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Meetings and Sessions

Sayed Yousuf Halim, the Chief Justice of the Supreme Court met with Mr. Giles Lever, the deputy and acting ambassador of the British Embassy

On July 8, 2019 Sayed Yousuf Halim, the Chief Justice of the Supreme Court (SC) met with Mr. Giles Lever,



the deputy and acting ambassador of the British Embassy in Kabul.

In this meeting, first the acting ambassador of the British Embassy discussed the financial, technical and training cooperation of his country with the counter narcotic and anti-corruption justice center, and some other criminal courts and to further strengthen this

cooperation and identify the real needs of the courts he mentioned the appointment of the new legal and justice advisor of the Embassy. He hoped that the new advisor who has good experience in the judicial and prosecution fields in Britain would be a good coordinator of cooperation with the justice and judicial system in Afghanistan.

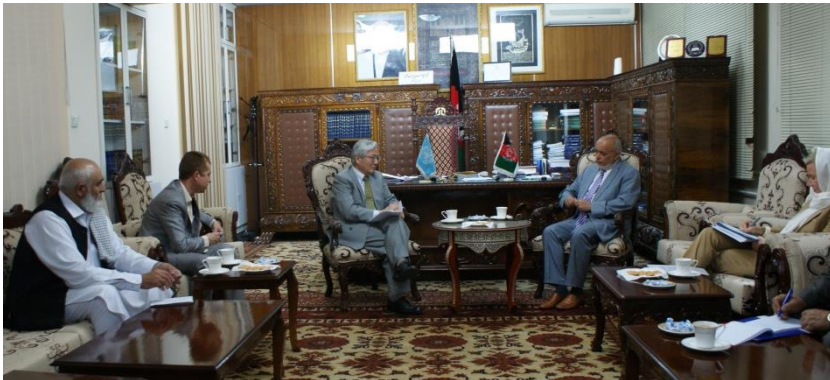
Giles Lever, The Acting Ambassador also appraised the Counter Narcotic courts for their impartiality and independence during case hearings.

The Chief Justice (CJ) expressed his gratitude for the cooperation of the friendly country of Britain, especially with the judiciary and justice institutions and appreciated them for the continuation of their assistance, and pointed out on the issue of online court trials for some criminal cases. The parties exchanged views on different legal and practical aspects of this system too. CJ expected from the Friendly Country of Britain to provide the judges, prosecutors and security officials the opportunity of exposure visits to the countries that have such a system before its implementation in Afghanistan so that their experience and learning become more helpful in the process of establishing online court trial system in Afghanistan.

In this meeting, the acting ambassador of the British Embassy assured his cooperation in equipping and providing electronic tools for this system as well as providing the opportunity of the exposure visits for the justice and judicial officials abroad.

Chief Justice meets with the Special Representative of the Secretary General of the United Nations

On July 9, 2019, Sayed Yousuf Halim, the CJ met with Mr. Tadamichi Yamamoto, the Special Representative of the Secretary General of the United Nations in Afghanistan.



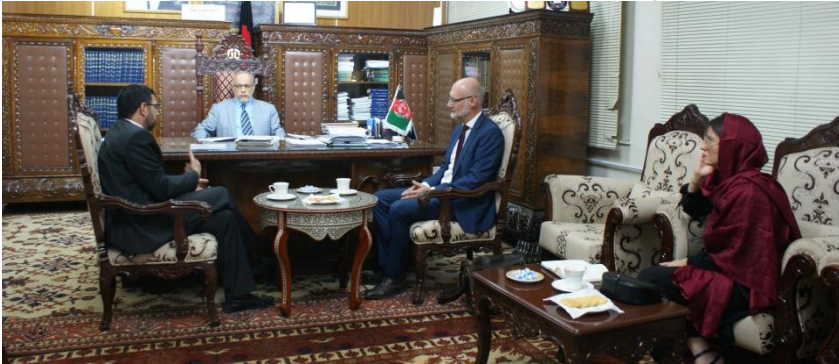
In this meeting the special representative appreciated the opportunity for the meeting and promised for the continuation of UNAMA rule of law section assistance with the judiciary in the areas of fight against corruption, increasing the capacity of judges and courts, professional training programs including conducting the near future planned seminar on penal code which is focusing on the challenges facing its application in practice as well as emphasizing on the cooperation of both sides.

At the same time, the CJ provided information on the

status of the judiciary system and discussed dealing the cases, ensuring justice and legality in the process of hearing the case which is considered by keeping the independence and impartiality of the judiciary based on the national and international commitment of Afghanistan, and found the role of international community, specially the United Nations' role in coordination of the cooperation for providing better judicial services. The parties also exchanged words on the interesting related issues.

Chief Justice meets with the General Deputy of Max Planck Institute

On 27 July 2019, Sayed Yousuf Halim, the CJ welcomed and met with Mr. Walf Plasmen, the General Deputy of Max Planck Institute and Dr. Alarya, the director of programs for that institute in Afghanistan.



First, Mr. Plasmen following to the previous meetings of the program director for Max Planck institute mentioned that the German government is interested to re start its projects which were delayed for a while in Afghanistan and at this stage we are going to support the Afghanistan Judiciary in the areas of Capacity Building for judges and courts, conducting training programs, specifically for female judges in cooperation and coordination of the Supreme Court.

