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Meetings and Sessions

Chief Justice of the Supreme Court meets with the new British Ambassador in Kabul

On August 6, 2019 Sayed Yousuf Halim, Chief Justice of the Supreme Court (SC) met with Mrs. Alison Blake, the new British ambassador in Kabul.



In this meeting, first the British Ambassador in addition to appreciating the opportunity to have the meeting, expressed that the rule of law and ensuring justice is the heart of democracy and considering this issue is the duty of the judiciary, therefore, we on behalf of our

own country would like to establish coordination and close cooperation in the area of capacity building, cooperation with the justice and judicial centers for the anti-corruption and counter narcotics, ensuring the judges' safety and security and conducting educational trainings for the criminal courts' judges so that the judges could be able to carry out and perform their duties impartially and independently.

She also assured their cooperation within the framework of the Judiciary Action Plan on which the needs are specified.

Later on, Chief Justice (CJ) thanked the friendly cooperation of the British country with Afghanistan, especially with the justice and judicial sectors, and provided details on the status of the judicial system, achievements and challenges before the courts, and beside emphasizing on the impartiality and independence of judges in issuing verdicts fairly, he considered the infrastructure, court buildings and the lack of courtrooms for the open judicial sessions in some provinces as deplorable and he hoped that by the implementation of the judiciary action plan which needs the international community cooperation, the challenges get decreased and a better working space, more specifically in ensuring justice is provided.

In this meeting both parties exchanged views on expanding relationships of the two countries' judiciaries.

The High Council of the Supreme Court Sessions Reports

The High Council of the SC held their regular sessions on 6, 21, 24 and 27 August 2019 which were chaired by Sayed Yousuf Halim, the CJ, and discussed their agenda topics. The most important approvals and resolutions which have been adopted in these sessions are reported as follows:



- commemorated the 100th anniversary of the independence of the country under the auspices of His Majesty King Amanullah Ghazi which was achieved with the generosity, diligence, courage and martyrdom of the zealous people of Afghanistan, and found the preservation and consolidation of this national pledge and the high values of independence and dignity as an important responsibility of Afghanistan government and the Muslim nation and martyrdom of Afghanistan.

- In order to create facility for speedy hearing of the cases related to drugs and narcotics, and the challenges for transferring the convicted people for these cases, the amendment for part 6, paragraph 1 of article 17 of the Law on Combating Against Drugs and Narcotics which specifies the subjunctive jurisdiction of the courts for hearing this case on assigning the amount of the drug, was approved and it was ordered to refer it to the ministry of Justice for the legal proceeding.

- In the light of article 289 of the Law on Criminal Procedure regarding the consequences of failure to comply with the law in fundamental judicial procedures which may lead to annulment or breaching the judgement, have been discussed and the courts were directed to consider these issues which includes adherence to the law in organization of the court, subjective and objective territorial jurisdiction of the courts, conditions related to arrestments, searching, investigation, expert examination and the right to counsel, and to take appropriate legal decisions when dealing with such situations.

- Regarding the compliance with the third amendment of the commercial procedure code which is recently assented by the President for hearing the ordinary cases in the commercial courts, in which its relevant procedures for settling the cases are also stated, and the

commercial courts were directed to organize and take their decision based on the above mentioned amendment in ordinary cases.

- Expressed the deep condolence and sympathy for the death of Academician, Ayatullah Sheikh Mohammad Asef Mohseni, the leader of Islamic Movement and one of the country's scientific and religious figures, and prayed for God to wish him paradise and patience for his family.

- Later on related to forgery of a customary document, the case of an accused judge member of Ghor appellate court was heard, and after hearing the law suit of the in charge prosecutor and hearing the defense statement of the accused judge and his lawyer, based on paragraph 2 article 313 of the penal code which was enforced while committing the act and with the consideration of article 237 of the Criminal Procedure Code, the accused judge in addition to the penalties for which he was convicted, he was dismissed from his judicial profession too.

- In regard to an instructional question about the venue status of a commercial firm related to Pashtani Bank which raised some challenges in the process of enforcement of the courts' orders, it was ordered to hear the issue in the presence of the head of Pashtani Bank in the next session.

