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Meetings and Sessions

Chief Justice met with the deputy special representative of the secretary general for UNAMA

On June 10, 2019 Sayed Yousuf Halim, the Chief Justice of the Supreme Court (SC) met with Mr. Toby Lanzer, the deputy special representative of the secretary general for UNAMA and Mrs. Romana Schweiger, the Rule of Law Officer for UNAMA. In this meeting, Mr. Lanzer provided information on programs which were parts of the UNAMA cooperation



in Afghanistan, and expressed his cooperation with the judiciary system of Afghanistan in the framework of a bilateral Memorandum of Understanding (MoU), more specifically, in the areas of training programs, supporting the conduction of special seminars on reviewing the practical challenges facing the implementation of the Penal Code, fight against

corruption and drawing the donors' support for the implementation of the Judiciary's Action Plan, and will ensure the proper coordination through the rule of law section.

Later on, the Chief Justice (CJ) by expressing his gratitude from the previous cooperation of UNAMA, hoped from UNAMA in Kabul to continue their cooperation with the SC in the mentioned areas.

The CJ also found the training programs important, specifically, the special seminars on the penal code for the aim of its better implementation and finding its practical challenges facing the judges and courts of Afghanistan.

The parties also discussed other interested issues and exchanged their views.

Acting head of the Supreme Court, met with the coordinator of Deputy Attorney General of Department of Justice of the United States of America

On May 30, 2019, Justice Mohammad Zaman Sangari, acting head of Supreme Court, met with Mr. Mark Michalic, the coordinator of the Deputy Attorney General of the US Department of Justice where Joseph Matt, the military attaché for the US embassy in Kabul, was there too.



First, Justice Sangari discussed the structure of the judiciary system, reforms which are being made, appointment of the judges on merit bases, ensuring transparency, serious fight against corruption and establishment of Elimination of Violence Against Women Courts in 28 provinces with the aim of women's access to justice, and discussed the cornerstones of the Judiciary's Action Plan and reaching SC's indicators which will put the SC in a better situation in the next four years.

In this meeting, it was also pointed out on the needs of the Judiciary in the areas of capacity building and training of judges abroad, infrastructure issues and strengthening the judges' special security unit as well as on the status of the Case Management System (CMS) as an information bank for criminal and civil cases, and hoped for the support of the international community, including the US with the SC in this regard.

Later on, Mr. Mark Michalic, expressed his happiness about the development in the judiciary and promised his cooperation in judicial training, providing the opportunity for the exposure visits for judges and meeting their needs with equipping and technology to ensure better justice and rule of law. In this meeting, justice Abdul Hasib Ahadi, the member of high council of the SC and Judge Najibullah Akbari, the acting general administrative director of the judiciary were present too.

Report on Meetings of High Council of the Supreme Court

The High Council of SC held their regular sessions on 1st, 11, 23 and 25 June 2019 which were chaired by Sayed Yousuf Halim, the CJ and discussed their agenda topics, and the most important approvals and resolutions which have been adopted in these sessions are reported as follows:



❖ The CJ reported about his participation in the fourteenth meeting of the CJs of the Shanghai member countries which took place on 17-19 July in Sochi, federation of republic of Russia. In this regional meeting, the CJs of 13-member countries and a mentor from this agency had participated, and generally the discussions were on the concerning points related to

ensuring human rights and child rights, strengthening the working and capacity of judiciary systems of the member countries for providing better services for their countrymen as well as the issue of formal and informal justices. The CJ of Republic of Afghanistan presented his speech on the methods of reconciliation about the conflicts of the citizens, the relevant provisions of the laws on mediation and reconciliation and the importance of using the reconciliation methods for dispute resolution in the legal and justice system of the country.



In this meeting, the CJ also met with the CJ of the Republic Federation of Russia and exchanged views on the interesting points. The parties also agreed on establishing mutual cooperation on judiciary and preparing a draft bilateral MoU between the two countries.

❖ For better implementation of the law on access to information and public awareness on transparency of

the judiciary procedures as well as for the aim of better hearing the petition and complains of the applicants and parties of the cases, increasing the public trust for solving their problems, the heads of appellate and primary courts of the capital and provinces were ordered to allocate at least one hour every three days a week for public accessing to information, and courts should properly hear applicants direct talks for solving their legal problems and demands.

❖ Discussion took place on better management of the administrative procedure of the civil courts in accordance with the provisions of article 37-38 and 39 of the Civil Procedure Code, and the mentioned courts were instructed to use the predetermined registries and legal books relevant to the work of each court as well as other obligations subjected to them which are stipulated on the regulations, procedures and manuals which are approved by the high council of the SC, and for better management and unifying their administrative procedures, they should pay proper attention to ensure facilitation and speed up the procedures.