He also mentioned about the program details, and the level of capacity and supports of the Max Planck on their expectable services and asked SC for their assistance in this regard. On the other hand, CJ added

that the Afghanistan Judiciary has prioritized their needs in all areas including; capacity building, professional and judicial trainings, exposure and side visits for judges, and in order to strengthen the judiciary system of Afghanistan, has taken appropriate measures by drafting and developing the Judiciary Action Plan. CJ requested the Max Planck Institute to organize and plan their cooperation within the frame work of the Judiciary Action Plan, especially in the areas which they are available to support, and the Supreme Court, undoubtedly, appreciates their support in this regard. The parties also exchanged words on the other related issues.

Report on holding sessions by the High Council of the SC

The High Council of the SC held their regular sessions on 2, 6, 13 and 15 July 2019 which were chaired by Sayed Yousuf Halim, the CJ, and discussed on their agenda topics, and here are the most important approvals and decisions which have been adopted in these sessions and they are reported as follows:

- ❖ The report of a judicial mission to the republic of China which took place based on the framework of a signed MoU between the Supreme Courts of the two countries, based on the invitation of the judiciary national academy of that country which



took place on 25 July in Beijing was heard.

The agenda for the trip focused on familiarity with the judiciary system of China, developments of the Judiciary System Reform, Access to justice, familiarity

with the culture, the history and role of judiciary in the financial stability of that country was applied through in class methods, observation and visits, and judges visited the courts, museums, historical and social-cultural places. And they watched some criminal, civil and commercial courts hearing which were conducted through the electronic tools.

- ❖ The report from the Judicial Education Directorate was heard about the preparation for taking Judicial Training Course Entrance Exam (Konkor) which was supposed to be conducted on 19 July with the cooperation of the National Examination Authority. Based on the reports provided, the applicants physically and as online registered for the exam, and the way how the exam will be taken and how its results will get announced, will be done in the presence of the judiciary and other institutions' representatives, including the Civil Society. The high council in order to differentiate, identify and specify the participants of Konkor during the exam and before that as well as ensuring more transparency, and taking the required measures, and ordered the General Administration of the Judiciary Power to take proper actions.
- ❖ The report for the procedure of the general directorate of judicial inspection of the SC related to the extraordinary and regular inspections were reviewed. Based on the report, during the year 1398 (solar calendar), 67903 civil

and criminal cases in the primary court, 45454 criminal and civil cases in the appellate court were inspected, and 131 issues were inspected extraordinarily and as a result, 21 courts offenses, 668 offenses, were identified to be disciplined and are required to proceed the legal procedures. The high council in addition to affirm the report, appreciated the judicial inspectors for their performance and energy seeking in this regard.

- Expressed the deep condolence and sympathy for the victims of the last explosion due to suicide attack in Kabul which caused huge human and financial casualties, also for killing of Judge Fahim Fedae, member of the criminal division of Maidan Wardak Appellate Court who was assassinated on Tuesday evening, it was prayed that the martyrs of the mentioned incidents' souls may rest on peace and prayed for the wounded people to get well soon and wished patience for their relations.
- Prayed that May the soul of the two clerks from the appellate court of Nangarhar province be in rest, who were cruelly assassinated last week by the enemy of the country and they got killed, it was prayed to God that the place for martyrs be in the heavens, and wished patience for their family. Meanwhile, it was asked from the security

institutions to ensure justice for the security of judges and courts which are the responsibilities of the security institutions based on the laws and they should take serious actions.

- ❖ There was discussion on the instructional questions which were asked by the appellate courts of Kabul, Herat, Balkh, Ghore, Badghis, Baghlan and Badakhshan provinces and the State Case Department on some provisions of the law on court tax and the method for enforcing the orders of the courts, and the following decisions were adopted on the challenges related to the problems of enforcement:
 - 1- According to the rules for solving the dispute on enforcement set forth on the approvals of the seminar year 1350 (solar calendar), solving the dispute in enforcement within the explanation and interpretation of the original case is the jurisdiction of the primary court where the land which is the claiming objective is located in its territorial, and the judiciary ruling has been issued and it needs to be proceeded within appealing phase.
 - 2- If the court fails to resolve the issue after all investigations have been made, it shall issue a statement of the existence of the forms raised by the implementation board or the parties of the case.

- 3- If the judiciary ruling does not result in resolution of the dispute in the enforcement or cause to make changes on the nature of the decision, it shall be subject only to appeals and may not be reviewed by the court.
- In regards to the instructional question of the De Afghanistan Bank that they do not have sufficient capacity and ability to bring the disputed immovable properties under their mandatory, and for the goal of establishing a unified procedure, with the repeal of the two last decrees and the emphasis on the implementation of the two previous High Council approvals, necessary decisions were adopted.
 - In regards to the instructional question of the courts and stock and deeds department for identifying the competent court for hearing the case of administrative corruption in the provinces, implementation and non-execution of an exemption under a project of acquisition, bookkeeping and reconciliation under the jurisdiction, deficiencies and gaps of cases that the Prosecutor's Office fails to timely resolve them. Indicators defining the subjunctive jurisdiction of some cases and how the tax is deducted from the acquisition deeds have been consulted about them in the light of the applicable law that making the necessary decisions and providing guidance.
 - In the presence of the deputy of Attorney
-

General Office (AGO) for prosecution, Dr. Ghulam Haidar Alama and the relevant prosecutors, next keens and defense attorneys of the convicted criminals, 26 applications for changing the courts for cases of murdering, violence resulted to suicide, rubbery of shops and vehicles, armed robbery, trafficking drugs and job neglecting were heard in the light of article 282 of the criminal procedure code, and appropriate decisions were adopted in this regard.

