellate Court and the court in its judicial session dated February 26, 2019 rejected the decision issued by of Kunduz Anti-corruption Primary Court due to some misses in implementation of law based on article 54 of Law on Organization and Jurisdiction of Courts of Judiciary. Hence convicted the accused to one year and one month of imprisonment and reimbursing the embezzled money to the government treasury in accordance with paragraph one of article 391 and paragraph one of article 398 of penal code.

COUNTER-NARCOTICS AND INTOXICANTS

A: Judicial Performance Report of Kabul Counter-Narcotics and Intoxicants Primary Court Report

From February 20 to March 20, 2019, Kabul Counter-Narcotics and Intoxicants Primary Court addressed 62 cases related to different kinds of drugs and issued decisions accordingly. In connection with these cases, 87 persons were trialed on charge of smuggling and trafficking of drugs which are as the followings:



- one to five years of imprisonment (41 persons)
- five to 15 years of imprisonment (27 persons)
- 15 to 20 years of imprisonment (19 persons)
- In connection with the above-mentioned trials, verdict for elimination of (2764,236) kg of drugs were issued

Total of cash fine reaches (3275) USD.

Table (1): Indicates census of judicial performances of Kabul Anti-corruption Primary Court in March of 2019

No	Type of case	No. of case	Quantity	Judicial decision						
				No. of accused	No. of acquittals	No. of convict	No. of prisoners			
							1-5 years	5-15 years	15-20 years	Cash fine
1	Heroin	18	156.544	22		22	13	3	6	1697
2	Methamphetamine	21	24.749	30		30	11	12	7	
3	Morphine	5	60.488	10		10	2	2	6	394
4	Hashish	9	2266.325	12		12	3	9		1184
5	Opium	3	71.4	6		6	6			
6	Crystal	2	1.23	3		3	3			
7	Acid	4	183.5	4		4	3	1		
Total		62	2764.236	87		87	41	27	19	3275

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

Verdict dated March 9, 2019

Three years of imprisonment for smuggling 17 grams of methamphetamine and 25 grams of Heroin
 Officers of 10 PD of Kabul city covered areas of Char Qala-e-Wazir Abad and Qala-e- Musa of Kabul city after they got information from their informant that a person wanted to sell drugs, such as Crystal, Heroin and Tablet K very skillfully on addicts in the mentioned areas. Later they arrested the accused, searched him and found 66 packs of Crystal weighted 17 grams and 87 packs of Heroin weighted 25 grams and 17 grams of Methamphetamine, the case was referred to Kabul Counter-Narcotics and Intoxicants Primary Court and

the court in its judicial session dated March 9, 2019 in presence of actual parties of the case decided to convict the accused on charge of smuggling 17 grams of Methamphetamine to three years of imprisonment in accordance with clause 3, paragraph 2 of article 303 of penal code, and in case of smuggling 25 grams of Heroin to two years and six months of imprisonment based on clause 2, paragraph 1 of article 303 of penal code, and in case selling and distributing drugs on the addicts to two years of imprisonment based on paragraph 1, article 311 of penal code as according to article 75 of the mentioned code for selling drugs on addicts, and also according to article 32 of Counter-Narcotics and Intoxicants Law the 500 Afn cash that was found from the accused at the time of search and is considered as outcome of drugs should be confiscated and according to article 19 of the mentioned law, the quantity (25) grams of Heroin and (17) grams of Methamphetamine should be eliminated.

Verdict dated March 11, 2019

Seven Years Imprisonment on Charge of Smuggling 535 Grams Heroin and 32 grams Methamphetamine

On November 14, 2018, based on information of an informant, Kunduz Counter-Narcotics Administration, in cooperation with Imam Sahib Narcotics Discovery Office and participation of Prosecutor and Police worked on a confirmed plan by Kunduz Security Headquarters based on which arrested an accused from a Hotel located in Alf Berdi of Kunduz province and then checked his home in Aaq Bai village of Imam

Sahib that as a results three litters of Wine, 535 grams of Heroin, 32 grams of Crystal, 10 grams of Tablet K, a Pakistani Makarov Pistol with number 1,330 with its Magazines, a Russian Knife, seven Kalashnikov bullets, 37 bullets and a digital scale were discovered. Total weight of discovered drugs reaches 535 grams of Heroin, 32 grams of Crystal, 10 grams of Tablets and three litters of alcoholic beverages.

After primary investigations, the case was referred to Kabul Counter Narcotics and Intoxicants Primary Court and the court in its judicial session dated March 11, 2019 convicted the accused to five years and one month of imprisonment on charge of possessing and selling of 535-gram Heroin in accordance with clause 4, paragraph 1 of article 302 of penal code, and again for five years regarding possessing and selling of 32 grams of Methamphetamine according clause 3, paragraph 2 of article 303 of the penal code. The accused was ordered to pay cash fine of 7,000 Afn on charge of possessing and selling of 3 litters of alcoholic beverages according to paragraph 1 of article 656 of penal code and 6,000 Afn of cash fine for the charge of possessing 10 grams of Tablet K according to article 306, respecting article 47 and needs to pay 30,000 Afn of cash fine for the charge of possessing a Pakistani Pistol with serial number (1,330) and other equipment and ammunitions according to article 536 of penal code and regarding selling drugs on addicts, he received two years of imprisonment according to article 311 of penal code, according to articles 75 and 78 of penal code, total punishment of the accused is 7 years and one month of imprisonment and confiscation of 500 Afn, two mobile sets with their SIMs, a Scale according to

article 32 of the Counter-Narcotics and Intoxicants Law and confiscation of a Pakistani Pistol with its ammunitions according to article 545 of penal code, and according to article 19 of the Counter-Narcotics and Intoxicants Law the discovered drugs and alcoholic beverages should be eliminated.