❖ For better consideration of legality for hearing the civil cases, and in those conditions in which the head or member of the court is deemed not legally to hear a case for the parties, the civil procedure code articles 68-71 were highlighted and it was more emphasized on the legal obligations of the judges and parties of the case.

❖ The general administrative directorate of the judiciary was instructed to assign a committee for

publishing the courts' decisions and awareness from the judiciary procedures of the courts through the website, and for implementation of the request, to seek proper strategy and send it to the high council of the SC for their approval.

❖ As a result of extraordinary and regular inspections, in accordance with the provision of the regulation on Considering Discipline for Judge's Offense, the, six judges from the appellate court of Ghore province were subjected to the disciplinary actions after identifying their on-job offense, and the required disciplinary sanctions were imposed on those judges.

❖ The high council of the SC expressed their condolence for Dr. Mawlana Enayatullah Eblagh, the former high council member of the SC, and the one who was found as a good judge of the country who passed away recently. The high council prayed and wished for the late judge the paradise and patience for his family. The late Eblagh had received his higher education in Al Azhar of Egypt and he was one of the unique Islamic subjects' writers, and "Abo Hanifa Al motakalem" is considered one of his valuable publications.

❖ The high council of the SC expressed their condolence for judge Eid Mohammad, a judge member from Appellate Court of Paktya province who was assassinated by the enemies of peace and stability of the country in Logar Province, the high council prayed and wished for the late judge the paradise and patience for

his family.

❖ Based on the instruction demand and view of the appellate court of Balkh province for preventing fraud and forgery on the legal documents, and to shorten the hands of those people misusing the opportunities from this process, the followings have been approved:

1. The deeds (court legal documents) which are recently provided, must be used by the heads of stocks and the fundamental deeds should be dealt accordingly, and transferring of the whole and/or partly of the property should be recorded on them.

2. Finalization and lack of finalization of the civil cases decisions on land properties which are claimed by the parties should be announced to the authorized courts to deal them on the SURAT e HAL (Case Status book).

3. The status of cases for breaking them through the ruling and decisions should be dealt on the book for breaching the rulings and decisions.

4. Also, nullification of the deeds should be dealt on their own book, and the relevant land property authorities should be informed in order to take appropriate actions to prevent misusing properties in the future.

❖ In response to the views of the general directorate of the research and studies of the SC on the challenges related to obtaining the taxes from the decision of the courts, and in response to the instruction demand from the appellate court of Nangarhar for appointing and identifying the territorial jurisdiction of the city court as of the new district structures, they were provided the

required legal instructions.

❖ In the presence of the Deputy Attorney General for Prosecution, Dr. Ghulam Haidar Alama and the relevant prosecutors, next keens and defense attorneys of the convicted criminals, 21 appealing/review cases were heard on money laundering, robbery, smuggling narcotics, misusing of authorities, corruption, murdering, misusing the titles, fraud, kidnapping and sexual assaults based on article 282 of the criminal procedure code, and appropriate decisions were adopted in this regard.

❖ In the presence of Sayed Mohammad Hashimi, the deputy for Ministry of Justice (MoJ), the prosecutors for the States Cases Directorate (SCD), the representatives of the relevant client organizations and parties of the case, five appealing/review cases which had objected on the judgement of the three phases courts on public rights were heard, and from these three cases, one of them for its conformity with the conditions of article 482 of the Civil Procedure Code (CPC) was affirmed and the previous judgement was cancelled for the favor of the government and the decision was adopted to review and hear the case again. In addition to that, the six other appealing/review civil cases were heard in the presence of the parties of the case in the light of article 482 of the CPC and the required decisions were adopted on those cases.

❖ Based on the request of the AGO and the appellate court of Kandahar, the jurisdiction for 148 criminal cases were authorized to the appellate courts of

Kunduz, Khost, Ghore, Laghman, Balkh, Sar-e-pul,
Kunar, Paktika, Takhar, Nangarhar, Samangan,
Baghlan and Helmand to hear them.

The Acting General Administrative Director of the Judiciary met with the head of Commission on Accessing to the Information.

Judge Najibullah Akbari, the Acting General Administrative Director of the Judiciary of Afghanistan met with Mr. Ainuddin Bahaduri, the head of the newly established country Commission on Accessing to the Information in his office and discussed the method of cooperation of the courts with this commission as well as the ways for public access to the information.



In this meeting which took place on 24 June 2019 in the office of General Administrative Directorate of the Judiciary, both parties discussed and exchanged views on their cooperation and coordination of the judicial staff of the courts on public, media and researching organization access to the information, and the Acting General Administrative Director of the Judiciary of Afghanistan beside welcoming the staff for

Commission on Accessing to the Information to the judiciary, and they were assured that the judiciary will help them with any type of cooperation in the framework of the laws and policies of the judiciary.