- Seven appealing/review claims of the state case department against the individuals and six claims for appealing/reviewing cases among the individuals were heard, including three claims due to the rumor on claiming objective in public rights were cancelled according to article 482 of the Civil Procedure Code (CPC) and it was instructed to refer the issue officially to the state case department.
- In accordance with the agenda, some requests for changing the court on civil and criminal cases, promotion of the judges' judicial cadre's degree and a case for dispute jurisdiction between the two courts were reviewed, and also as per the request of the Attorney General Office, the jurisdiction for hearing 220 criminal cases were authorized to the appellate courts of Herat, Nemroz, Baghlan, Kunar, Daykundi, Paktika, Nouristan, Khost and Kandahar provinces.

The third justice and judiciary institutions coordination meeting holds

The third justice and judiciary institutions supreme coordination meeting held on 6 July 2019 in the afternoon which was chaired by Chief Justice, Sayed Yousuf Halim.



In the meeting where the Attorney General, Minister of Interior Affairs, Minister of Justice, the head of judiciary and legislative general directorate of the administrative office of the president, the president of the Afghanistan Independent Bar Association, the head of law department of the General Staff of the Ministry of Defense and some other officials had participated, the challenges pointed out by the judiciary and justice institutions on the relevant issues for monitoring and enforcement of the criminal laws by the courts, regular participation of the prosecutors as the main party of the trails in the court hearings, presenting timely evidence

and documents on the usurpation of the state properties by the state department, technical and practical challenges on Case Management System, paying attention on the judiciary ruling for solving the legal gaps and shortages on the files, challenges about submitting the vehicles related to the crimes to the custom, and their seizing or confiscation were discussed and reviewed, and after exchanging views and finding the proper solution, the appropriate necessary decisions were adopted.

In order to deal with the overall requests and discussing points in the coordination high committee meeting, it was agreed to establish a technical committee consisting of the representatives from the relevant professional institutions, and before presenting the requests to the high coordination meeting, the issues should be properly analyzed and evaluated by the technical committee and the feedbacks of the committee for adopting final decision should be presented to the general meeting, and for further review some of the agenda's issues were referred to the technical committee.

For further enrichment of a procedure for conducting the coordination meeting of the judiciary and justice institutions, it was approved to add an article.

Taking the 31st round of the Judicial Training Course

In this exam which was taken by the National Examination Authority in Kabul university and Kabul Pul-e-technique university on 19 July, 9520 applicants including 4193 law graduates, 4969 Sharia Law graduates and 360 Madrassa (Islamic School) graduates after meeting all the criteria attended, and among these



numbers, 7700 were male and 1820 of them were female applicants.

The exam was monitored by the high council of the Supreme Court (SC), Professors from Kabul university and Kabul Pul-e-technique university, and observers from the national and international civil societies.

It is worth mentioning that the registration for the applicants were done physically and as online, and in order to differentiate, identify and specify the participants of the Kankor during and before

exam and ensuring more transparency, the appropriate required measures were taken by the SC and the Kankor Exam national office.

Based on the highest score, a certain number shall be recruited after completing the conditions set forth in the Procedure for the Thirty-first Judicial Stage.

Training Need Assessment Conducted

Following to the training programs of the capacity building and performance appraisal directorate, the training need assessment program with the financial support of JSSP was conducted on 23-24 June 2019 which took place in Safi Land Mark Hotel for the training need assessment trainers of the planning and policy directorate, finance and administration, judicial education and capacity building and performance appraisal. In this program, the staff and trainers of planning and policy directorate, finance and administration, judicial education and capacity building and performance appraisal directorate representatives had participated.

The program focused on the fundamental principal for training need assessment, definition of need assessment, the importance of need assessment, goals of the need assessment, tactics for the need assessment, Delphi tactic, Fishbone tactic, Telstar tactic, important events tactic, job analysis tactic, methods for training need assessment, interview with the key informants, focus group, group interview, direct monitoring, indicators and statistical control, reviewing the written and scientific information, participation in the training programs, and describing the training need assessment form and it was facilitated by the trainers of the capacity building and performance appraisal directorate, and the program was ended by distribution of the certificates to the participants.

Basic Skills of Court Administrative System Training Conducted

In accordance with the annual plan of the capacity building and performance appraisal directorate, training programs on basic skills of court administrative system, performance appraisal and code of conduct and professional behavior was conducted on 15-20 June for six days in Badakhshan province supported financially by Checchi/ADALAT project, and in this program the courts administrative staffs from the primary and appellate courts of Kunduz, Takhar and Badakhshan provinces had participated.

This program focused on the basic principal for administration, how to use the courts books (from primary to supreme court level), writing letter, inquiry, suggestion, writing report, administrative communication guideline, cycle for performance appraisal (planning, monitoring and evaluation of performance), Court administrative procedure manual, meeting minutes and their types and parts, as well as the differences between the ethical principal and criminal procedures. The training program started with pre-test, checking who is present and who is absent, and ended by taking a final test and evaluation.