B: Report on Judicial Performances of Kabul Counter-Narcotics and Intoxicants Appellate Court

1. Report

From February 20 to March 20, 2019, Kabul Counter-Narcotics and Intoxicants Appellate Court addressed and issued judicial decisions on 54 cases related to different drugs. In connection with these cases, 78 persons were arrested on charge of smuggling and transportation of drugs, of which four persons were acquitted due to lack of sufficient proofs and the rest 74 persons were trialed and received different punishments as the following:

- one to five years of imprisonment (29 persons)
- five to 15 years of imprisonment (30 persons)
- 15 to 20 years of imprisonment (15 persons)

In connection with the above-mentioned cases, (22,124,681) KGs of drugs were discovered and confiscated.

**Table (1): Statistics of judicial performance by
Kabul Counter-Narcotics and Intoxicants Appellate
Court in March and April 2019**

No.	Type of Case	No. of Cases	Qty of drugs	Judicial decision						
				No. of accused	acquittal	No. of convicts	No. of Custodial Imprisonments			
							1 month to 1 year	1 to 5 years	5 to 15 years	15 to 20 years
1	Heroin	10	138.458	14	2	12		2	5	5
2	Methamphetamine	22	30.008	34	1	33		16	13	4
3	hashish	11	18846.3	15		15		5	10	
4	Opium	4	2466.375	4	1	3		1		2
5	Morphine	5	71.04	9		9		3	2	4
6	Alcoholic drinks	1	562.500	1		1		1		
7	Tablet K	1	10	1		1		1		
Total		54	22124.681	78	4	74		29	30	15

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

Verdict dated March 20, 2019

Sixteen years of imprisonment on charge of smuggling 740,35 KGs of Morphine

Based on instructions of by Information and Investigation Department to Takhar Anti-Drugs Administration regarding transportation of drugs to Kabul by a Corolla model vehicle, the Counter-Narcotics Police identified and stopped the mentioned vehicle in Tika Tamiz of Takhar province in presence of Prosecutor and checked the vehicle where as a result,

they found 740,35 kg of Heroin placed inside four wheels and then arrested the accused. The laboratory test results identified the drug as Morphine.

The case was referred to Kabul Counter-Narcotics and Intoxicants Primary Court and the court in its judicial session dated February 12, 2019 convicted the accused to 18 years of imprisonment on charge of 740,35 KGs of Morphine in accordance with clause 5, paragraph 1 of article 302 of penal code and respecting articles 213 and 214 of penal code from the first date of detention, and according to article 32 of Counter-Narcotics Law, a mobile set with its SIM and according to article 308 of penal code, the vehicle carrying drugs were confiscated and according to article 19 of Counter-Narcotics Law, elimination of 740,35 kg of Morphine was ordered. But due to dissatisfaction of Prosecutor, the case was referred to Kabul Counter-Narcotics and Intoxicants Appellate Court and the court in its judicial session March 20, 2019 and based on the verdict of article 54 of Law on Organization and Jurisdiction of Courts of Judiciary and article 267 of criminal procedures code adjusted decision of Primary Court and convicted the accused on charge of transporting 740,35 kg of Morphine to 16 years and six months of imprisonment started from the detention date in accordance with clause 5, paragraph 1, article 302 of penal code and respecting articles 213 and 214 of penal code, and ordered confiscation of the mentioned things according to the article 32 of Counter-Narcotics and Intoxicants Law and article 308 of penal code.

Verdict dated March 18, 2019

Five years of imprisonment on charge of smuggling 300,447 kg of Hashish

Based on an information from an informant and efforts of Kabul gates control officers, on December 28, 2018, Counter-Narcotics Police were checking passengers in Dispichari area of Bagram highway, they stopped a Khavar model vehicle coming from North part towards Kabul and checked it that as a result, they discovered 17 packs of Hashish placed under packs of onion that the net weight of the mentioned Hashish was 300,447 kg that two persons were arrested in connection with the case and introduced to justice and judicial institutions. After primary investigations, the case was referred to Kabul Counter-Narcotics and Intoxicants Primary Court and the court in its judicial session dated February 10, 2019 convicted the accused on charge of transporting 300,447 kg of Hashish each to five years of imprisonment from the date of detention in accordance with clause 7, paragraph 1 of article 305 and respecting articles 213 and 214 of the penal code, and according to article 32 of Counter-Narcotics Law, two sets of mobile with their SIMs and 9000 Pakistani rupees and 19200 Afn which was the amount of selling 8400 kg Onions were confiscated and according to article 30 of penal code, the Khawar model vehicle transferring drugs was also ordered to be confiscated, and according to article 19 of Counter-Narcotics Law, the mentioned 300,447 kg of Hashish was ordered to be eliminated. But the case, due to dissatisfaction of the parties entered Kabul

Counter-Narcotics and Intoxicants Appellate Court where the court in its judicial session dated March 18, 2019, relying on article 267 of criminal procedures code and paragraph 2 of article 17 of Counter-Narcotics Law confirmed the verdicts of Primary Court.