The acting general administrative director of the judiciary added that based on the scope of work of the judiciary and courts of the country, there is a need to put all the information in a good order on a table for individual and different organizations to access them in order to prevent any misuse of the information.

He explained the judiciary procedures of the courts and emphasized on the openness of the courts' hearing in all courts, and said that the doors of all courts are open for clients and participants of the judiciary sessions, all the judiciary decisions and courts hearings are open and the judiciary judgement will be provided to the parties of the case. Mr. Akbari also asked for more cooperation about their concern on misusing the judiciary information.

Judge Najibullah Akbari, beside sharing the information with the leadership of the commission in the light of recent and huge reform made in the last four years in the judiciary system of Afghanistan, he also pointed out briefly on reforms made on struggling with administrative corruption, reforms and appointments, attendance sheet control of the judge and judiciary staff, preserving the independence of the judiciary and judges, establishing the new systems and digitalizing the administrative and judiciary process.

In this meeting, Mr. Ainuddin Bahaduri, the head of Commission for Accessing to the Information beside his gratitude to the Afghanistan courts for their cooperation on public access to information, he appreciated the reforms made in the judiciary and asked for more cooperation in order to share the information with the public.

Bahaduri also added that there is a need to share these achievements which are obtained by the courts of the country for the first time through an organized and specific mechanism with the public in order to be more appreciated by people.

He mentioned that the leadership of the commission on accessing to the information is willing to strengthen more the access to information section of the SC and the courts of the country in order that the public, researching organizations and media be able to have more and better access to the information about the judiciary. He also asked for more enrichment of the SC website in order to put all the reports, procedural activities of all courts of Afghanistan on it, and public should have access to them.

The acting general administrative director of the judiciary in addition to assuring any cooperation in the area of accessing to the information, he added that based on a mechanism which is already prepared, the leadership of the Judiciary considers to improve its website and its part for accessing to information of the SC in the near future and it is planned that the finalized judgement and decisions of the courts from then be

posted and published, and public will have access to them.

He mentioned that the leadership of the judiciary is committed to monitor and preserve the big achievements and reforms made in different parts of the SC during the last four years and are committed to more improve this process.

At the end both parties promised for continuation of more cooperation and work-related meetings between the two institutions in order to more aware the public about the work of the courts in the country, and more information will be provided for the public to have access to them, and the leadership of the SC in the relevant legal and policy frameworks assured any type of cooperation with the leadership of the Commission for Accessing Information.

Conducting a Training Program on Case Registration Management System and Staff Relation for courts administrative staff of the appellate court of Nangarhar province.

Following to the training programs, the capacity building and performance appraisal directorate conducted a training program on “case registration management system and staff relations” on 15 June 2019 for the case registration management system staff of the courts in Nangarhar province which was financially supported by JSSP.

The discussing points and topics in the training program were including; need for establishment of case registration management system, procedures for case registration management system, how to fill out the case registration management system forms, how to use the case registration management system data base, a unifying work related performance for staff relation (comforts, health and job safety of staff), conflict resolution and hearing the complaints, qualifications criteria and responsibilities for conflict resolution committee, and forms for processing the complaints. At the end of the successful program, the evaluation conducted, and it was emphasized that whatever the administrative heads and managers learned in these programs should apply them practically.

News and Events

- Sayed Yousuf Halim, the CJ of the Islamic Republic of Afghanistan traveled to attend in the fourteenth meetings of the CJs of the Shanghai member countries which took place on 17-19 July in Sochi, federation of republic of Russia.
- Judge Najibullah Akbari, the acting general administrative director of the judiciary attended a conference on “open justice and role of the public in the justice institutions” on 13 June 2019 which was initiated by the integrity watch organization with the participation of the second vice president and other high governmental officials, and on behalf of the SC, Judge Akbari delivered his speech.
- On 25 May 2019, Gholam Sakhi Habib, the chief judge for the appellate court of Faryab province met with the representatives of JSSP in his office. First the chief judge pointed out that the database personnel in addition to working on case registration management system, they are helping with the administrative affairs, especially with sending and receiving emails from the SC of the Islamic Republic of Afghanistan, he also discussed and exchanged views on the low speed

of internet, lack of case registration management system forms in some files and lack of understanding of some clerks on how to fill out the data base forms. JSSP representatives in Faryab province promised their cooperation about improving the internet as well as conducting seminars to solve the problems of the clerks with filling out the data base forms.

- On 20 May 2019, Gholam Sakhi Habib, the chief judge for the appellate court of Faryab province met with Najibullah Azizi, the head of inspection directorate and Mr. Mujib Rahman Hoshmand, the inspection member and head of the control and surveillance department of AGO in his office and discussed the principle of their relationship with the governor office and all other governmental institutions, specifically with the appellate prosecution directorate.
- Judge Fazel Rahman Fazly, the chief judge for the appellate court of Badakhshan province met with director of GIZ in his office on Monday 17 June 2019. The director of GIZ provided a brief information about GIZ and their working area, later on the chief judge appreciated GIZ for furnishing the appellate court hall. The director of GIZ promised to seek analyzing the issue

based on their office principal regulations and in the future will start and expand their relationship and cooperation with courts on a specific plan.