The justice and judiciary institutions supreme coordination meeting holds

The fourth justice and judiciary institutions supreme coordination meeting held on 20 July 2019 in the afternoon which was chaired by Chief Justice, Sayed Yousuf Halim and the member of this committee and some official representatives from the justice and judiciary institutions were present too. According to the



agenda, they discussed on the issue of the relevant justice institutions' representative participation, the issue of taking the accused people to the primary and district court hearing, considering article 115 of the criminal procedure code while presenting the requests by the discovery institutions to the court, the challenges that Afghanistan Independent Bar Association face with during the discovery, investigation and court proceedings, the issue of financial claiming objective condemned by the court, taking appropriate necessary

measures by the courts before holding the court hearing, observing article 101 of the criminal procedure code for appointing the destination of the accused people, about the vehicles related to the crime which should be submitted to the custom office and the issue of suspending the enforcement of the court order, and the appropriate decisions were adopted.

It is worth mentioning that according to the supreme coordination committee for the justice and judiciary institutions' procedure, the decision of the committee for the aim of ensuring the coordination and required transparency on the relevant procedure is incumbent on the justice and judiciary institutions.

Workshop on Case Registration Management, impunity and safety of the job environment holds for the Jawzjan appellate court staff

Based on the procedures for staff communication, a one-day workshop on Case Registration Management, impunity and safety of the job environment held for the administrative staff of Appellate court, city court and the ten district courts of Jawzjan province on 25 June 2019 from 8:30am- 3:30 pm and took place in the appellate court compound.

Capacity building for the staff is one of the main objectives for the human resource management, therefore, the capacity building and performance appraisal directorate with the financial support of JSSP in Afghanistan conducted a one-day workshop for identifying expeditor solution for keeping the office documents, speeding up the current affairs, better management for keeping the documents, new important training skills, timely filing of the cases on the due time by the clerks on the data base for Case Management System, facility and effective factors for the health, safety and effective factors for them, disciplinary action

criteria and improving the disciplinary, activities of judiciary section, communication of the staff with the dispute resolution commission, methods for filling out the form for Case Management System (CMS), how to use the CMS and the working endurance as much as staff communication.

It was emphasized in the evaluation of the training program that whatever the participants learned in this workshop, they should apply them in practice in order to reach to our main goal.

News and Events:

- On July 16, 2019 Sayed Yousuf Halim, the Chief Justice of the Supreme Court (SC) welcomed and met with Ms. Dr. Royanilo Alarya, the program in charge person for Max Plank institute and heard her for the details of their program for the SC. In this meeting it was emphasized on the partnership in accordance with the Judiciary Power action plan.
- Judge Najibullah Akbari, the acting general administrative director of the judiciary met with Sayed Ekram Afzali, the head and some other officials from the integrity watch organization on 11 July 2019 in the afternoon, and they exchanged views on the two sides partnership and the interesting issue within the frame work of the judiciary power law and policy.
- The coordination meeting of the justice and judiciary institutions including the representative of UNICE on juvenile issue took place on 17 July 2019 in the juvenile correction center in Kabul Province which was chaired by the chief of appellate court of the crimes against the national and international security for Bagram detention center and it began with the recitation

of some Quranic verses.

➤ In the meeting in which the heads and representatives of different judiciary and justice institutions who had attended, it was asked in turn from the responsible person from the mentioned institutions to share and present one by one their challenges on discovery and arresting, investigation and prosecuting the case in the prosecution, hearing and resolving the case in the courts and the procedure for conducting court sessions, and other problems and challenges which exist in the juvenile correction center in Kabul province which disorders the legal and regular judiciary and justice proceedings and find a proper legal solution for removing the challenges. Later on there were discussion on the mentioned issue and they exchanged views and took the required decision.

➤ On June 18, 2019, Gholam Sakhi Habib, the Chief of Appellate court for Faryab province met with Mr. Jawad Zeyarmal, the representative for JSSP in his office. The chief of appellate court first thanked and appreciated JSSP for their cooperation, meanwhile, he discussed on low speed of internet, being inactive of some equipment which are provided by this office to appellate court, and re installation and making them active again.

➤ On June 20, 2019, Judge Mohammad Hassan

Seddiqi, the Chief of Appellate court for Baghlan province while the acting chief of the city primary court and some other judges were present, met with the representative of UNAM in his office. The main discussing points in this meeting were on violence against women cases, juvenile and the way of holding their court hearing. The chief of appellate court appreciated UNAMA for providing the airline facility and opportunity for judges to travel and asked for more cooperation and coordination in various areas.

About Stragglng on administrative 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 from 22 of June-23 of July 2019 heard 26 criminal cases of administrative corruption, and related to these cases, 40 individuals were accused for misusing their job authorities, taking bribes, forgery, embezzlement, losing the weapon and avoiding to report about the arrested people. Due to lack of sufficient evidence, 11 individuals from among all were found acquittal and 29 others were brought before the court and the following different imprisonment punishment were

imposed on them:

- Imprisonment from one month to one year (4 individuals)
- Imprisonment from one to five year (11 people)
- The convicted people for cash fine (14 people)
- The total of cash fine for the convicted people are \$15783