- The instructional question from the general directorate of Huquq of Ministry of Justice related to property under the grantee of Pashtani Bank

which its deed was proved fake later, was heard in the presence of the acting and some officials of the Bank, and appropriate decision was adopted in this regard. Also, in regard to an instructional question from the Appellate Court of Kabul regarding establishment of a unified procedure for using the Commercial Procedure Code while hearing the tax related case, the required instruction was issued. Also, the instructional questions of Kandahar, Paktika and Nouristan Provinces regarding a civil case on which the rumor right of the government exist on, proceeding of the claiming, defending the claiming on a civil case, how to provide a deed based on possession of Waseeqa (Legal Pledging Document) and providing its last copy based on the validity of the power of attorney letter were heard, and the relevant authorities who had asked the instructional questions were directed properly in the light of the approvals of the high council of the Supreme Court and enforced laws.

- Based on the report from the General Directorate of Inspection and scrutinizing opinion, the disciplinary offenses of four judges from the appellate courts of Ghor, Sar-e-pule and Baghlan were heard and the appropriate disciplinary sanctions were imposed on the judges in accordance with the regulation on considering discipline for judges' offense.
- Hearing requests for revision of five civil

cases, solving an issue for jurisdiction dispute, and some requests for changing the courts on civil, commercial and criminal cases, eight revision requests of the individual against the General State Case Directorate and vice versa, in the presence of the General Director for State Directorate, relevant prosecutor, the representatives of the relevant institutions of the client and parties of the case were heard, for each case the appropriate decision were separately adopted in the light of condition of article 482 of the Civil Procedure Code.

- 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, twelve applications for revision of criminal cases of murdering, vice and moral crimes, pederasty, violence against women, armed robbery and trafficking drugs were heard in the light of article 282 of the criminal procedure code, and appropriate decisions were adopted in this regard.

- The jurisdiction for solving one hundred seventy-seven criminal cases were transferred to the appellate courts of Kabul, Nemrooz, Helmand, Jawzjan, Samangan, Balkh, Badakhshan, Nangarhar, Farah, Kunduz, Paktiya, Khost, Takhar, Badghis, Zabol and Ghor provinces, and some requests related to promotion of cadre degree of judges were on the agenda too, and regarding each issue separate decision and approvals were issued.

The Acting General Administrative Director of the Judiciary meets with the Chief of Team of Justice Sector Support Program (JSSP)

Judge Najibullah Akbari, the acting General Administrative Director of the Judiciary met with Mr. Emery, Chief of Team and Mr. Jaish, the head of Case Management System for Justice Sector Support Program on August 7, 2019 in his office.



In this meeting, firstly the acting General Administrative Director of the Judiciary discussed on the Case Management System challenges both technical and lack of some relevant institutions in this system, especially with recording the cases on time and regularly, and he added on the emphatic of the Supreme Court that this system should have no technical problem and challenges and be responsive before being

submitted to the Afghan government. As the establishment of the second version of this system is under the discussion, the Supreme Court established a specialized committee to monitor and evaluate the status and challenges facing this system, and the concerns toward this system should be presented by the leadership of this system both in Kabul and in the conference which will take place in near future in Dubai in order to find a proper suitable and logical practical solution.

The acting General Administrative Director of the Judiciary also added that the Supreme Court is aware of the importance and investment that was made over the system, they are supporting it, and established the required proper structure in the capital and provincial levels which are active, it has been added on the job description of the judicial inspectors to evaluate and monitor the status of this system while conducting the courts inspection.

I am requesting the in charge people in Justice Sector Support Program of Afghanistan to remove the challenges and shortages which are highlighted while using this system, and coordinate properly with the head of planning and policy in this regard because we all support the progress and expansion of this system to be responsive to meet the needs of the justice and judicial organs.

Later on, Mr. Emery, Chief of Team for Justice Sector Support Program in Afghanistan thanked and appreciated from the Supreme Court cooperation

toward improvement of the Case Management System activities and mentioned that in the Dubai conference which will take place in the near future, the in charge people who are involved in the Case Management System are also invited, and the second vice president of Afghanistan will participate in this conference too, and we hope that by having technical and experiential discussion, the required fundamental changes for the improvement of this system be made, and also the participant can discuss on the transforming process and duties of the relevant institutions who are involved in this system after its transformation to the government of Afghanistan, and it is better during these discussions, the issue of allocating a proper budget for this system after transformation, the needs and requirements for adding in the second version, considering the views of relevant institutions in this system and as the committee higher than the monitoring committee to monitor the activities of this system, this committee can be the high coordination committee for justice and judicial institutions to be chaired by the chief justice, and all these issues were discussed and views were exchanged between the parties.