Counter Corruption

A. Reports on the judicial activities of the primary court of the anti-corruption in Kabul Province

1. Report

The primary court for anti-corruption in Kabul province from 22 of May- 20 of June 2019 heard 12 criminal cases of administrative corruption, and as a result of these cases, 21 individuals who were accused for misuse of duty, taking bribes, forgery, illegal extortion, obtaining illegally the night binoculars, were arrested and brought before the courts, the accused people were imposed the different imprisonment punishment as follow:



- Imprisonment from one month to one year (12 people)
- Imprisonment from one to five year (two people)
- The convicted people for cash fine (seven people)
- Total cash fines reach 5866 USD.

Table# 1 shows the figures for the accused people who are convicted by the primary anti-corruption court of Kabul for the month of Jawza, year 1398 (22 May-20 June 2019)

number	Type of case	No of cases	Judicial decisions							
			No of accused	acquittal	No of convicted	Number of prisoners sentenced to imprisonment				
						1-12 month prison	1-5 years prison	5-15 years prison	No of convicted for cash fine	Total of cash fine
1	Misuse of duty	1	2		2				2	2469
2	Forgery	2	2		2		1		1	2213
3	bribery	6	13		13	10			3	1098
4	Illegal extortion	2	3		3	2			1	86
5	Obtaining illegally the night binoculars	1	1		1		1			
Total		12	21		21	12	2		7	5866

Also, during this period, the aforementioned court issued judiciary ruling on 14 cases and sent back these cases to their relevant authorities for completing the missing and incomplete investigation.

Table# 2 shows the judiciary rulings for the primary anti-corruption court of Kabul for the month of Jawza, year 1398 (22 May-20 June 2019)

number	Type of case	No of Cases	No of accused	Reason for judicial ruling	Relevant organization
				Gaps and shortages	
1	Misuse of duty	2	7	2	prosecution
2	Forgery	3	9	3	prosecution
3	Bribery	4	8	4	prosecution
4	extortion	1	9	1	prosecution
5	Embezzlement	1	5	1	prosecution
6	Restoring Prestige	1	1	1	prosecution
7	Disobeying the orders	1	1	1	prosecution
Total		14	40	14	

2. Examples of Summary Judgments of Kabul provincial Anti-Corruption Primary Court

Court decision date 1398/3/20 solar calendar (11 May 2019)

Conviction of the Police Commander for the 11 Blok of Pul-e-charkhi prison for the crime of misusing his job authority

According to the Pul-e- charkhi Central Prison Intelligent Services pre reporting, the 11th Block

commander for misusing of his job authorities, illegally gets money under various name from the 11th Block prisons. The aforementioned management start their intelligent and cooperative operation and as result according to the statement of 11th Block prisoner, who was formally responsible for the 11th Block grocery booth, the 11th Block commander asked him to pay 10 thousand Afghani for one room and 5 thousand Afghani for grocery booth.

Intelligence management after obtaining the statement and information with subject of operative mission, they provide 15 thousand Afghani with noted their number and gave to prisoner nephew to submit to that commander, then commander asks him to submit the money outside of the prison. The commander gives the responsibility to his driver to go out and take that money.

Therefore, as cooperative operation by intelligent service, first the driver and then 11th block commander was arrested and case has been referred to Kabul provincial Anti-Corruption Primary Court. Then the court in a public trial dated 10 June 2019 (20/3/1398 of solar calendar), convicted the 11th block accused commander in accordance with article of 403 Penal Code and consideration of article 213 and 215 on misuse of the job authorities from his position, and charge him with 120 thousands Afghani cash penalty and discharged from professional practice and duty and the driver of that commander in cooperation on criminal act and misuse of job authority and position in

accordance with article of 403 of penal code and consideration of article 58, 213 and 215 of penal code charged and sentenced with 80 thousand Afghani cash penalty and discharged from professional practice and duty.

Conviction of Ali Abad District Police commander of Kunduz for misuse of duty and failure to comply with law and regulations.

Several people were allegedly for seizing property and fake signature of the President of the Islamic Republic of Afghanistan, from among the accused people, three of them have been sentenced to seven years imprisonment by the public security division of primary Court of the second district of Kabul and issued the order to arrest the others. But the rest of accused people were freely walking in the city of Ali Abad district of Kunduz province,

Although there were several warrants and orders issued by Ali Abad Security Commander of District from the relevant Organs to arrest the accused people, but they were supported by the security commander of Ali Abad district and he hasn't taken any serious action for arresting them and he was not supportive.