Table# 1 shows the figures for the accused people who are convicted by the primary anti-corruption court of Kabul for the month of Saratan, year 1398 (22 June-23 July 2019)

number	Type of case	No of cases	Judicial decisions								
			No of accused	acquittal	No of convicted	Number of prisoners sentenced to imprisonment					Total of cash fine
						1-12 months imprisonment	1-5 years imprisonment	5-15 years imprisonment	convicted for cash		
1	Misuse of authority	8	14	3	11		2		9	7253	
2	bribery	9	13	1	12	3	4		5	8530	
3	Forgery	3	4	1	3		3				
4	embezzlement	4	6	6							
5	Losing weapon	1	1		1	1					
6	Refusing to Report	1	2		2		2				
Total		26	40	11	29	4	11		14	15783	

Also, during this period, the mentioned 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 Saratan, year 1398 (22 June-23 July 2019)

number	Type of case	No of Cases	No of accused	Reason for judicial ruling	Relevant organization
				Gaps and shortages	
1	Misuse of authority	2	4	2	prosecution
2	Forgery	3	6	3	prosecution
3	Embezzlement & plundering	1	4	1	prosecution
4	Illegal possession of weapons	1	1	1	prosecution
Total		7	15	7	

2. Sample for the summary of some judgements issued by the anti-corruption primary court of Kabul province

Court decision date 1398/4/24 solar calendar (15 July 2019)

Conviction of the two security forces officers for the act of forgery of two license for the weapons

The accused person armed with a gun (Kloshinkof) having its fraud license was arrested by the security

forces while searching, and after the preliminary review by the general directorate of counter- terrorism of the Ministry of Interior Affairs (MoI), the case was referred to the directorate of the appellate prosecution of north zone. During the investigation, the accused person claimed that the cards (Licenses) for having the weapon were provided by the admin officer for the recruitment department of the general police gathering section of the MoI and a corporal from National Directorate of Security (NDS) for \$2000 as fraud licenses. Also, on date 13/12/1397 (Solar calendar), the license for having the weapon related to the Klonsinkof was provided by the two corporals for \$2400 as fraud, and the general directorate for intelligence identified the corporal and lance corporal and arrested them. The case came to the counter narcotic primary court of Kabul, and the court on 15 July 2019 in the presence of the parties of the case for the crime of two fraud weapon cards (licenses), convicted the accused person who was the officer for the recruitment police department of the MoI, and in accordance with article 437 and consideration of articles 211, 213 and 542 of the penal code, he is convicted for two years of enforced imprisonment since being arrested and for forgery of the two weapon cards in accordance with article 437 of the penal code and in consideration of article 211, 213 and 524 of the penal code, charged the accused person for one year imprisonment, and the other accused person from the NDS for the act of assistance in the crime of providing forgery of two weapon's cards in accordance with

article 437 of the penal code and consideration of articles 524 and 59 of the penal code since being arrested is convicted for one year of enforced imprisonment. Since there is no conviction for the purpose of combining the two said crimes of the convicted persons, in accordance with article 75 of the penal code, both mentioned claiming objective punishments are applicable one after another on the convicted persons, and hence, in accordance with article 182 of the penal code, the verdict is issued for confiscation of \$2000 and 50000 afs as well as for the three forgery cards for having weapons.

Verdict issued on 21 July 2019
**Conviction of the provincial deputy for distribution
of weapons of the counter-terrorism directorate of
the MoI for the crime of taking bribe**

Based on the oral instruction of the top management of the counter-terrorism directorate of the MoI to start investigation on the deputy for the issuance of license department, and related to this issue, 19 pages' messages which were received and sent through the social media which were taken short screen were shared with the reviewing mission of the counter-terrorism directorate, according to these messages exchanged between the suspected person for this case and his partner, it seems that the suspected person asks the partner who introduced himself as a representative of the Payman Ice cream company, he asked for \$250-\$300, and because of this, the suspected person was asked about the clarification of these messages and he in a written response says that since the partner is one of my friends, therefore, I asked him for some money about processing of license for having weapon, but we did not come to an agreement. Because of this issue, the accused person has been arrested and taken to the justice and judiciary institutions, the case has been referred to the anti-corruption primary court of Kabul, and the court on 21 July 2019 in a judiciary session, convicted the accused person who was the provincial deputy for issuance of license for the counter-terrorism of the MoI in the case of demanding bribe of \$250 in

accordance with 2 part of Paragraph 1 of article 371 and paragraph 2 of article 375 and article 385 and consideration of article 370 of the penal code for one year imprisonment since being arrested, and charged him for a cash fine equivalent to the amount (\$250) demanded for bribe as well as firing him from his job.

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

1) Report

Since 1398/4/1-1398/4/31 solar calendar (22 June-23 July 2019), the appellate court for anti-corruption in Kabul heard 9 cases raising from administrative corruption, and relevant to these cases, 14 individuals were arrested for the crimes of misusing the job authority, taking bribe, forgery, plundering and having weapons illegally, from among these number, five of them due to insufficient evidences on them got acquittal, and the remaining nine individuals have prosecuted and the different level of imprisonment penalties were imposed on them as follow:

- One month to one-year imprisonment (one person)
- One to five years of imprisonment (three persons)
- People who were convicted of cash fine penalties (five persons)
- The total amount for the cash fine are \$2303.

Table# 3 shows the figures of activities for the

**appellate court of anti-corruption of Kabul for the
month of Saratan, year 1398 (22 June-23 July 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	convicted for cash	Total of cash fine
1	Misuse of authority	4	6	1	5				5	2303
2	bribery	2	2		2		2			
3	Forgery	1	1		1	1				
4	plundering	1	4	4						
5	Illegal possession of weapons	1	1		1		1			
Total		9	14	5	9	1	3		5	2303

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 Saratan, year 1398 (22 June-23 July 2019)

number	Type of case	No of Cases	No of accused	Reason for judicial ruling	Relevant organization
				Gaps and shortages	
1	Misuse of authority	4	11	4	prosecution
2	bribery	2	3	2	prosecution
3	Embezzlement	1	2	1	prosecution
4	Armed robbery	1	2	1	prosecution
Total		8	18	8	

3. Summary Examples of the judgement issued by Anti-Corruption Appellate Court of Kabul Province

Verdict dated 7/15/2019

Convicted Sergeant of Paktia security chief convicted of embezzlement, illegal acquisition of weapons and ammunition.

Based on the report from Paktia head quarter Security Criminal Command Management against crime which is reported that one of the Sergeant is a Jani Khel district illegally seized a number of weapons and ammunition and fled to Kabul, and asked for his arrest. The case is under investigation, Sergeant home was located in the 15th District which was searched in the presence of the representative from the military prosecution office, the Criminal Representative of the 15th Police District, and the Female police on 12/1/2018. The home was searched and they discovered a black ranger vehicle in the yard without a plate number and they searched the house to obtain weapons.

The, the accused who had locked himself in the house, after several hours finally surrendered to the police, and the underground locker was searched as a result the ammunition, weapons and goods discoursed and seized and the Accused was Arrested and referred to judicial and Justice organs. The case was referred to Kabul Primary Anti-corruption Court, and the court at its hearing dated 3/16/2019, with the unanimous declaration of the penal judges found the accused guilty for Illegal acquisition of weapons and ammunition worth (266689) Afghanis as per conviction paragraphs 2 Article 391 and paragraph1 and 2 of Article 398 of the penal code, since being arrested sentences him for two years and six months of imprisonment, rejecting the mentioned amount, firing and dismissal of duty, disqualification and unlawful possession of a weapon of three hundred and three in accordance with Articles 536 and 545 of the said Code, in addition to the cash fine of 40000 Afghanis and confiscation of weapons, has been sentenced to punishment for not having the unity and purpose to bring them together under Article 75 of both crimes. The convictions of the aforementioned charges are another one that is applicable to the case, but due to Prosecutor's objection on the case, the case referred to the Anti- corruption appellate court. Kabul Provincial Anti-Corruption Appellate Court Judged at Judicial Session dated 7/2/2019 Under the guidance of Article 54 of the Law on Organization and Jurisdiction of Judiciary Power for affirming the judgement of the

Primary Court of Kabul on corruption, embezzlement, unlawful acquisition of weapons and ammunition, and unlawful possession of a weapon of three hundred and three and appeals on the charge of embezzlement of an illegal acquisition of weapons and ammunition valued at (8,277,323) Afghanis under paragraph 1 Article 24 and index 1 of penal code in military crimes Article 388 paragraphs 2 and Article 391 paragraph 2 and article 398 paragraph 1 and 2 of penal code sentenced him for two years and six months imprisonment, reject the amount mentioned as well as sentencing him for refusal and discharging from duty.

Verdict dated 6/25/2019

Conviction of an administrative staff of Crime against National and Internal Security Prosecution of Kunduz Province for the crime of taking bribe.

One of the main and current resident of Ali Abad district of Kunduz province was kidnapped and the kidnaper wanted to transfer him to Khan Abad district as they were confronted with a security checkpoint. The kidnaper escaped from the area and the kidnapped person was left behind and released to his family. After that according to the claim of the kidnaped person related to the case of his kidnaping, an accused person was arrested and he was sent to Crimes against National and International Security Prosecution for further investigation. It is noted from his written claim that the accused who kidnapped me is currently under surveillance and our case is under investigation, as I am a rightful, the prosecutor has illegally received (50000)

Afghanis from me before and now he is claiming another (100,000) Afghanis, and if I do not give him the mentioned money, he will award the case to my detriment and in favor of the accused. Subsequently, 40,000 Afghans were prepared by the National Security Directorate of Kunduz and the aforementioned money was handed over to the Prosecutor on 12/20/2018, during that the Prosecutor was arrested and referred to the judicial and justice organs. The case Entered to Kabul Anti- Corruption Primary Court, and in the judicial hearing dated 4/16/218, the accused who is an employee of the Kunduz National Directorate of Security Prosecution Office. He took bribes of forty thousand Afghanis under part 3 paragraph 1 of Article (371), paragraph 1 of article (375) and paragraph 1 of article (385) of the Penal Code and the observance of the article 213 and 211 of Penal Code; that he has been sentenced to two years imprisonment since being arrested, a cash fine equivalent to bribery and discharge from duty, but due the discontent of the defendant, the case has been lodged with the Kabul Anti-corruption appellate Court. In a judicial hearing dated 7/16/2019 the parties to the case were present in accordance with Article 54 of the Law on the Organization and Jurisdiction of the Judiciary Power confirming the Judgment of the Primary Court on 4/16/2018 of Crimes Related to Corruption in Kabul Province.