Finally, the Ali Abad security commander was introduced to judicial and justice authorities and his case was brought to Kunduz Primary anti-corruption Court.

The court on trial date 11 May 2019 (-21 / Sawr/1398 solar calendar) convicted the security commander of Ali Abad District for the crime of misusing and failure to comply with the provisions of laws and regulations, and according to Paragraph 1 of Article (407) of the penal code he was sentenced for 60,000 Afghani cash penalty to pay to the government account.

Judgement dated 1398/3/20 (solar calendar)

Conviction of Squad Commander and one of the soldiers of Toukham Custom Police for the crime of illegal extortion from vehicles. As a result of prior information about illegal extortion from vehicles at the Tourkham Border, a delegation General Department of Border Special Investigations of General Directorate of Combating Criminal Crimes of the Ministry of Interior has been assigned and was sent to Tourkham Border of Nangarhar province, based on pre-plan and available information that delegation had, the assigned delegation started documenting and arresting the suspects, as a result of that; two soldiers from Tourkhum Custom, a shopkeeper at the Tourkham Border were arrested and they were introduced to the justice and judicial sectors, the related case was filed to the Primary court of Combating Corruption of Nangarhar province. On the judicial session dated 1398/3/20 (solar calendar) in relation to the illegal extortion of (30000) Pakistani rupees, every one of the two accused persons from the beginning of detention in accordance with the paragraph (1) of article 445 of Penal Code was sentenced to four months imprisonment. In relation of trafficking by Fielder type vehicle, according to paragraph 2 of article 781 of Penal Code, another person was sentenced to seven months, in relation of owning illegal weapon, based on article 536 of Penal Code another person was convicted to 30000 Afs cash fine penalty, since all crimes are not being committed because of one goal, based on article 75 of Penal Code,

each above mentioned penalties are being imposed subsequently to other penalty, and in addition to that the court will issue an order to confiscate all relevant items, and about the Security In charge of Tourkham Custom, due to lack of sufficient evidence and documents he has been considered acquitted.

D) Reports from the judicial activities of the Appellate court for anti-corruption of Kabul

1) Report

Since 1398/3/1-1398/3/31 (solar calendar) the appellate court for anti-corruption in Kabul heard 14 cases raising from administrative corruption, relevant to these cases, 21 individuals were arrested for the crimes of misusing the job authority, taking bribe, Forgery, Embezzlement, illegal extortion and they were prosecuted and different level of imprisonment penalties were imposed on them as follow:

- One to five years of imprisonment (10 people)
- 5-15 years of imprisonment (one person)
- People who were convicted of cash fine penalties (10 people)
- Total cash fines reach 8242 USD.

Table# 3 shows the figures of activities for the appellate court of anti-corruption of Kabul for the month of Jawza, year 1398 (22 May-20 June 2019)

number	Type of case	No of cases	Judicial decisions						
			No of accused	acquittal	No of convicted	Number of prisoners sentenced to imprisonment			
						1-12 month prison	1-5 years prison	5-15 years prison	Total of cash fine
1	Misusing the job authority	5	6		6			6	7687
2	Taking bribe	5	8		8		7	1	
3	Forgery	2	3		3		1		493
4	embezzlement	1	2		2		2		
5	Illegal extortion	1	2		2			2	62
Total		14	21		21		30	1	10
									8242

Also, during this period, the aforementioned court issued judiciary ruling on 8 cases and sent back these cases to their relevant authorities for completing the missing and incomplete investigation.

Table# 4 shows the judicial rulings for the appellate court of anti-corruption of Kabul for the month of Jawza, year 1398 (22 May-20 June 2019)

number	Type of case	No of Cases	No of accused	Reason for judicial ruling	Relevant organization
				Gaps and shortages	
1	Misuse of duty	4	11	4	prosecution
2	Taking bribe	2	2	2	prosecution
3	Plundering	1	8	1	prosecution
4	Possession of illegal weapons	1	1	1	prosecution
Total		8	22	8	

2. Summary for some sample of the judgements issued by the anti-corruption appellate court of Kabul, date 27/05/2019

Convicting of the acting head of the field operation election commission directorate and its staff for the act of taking bribe, accomplice and alliance in crime

One of the candidates for the lower house from Laghman province through an unprinted petition applied to the address of national security directorate for receiving a call at 9:00 pm, and over the phone he was told that the head of field operation of the election commission directorate wants to see you and to talk to you about some issues, and I was given a phone number from Roshan communication company in order to talk to him over that phone number. Later I called him on that number, and he said that it is an urgent issue ,and I should visit you face to face, and I will call you after my work because I am busy now, and it was 7:00 pm that he called me again and gave me an address which was Alauddin three-way street in an apartment, it was like an office, I was accompanied to the room and then another person came and he called some people in the election commission, and they were told over the phone that add the ballots from the gradual votes for the candidate# 3 by the data base staff, he told me that what do you do now? Almost 40 votes are more than yours. I was aware of both my votes and the other candidate's votes, I said that how come my thousand votes can be ignored? He said that there are machines for trashing the original papers and other papers will be prepared

and replaced instead, finally he asked me for bribe, he started and asked from one hundred thousand USD dollars and came down to \$10000, I told him that I don't have this amount now and I will borrow from someone and will pay them to you, I said this because I wanted to find an opportunity, therefore, I shared the issue with the National Security General Directorate, and the national security directorate on date 1397/9/ 6 (solar calendar) arrested two people after taking the \$10000 in front of the lower house candidate's house in district five. Secondly on the next day on date 1397/9/7 (solar calendar), the three other individuals were arrested in the vicinity of the lower house candidate's house after obtaining the \$10000, and they were introduced to justice institutions. The case was referred to the primary court of the anti-corruption of Kabul, the court in the judiciary session held on 1397/12/ 21 (solar calendar) convicted the acting head of field operation of the election commission directorate with the consensus of the general votes for the crimes of taking \$10000 bribe in accordance with the paragraph 5 of article 371, paragraph 2 of article 375 and paragraph 1 of article 385 of the penal code for six years of imprisonment, and cash fine of equivalent to the amount of bribe as well as firing him from his job, and an employee for the political and public advisory of the presidential office and a contractor for the election commission in the case of accomplice in the crime of taking \$10000 were convicted based on paragraph 5 of article 371, paragraph 2 of article 375 and paragraph 1

of article 385 and each one was sentenced to five years and one month imprisonment, cash fine of equivalent to the amount of bribe as well as being fired from their jobs, and another accused person who was the security guard for the election commission of Kunar province was convicted for two years of imprisonment since being arrested and being in custody, cash fine equivalent to the amount of bribe as well as firing from his job for the act of alliance in crime of taking \$10000 based on paragraph 5 of article 371, paragraph 2 of article 375 and paragraph 1 of article 385 as well as with the consideration of article 59 of the penal code. But the case was appealed to the appellate court as per lack of the case prosecutor's affirmation, the case referred to the Kabul appellate court of the anti-corruption, and the court in its judiciary hearing on date 139/3/6 (solar calendar) in the presence of the parties of the case, in accordance with article 54 of the law on structure and jurisdiction of the judiciary affirmed the judgement of the primary court for the physical punishment, but the cash fine part was breached.

Judgement Order on 18 June 2019

Convicting one of the doctors for a private hospital for the crime of assistance in bribe

Based on a report that the medical staff are receiving money illegally from the individuals who they are hiring in the medical section and hospitals, the arresting plan is managed by the security staff of the heavy crimes section of the ministry of interior affairs, and on

1397/12/4 (solar calendar date) one of the accused person was arrested in district 6th, opposite to the ministry of power and water with an amount of 224000 afs from his pocket and an amount of 176000 from his vehicle. On the next day, on 1397/12/5 (solar calendar date) at 1:00 pm, a doctor being reported as accomplice who he was giving the money to him for the recruitment was arrested in district five in Kabul and then he was introduced to the justice institution. The case was referred to the Kabul primary anti-corruption court, the court in their judiciary trial held on 24 March 2019 in the presence of the parties of the case, each accused for assistance in the crime of bribe of 400000 Afs based on article 373, paragraph 5 of article 372, and paragraph 1 of article 385 of the penal code and based on articles 213 and 215 of the mentioned penal code since being arrested and being in custody was sentenced to one year and six months of imprisonment and a cash fine of equivalent to the amount of bribe, but the case due to objection of the doctor was appealed to the appellate court of anti-corruption of Kabul. The appellate court of anti-corruption in a judiciary trial held on 18 June 2019 in accordance with article 54 of the law on organization and jurisdiction of the judiciary affirmed the Kabul primary anti-corruption court decisions held on 24 March 2019.

Counter- Narcotics and Intoxicants

A. Reports on the judicial activities of the primary court of counter narcotic

2. Report

The primary court for counter narcotic from 22 of May- 20 of June 2019 heard 82 cases of narcotic and issued their required judgements. In regards to these cases, 99 individuals who were arrested for trafficking and transferring drugs only one of them due to lack of sufficient evidence and proofs, he got acquittal and the remaining 98 individuals were found guilty and received imprisonment punishment as follow:



- Imprisonment from one to five years (63

individuals)

- Imprisonment from five to fifteen years (16 individuals)
- Imprisonment from fifteen to twenty years (19 individuals)

In regards to the above mentioned trials, the judgements were issued for the elimination of 8522,9595 Kg drugs too.