About Straggling on drug and narcotics

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

2. Report

The primary court for counter narcotic from 22 of June-23 of July 2019 heard 118 cases of type of narcotics and issued their required judgements on them. In regards to these cases, 160 individuals who were arrested for trafficking and transferring drugs only four of them due to lack of sufficient evidence and proofs, got acquittal and the remaining 156 individuals were found guilty and received imprisonment punishment as follow:



- Imprisonment from one to five years (113 individuals)
- Imprisonment from five to fifteen years (36

individuals)

- Imprisonment from fifteen to twenty years (6 individuals)
- Imprisonment from twenty to thirty years (one individual)

In regards to the above mentioned trials, the judgements were issued for the elimination of 25827.214 Kg drugs too.

Table# 1 shows the figures for the judicial enforcement of the primary counter narcotic court for the month of Sarata , year 1398 (22 June-23 July 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	20-30 years prison
1	Methamphetamine	43	8,728,129	54		54	36	15	3	
2	Heroin	44	12,150,521	59		58	51	8		
3	Opium	9	220,034	13	1	12	9		2	1
4	marijuana	9	3292.16	13	2	11	4	7		
5	Morphine	5	34.65	8		8	3	4	1	
6	Chemical	2	243,500	3	1	2	2			
7	Shisha (type of drug)	3	1089	3		3	3			
8	Tablet K	2	69.22	3		3	1	2		
9	Accomplice in Crime	2		4		4	4			
Total		119	25827.214	160	4	156	113	36	6	1

2. Summary of Judgement of the Counter Narcotic Court

Verdict dated 6/25/2019

Three years imprisonment for smuggling 1450 grams of heroin.

Staff of administration of Hamid Karzai International Airport's Sensitive Investigations Bureau begin to establish and arrest abusive drug traffickers who were carrying drugs in their stomachs in the area between the two check-in and check-out terminals, including that two passengers were from Helmand province who wanted to board Kam Air Flight Company. They want to travel to Delhi, they were stopped in the area of Checkpoint and was subjected to a series of verbal inquiries that did not provide a satisfactory answer and admitted to swallowing a number of capsules containing the drug and transporting that to India. They were officially introduced and dispatched to the Three hundred beds hospital of police for the proposal to dispose of the capsules, as a result of special medical examinations and maneuvers, 89 capsules of heroin with a net weight of 750 grams were released from their stomachs and 83 pills of net weight of 700 grams were released from the other defendant's stomachs. The case is referred to the Special Counter-Narcotics primary court. The court unanimously in the presence of the parties at the hearing dated 7/16/2019 for transferring of 750 grams of heroin from the time of arresting and detention pursuant to part 4 paragraph 1 of Article 302 of the Penal Code for three years Imprisonment and

other defendants in the case of transferring the amount of 700 grams of heroin from the early days of arresting and detention, in accordance with part 4 paragraph 1 of Article 302 and follow the guidance of material 213 and 214 of the penal code imprisonment for three years has been convicted. It also ordered the seizure of a mobile with Sim card and a \$ 347 cash-strapped flight ticket in accordance with Article 32 of the Counter Narcotic Law.

Verdict dated 6/25/2019

Five years imprisonment on the charge of smuggling 500.59 kg

The authorities of the Dawab district first part Police shell of Panjshir province stopped a Corolla motor vehicle along with a resident moving from Khanch district to Bazaark and searched the vehicle as a result of which 500,559 Kg hashish discovered from the rear box of the vehicle, found in connection with the case of the two arrested and referred to the judiciary and the justice. On the hearing of 7/13/2019 the primary special court for counter narcotic in the presence of parties were instructing the defendants in the case of transferring of (59.500 kg) of hashish and sentenced each of them to a term of imprisonment of five to five years in prison since being arrested in accordance with Part (7) paragraph (1) of Article (305) of Penal Code and Substances (213 and 214) of the mentioned Code, and the four different types of mobile with sim card seized from the accused. The court confiscated the

mobile with SIM cards and the sum of 13100 Afghanis related to the accused in accordance with Article 32 of the Anti-Drugs and Narcotics Act.

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

1. Report

The Counter Narcotics Appellate Court has since 1398/4/1-1398/4/31 (solar calendar date) adjudicated a number of (64) drug-related cases and issued judgment on them. In connection with these cases, 93 people have been arrested for trafficking and transferring drugs and have been sentenced to various prison terms, and from among this number two of them due to lack of sufficient evidence and proofs, got acquittal and the remaining 91 individuals were found guilty and received imprisonment punishment as follow:

- 1 to 5 year imprisonment (42 people).
- 5 to 15 years (20 people).
- 15 to 20 years imprisonment (26 people).
- 20 to 30 years imprisonment (3 persons).
- The aforementioned amounts of (251,19085) kilograms of drugs have also been seized.
- The aggregate cash fines amount to (3487,5) US \$.