Table# 1 shows the figures for the judicial enforcement of the primary counter narcotic court for the month of Jawza, year 1398 (22 May-20 June 2019)

number	Type of case	No of cases	Quantity of drug	Judicial decisions					
				No of accused	acquittal	No of convicted	Number of prisoners sentenced to imprisonment		
							1-5 years prison	5-15 years prison	15-20 years prison
1	Methamphetamine	43	77.3115	43		43	23	7	13
2	Heroin	20	285.708	31	1	30	26	3	1
3	Morphine	6	76.59	7		7	2		5
4	marijuana	7	7527.35	11		11	7	4	
5	Opium	3	212	3		3	2	1	
6	Chemical	2	320	3		3	2	1	
7	Shisha (type of drug)	1	24	1		1	1		
Total		82	8522.9595	99	1	98	63	16	19

3. Summary for the judgement issued by the counter narcotic primary court

Verdict dated 7/3/1398 (solar calendar date)

Sixteen years for smuggling 640.23 kg of methamphetamine and 450.6 kg of heroin

According to the Information and notice of Investigation Department of the Drug Enforcement Administration of Herat police head quarter, there is a network of drug traffickers and drug Transmitters in Herat province who have been subjected to a number of

narcotics investigations and Operative in Herat province for some time. They have moved transit and want to convey to Iran that the anti-narcotics management of the Herat Security Command has taken control of the SHAHRA Herat (ISLAM QALA) route and identified the vehicle at the checkpoint. That after an attempt the vehicle was seized by a representative of the Herat Appeals attorney general, with 7 envelopes weighing 450.6 kilograms of heroin and 28 envelopes containing 640.23 kilograms of chemicals under the name of methamphetamine.

Driver is arrested and his case was reported to the judicial entities. The judicial organs brought the case to the Primary Court counter narcotic. The accused was charged with transferring (640, 23) kilograms of methamphetamine pursuant to paragraph (5) item (2) Article (303) for Ten years of imprisonment and in the case of transfer of (450, 6) kilograms of heroin pursuant to paragraph (5) item (1) Article (302) of the Penal Code was sentenced to imprisonment for a term of (fifteen years) provided that Article 73 The aforementioned fertilizer is punishable by a high penalty of transfer of (640, 23) kilograms of methamphetamine, which is a (16) year imprisonment. However, in accordance with Article 32 of the counter narcotic law, one mobile phone with Sim Card and one Benz actors Carrier car with narcotics with three Jack Obtained in accordance with Article (308) of the Penal Code shall be confiscated by the amount of narcotics obtained has been considered extinct.

Verdict dated 6/3/1398

Five years in jail on charges of smuggling 400.3kg of heroin

Based on a Phone Call, the Counter-Terrorism Management against tobacco and narcotics of Badakhshan police headquarter that two people are moving from GANDOM KOL KALAN by red motorcycle to NAW ABAD GANDOM KOL. After Getting Head instruction, the acting chief of police with the participation of the prosecutor, Security Branch Command, Local Narcotics, Counter-Terrorism and KASHM Anti-Terrorism Command has reached the SARKHAKI BILAND area, and two people were going by motorcycle from northbound to the southbound, they were stopped by local authorities. Afforded through the motorcycle's sump, they find drug in gray color, during a physical search, they found a Brita pistol with its cartridge from the accused person, while the defendants were arrested and drugs were seized. The prosecutor was required to weigh in, and it was 400.3kg of heroin. The case has been entered in the counter narcotic court and court in its hearing on 6/3/1398 (solar calendar date) in the presence of the parties, convicted the accused people with the general consensus and upheld the accused in the case of transfer of (400, 3) kg morphine (5) Item (1) Article (302) of the Penal Code with regard to Articles (213) and (214) of the said fertilizer from the beginning of the period of supervision and detention, and sentenced each of them

to five (5) years imprisonment and beside that one of them was sentenced to three years and six months imprisonment in the case of possessing of a pistol without a legal license under Article 213 of the Penal Code that, under Article 73 of the said fertilizer, severe punishment is applicable for transferring of (400, 3) kg of morphine; And two Samsung-type mobile and a Nokia-mobile phone with Sim cards and a Brita pistol obtained pursuant to Article 32 of the Anti-Drugs Act and a Sony Motor Vehicle pursuant to Article (2). 308) Criminal penalties have been declared confessable.

B: Report of the Judicial Enforcement of Counter Narcotic Appellate Court

1. Report

The Counter Narcotics Appellate Court has since 1398/3/31-1398/3/1 (solar calendar date) adjudicated a number of (46) drug-related cases and issued rulings on them. In connection with these cases, 63 people have been arrested for trafficking drugs and have been sentenced to various prison terms.

- 1 to 5 year imprisonment (22 people).
- 5 to 15 years (20 people).
- 15 to 20 years imprisonment (20 people).
- 20 to 30 years imprisonment (1 person).
- The aforementioned amounts of (8924, 238) kilograms of drugs have also been seized.
- The aggregate cash fines amount to (5705) US \$.