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

NO	Type of case	No of cases	Quantity of drug	Judicial decisions							
				No of accused	acquittal	Cash fine	No of convicted	Number of prisoners sentenced to imprisonment			
								1-5 years prison	5-15 years prison	15-20 years ent	30-20 years of imprisonment
1	Heroin	14	2,067,391	15		875	15	5	8	1	1
2	Methamp hetamine	34	1907.97	44	1	5.1862	43	22	8	13	1
3	Morphin	7	1793.68	15			15	7		7	
4	Morphine	6	318.66	6		500	6		1	4	1
5	Hashish	2	824.55	4			4	1	3		
6	chemicals	4	12173LT	6	1	250	5	4		1	
7	Use of tools produced from drugs	2		3			3	3			
Total		69	19085.251	93	2	3487.5	91	42	20	26	3

1. Summary of Verdict of the Counter Narcotics Appellate Court.

Verdict dated 16 July 2019

Thirty years imprisonment for smuggling (5.66) kilograms of heroin (18.230) kilograms of heroin and morphine

According to telecommunication information from the Information and Investigation Department to Counter Drugs and Narcotics Department of Herat Police security Command, one accused person with 49 Kg of heroin in Parwan province, on 16-02-2019, 18.230 Kg Morphine in Kabul province with two suspects, on 7-3-2019, for 17,500 kg of heroin in Baghlan province with one suspect are arrested accordance to Counter

Narcotics Police Department of aforementioned provinces. The owner of the mentioned drugs was under chasing regarding whom the warrant for his arresting was issued by the Special counter narcotic prosecution, in accordance with the Counter Narcotics Department, holder of those drugs and narcotics was on route to Herat province via a vehicle, the aforementioned command took position on Mir Dawod entrance gate of Kandahar-Herat highway on area of Guzara district and start controlling and checking of 404 bus passenger vehicles traveling from Kabul - Kandahar to Herat. On the night of 11-12/3/2019 a bus vehicle have been stopped and identification card are asked from the passengers, the documents for the suspect matches with the information already received for the suspect. He is being arrested and referred to judicial and justice sector. Then the case proceeds on Special Primary Court on Counter Narcotics. The Court trail on 16-6-2019 by presence of parties unanimously in the case of possession and smuggling and trafficking of narcotics of the amount of (49) kilograms of heroin in accordance with paragraph (5), section (1), Article (302) and by consideration of article 61 of Penal Code from the beginning of arrestment to conviction, sentenced to thirty years imprisonment and in the case of smuggling (18,230) kilograms of heroin and morphine in accordance with paragraph (5) section (1) Article (302) of the Penal Code sentenced for twenty-seven years Imprisonment and for smuggling in the amount of (17,500) kg of heroin pursuant to paragraph

(5) section (1) Article (302) Penal Code sentenced for twenty-six years and six months imprisonment and by consideration of Article 73, shall be punished with a more severe penalty of thirty years imprisonment and all the imprisonment are enforceable and punishable on him.

Although two sets of mobiles with their sim cards have been seized in according to Article 32 of the Counter Narcotics Law, and regarding to destructions and annihilation of that drugs decision already have been taken. But due to defendant lack of confirmation on the verdict, the case referred to the Counter Narcotic Appellate Court, and Court at trial on 16-7-2019 according to article 267 criminal procedure law and 2nd paragraph of article 17 of Counter Narcotics Law on the presence of parties, unanimously confirmed the primary court decision of **date 16-6-2019**.

Verdict date on 15-7-2019

Eleven years imprisonment for accused person for smuggling (7.840) kilograms of heroin and 500.5 kilograms of sodium carbonate

According to the information from Investigation and Information Unite (IIU), one person in a small vehicle has been carrying a quantity of heroin from Takhar province and want to submit it to other person before arrival to Charkhab Check point. In accordance with a report, the counter Drug and Narcotics personnel of Kunduz province went to aforementioned location and stopped a vehicle which was on the road from Nawabad village heading to city. The Person who was sitting in

the front set after some operative plan agreed to address the home where the materials have been submitted. After that by a plan and in presence of female police and representative from AGO the house which was located on Nawabad villages have been searched. As a result, (8) packages of drugs and (5,500) kg of chemical on the name of caffeine has been found in the house. But the owner of that house had fled and after examining the material totally were 7.840 Kg heroin. In this regard, the driver and the only passenger of the vehicle have been arrested and referred to judicial and justice sector. Their case was proceeded at Special Primary Court for Counter Narcotic. The Court on the trial session date on 14-6-2019 by presence of parties by availability of evidence, unanimously for carrying 7.840 Kg heroin and in accordance with paragraph 5.1 article 302 and by consideration of article 213 and section 3 of articles 214 Penal Code sentenced to 11 years of imprisonment for each of them. In case of smuggling and trafficking of 5.500 Kg Sodium by Carbonate which is using in the process of separation of heroin from morphine. According to paragraph 6 section 1 and article 306 by consideration of articles 47 and paragraph 4 articles 52 of Penal Code sentenced up to one-year imprisonment. In accordance with Article 73, which was proposed the most severe punishment is implied on them which 11 years imprisonment for the transfer of 7.840 kilograms of heroin. Driver was charged with 20000 Afghani for driving the car without plate number and not having the driving license

according to section 1, article 560 of and observing articles 78 of Penal Code. And in accordance with article 32 of the law on Counter Narcotic sentenced for seizing 4 sets of cell phone with sim cards. Also, according to article 138 of Criminal Procedure Law the court verdict for referring back the vehicle to its owner. Due to the objection of the accused people, the case was referred to the Special Appellate Court on Counter Narcotics. The Appellate Court on trial session date 17-7-2019 unanimously on the presence of parties, in according to article 267 of Criminal Procedure Law, section 2 of article 17 of Law on Counter Narcotic, approved and confirmed the primary court verdict number 197 on date 15-6-2019 for 7.840 Kg of heroin trafficking.