Table# 1 illustrates the judicial enforcement of the Counter Narcotic Appellate Court during the month of Jawza for the year 1398 (solar calendar date)

number	Type of case	No of cases	Quantity of drug	Judicial decisions						
				No of accused	Cash fine	No of convicted	Number of prisoners sentenced to imprisonment			
							1-5 years prison	5-15 years prison	15-20 years prison	30-20years of imprisonment
1	Heroin	7	767,163	9	901	9	5	3	1	
2	Methamp hetamine	22	4293.53	28	1111	28	13	5	10	
3	Morphine	6	66,545	12	493	12	1	1	9	1
4	Hashish	7	2944	10	2830	10	1	9		
5	tablets k	2	853g	2		2	1	1		
6	Use of Drugs	2		2	370	2	1	1		
Total		46	8924.238	63	5705	63	22	20	20	1

2. Summary for the judgement issued by the counter narcotic appellate court

Verdict dated 3/3/1398 (solar calendar date)

Sixteen years in prison on 18.230 kg morphine trafficking charges

According to the report, one of the resident of Nangarhar province intends to smuggle drugs from Kabul province to Nangarhar province by a car. It has been reported that a White corolla motor vehicle arrived at the scene along with a driver and a vehicle interceptor and was identified and attempted by the Detective Task Force mission on 27/11/1397 (solar calendar date) drives to Pul-e-charkhi Kabul gate ,

which resulted in the possession of one narcotic Packet from the head of cartridge cap, eight Pocket from the two front door and the three other pocket from the back doors which were skillfully embedded in the car, discovered and arrested in connection with the accused's case and referred to the judicial and justice organs. The case was brought before the Special Counter Narcotics Primary Court at a hearing on 2/3/1398 (solar calendar date). The penal judges unanimously relied on the accused' reasons for transferring (18,230) kilograms of morphine pursuant to paragraph (5), paragraph (1), Article (302) of the Penal Code with regard to Article (213) and (3). Article (214) the aforementioned fertilizer shall be punished by imprisonment for a term of eighteen (eighteen) years and shall be subject to confiscation of two sites in accordance with Article 32 of the Counter Narcotic Law. The sum of its SIM cards, the amount of (2510) Pakistani rupees and the sum of (50) Afghans, has been ruled in accordance with Article 19 of the said law for the disappearance of narcotics, but the indictment of the accused has been lodged with the Counter Narcotic Appellate Court as per the accused objection on primary court judgement. The court unanimously and in the presence of the parties to the case relied on Article 267 of the Criminal Procedure Law and Clause (2) Article 17 (17) of the Counter Narcotics Drug Law and Appeals Act dated 1/3. Amended by the Basic Court, and appeals the defendants in the case of transfer of (18,230) kilograms of morphine in accordance with

paragraph (5) item (1) Article (302) with respect to materials (213 and 214) except fertilizer. He has been sentenced to imprisonment for a term of sixteen (sixteen, sixteen and six - six months) and, in accordance with Article 32 of the Counter Narcotics Drug Law, the verdict of the Court has been ruled on the matters mentioned in the ruling of the Primary Court for seizing the discovered items.

Verdict dated 3/3/1398

Sixteen years of imprisonment on the Trafficking of 50,500 kilograms of methamphetamine

On 26/10/1397 police officers of the 4th district of Zaranj Police Department of Nimroz Province, during a patrol they were suspected on Corolla vehicle, seized after an attempted interception of (50,500) kilograms of methamphetamine were received and the in charge driver was arrested and his case was referred to the Judicial and justice organs, where the case was referred to the primary counter narcotic court. The court at its hearing on 21/2/1398 (solar calendar date), directed the defendant for the transfer of (50,500 kg) methamphetamine according to Paragraph (5) (2) Article (303) Penal Code for sixteen years of imprisonment and for not having a license plate number according to the paragraph (1) Article (560) Penal Code and observance of Article (75) Penal Code in the amount of twenty thousand Afghanis in cash and convicted as well as seizing a sim card bail bond pursuant to Article 32 of the Counter Narcotics Drug

Law. The drug carrier was also convicted under Article 308 of confiscation and under Article 19 of the Counter Narcotics Drug Law (50,500 kg) of methamphetamine. However, the case concerning the lack of conviction of the accused has been submitted to the Special Appeals Court of Counter Narcotic Drugs. The Court, at its hearing on 11/3/1398 (solar calendar date), held that the parties to the case relied on unanimous verdicts (54). 2) Article 17 of the Counter Narcotics Drug Law (1) Article 267 of the Criminal Procedure Code of 21/2/1998 approved by the Basic Court of Drug dealing crimes.