The parties also discussed in general on date and agenda of conducting the conference related to the Case Management System in Dubai, removing the existing challenges of this system and the other issues which will be presented in the conference.

Report on the judicial seminar of the national judicial college of China for Afghanistan judges

A delegation consisting of nineteen judges from the provincial primary and appellate courts and a member from the planning and policy directorate of the Supreme Court attended in a judicial seminar which took place on 9 July 2019 in the Beijing capital of China.

The goal for this trip was to obtain information on the recent updated progress on the implementation of the judicial reform program of China country. This trip was financially supported by the commercial ministry and it was implemented by the national judicial college of Beijing, and the China embassy based in Kabul played the role of coordinator.

The agenda for this trip was including the issue of familiarity with the judicial system of China, providing information on the progression program of the judicial reform system, access to justice, familiarity with the culture, history and role of the judiciary in the financial stability of that country.

This program was implemented as the in class methodology and exposure visits through which the mission visited some courts building, museums, historical and social-cultural places of that country.

The issues and topics which were included in the program were consisting of information such as the courts system and structure, the legal and civil courts system, the administrative courts, verities of dispute resolution, specification of criminal justice system,

introduction of the social and legal cultural status of China people, probability and financial opportunities, relationship between hearing the case and mediation, electronic courts system and online courts and online court hearing system, internet based court hearing on civil, commercial case and mediation, court management development and the type of court judgement for the China courts.

Part of the trip was allocated for exposure visits from the court system during which we visited the criminal primary court of Fangtie district as well as visiting the internet based court hearing system of Beijing in the exposure visit program it included participation on the Friday prayer and meeting with Muslims in the Fangtie district, visiting the big and historical wall of China, visiting the prohibited city and visiting the cultural and art academy of Beijing. The program was closed with providing certificates to the participants.

Conducting Training Program on Basic Skills of Court Administration System and Performance Evaluation for the Court administrative staff of Bamyan, Ghor and Daykundi provinces

Following the series of training programs of the Capacity Building and Performance Evaluation Directorate, the training program on Basic Skills of Court Administration System and Performance Evaluation was conducted on 21 - 24 July 2019 of the current year which was financially supported by the Checchi/ADALAT project for the court administrative staff of Bamyan, Daykundi and Ghor provinces. The program was opened with the recitation of some verses from Holly Quran, and then in accordance with the agenda, the fundamental principles for organization, how to use the court books (from the primary phase to supreme court phase), writing letter, inquiry, suggestion, report writing, guideline for administrative communication, performance evaluation cycle (planning, monitoring and evaluation of performance), court administrative system procedural manual, meeting minute and their type and parts were considered. The program began by taking pre-test, and by taking post-test and final evaluation, the program got closed. At the closing ceremony of the program, Mr. Ghousuddin Taheri, chief of appellate court of Bamyan province in addition to appreciating and thanking the Capacity Building and Performance Evaluation Directorate for implementing such

programs, he emphasized on the participants that whatever they learned in this program, they should put them in practice. The program was ended by distribution of certificates to the participants.

**Conduct Management and Monitoring Training
Program for some Central and Provincial Courts
Administrative Staff of the Supreme Court**

Following to the training programs of the capacity building and performance evaluation directorate, the “Management and Monitoring” training was conducted on 21-24 July 2019 for the central directorate administrative staff of the Supreme Court and provincial court staff of Logar, Khost, Paktia and Paktika provinces which took place in Safi Land Mark Hotel which was financial supported by Justice Sector Support Program (JSSP).

The program focused on the basic principles of management, the difference between manager and management, management practices, the basic duty of a manager, management level, skills of manager, management methods, definition of monitoring, the difference between monitoring and evaluation, and monitoring the implementation plan and how to conduct monitoring and evaluation which was led by a trainer from the Capacity Building and Performance Evaluation Directorate. The above mentioned training program was found valuable by the participants and it got closed by distribution of certificates to the participants.

Conducted a training program on Case Registration Management, health and safety for the central administrative staff

Based on the annual plan of the Capacity Building and Performance Evaluation Directorate, two training programs which were financially supported by Justice Sector Support Program (JSSP) were conducted on Case Registration Management and staff communication, health and safety on 3 and 4 August 2019 of the current year for the administrative staff, managers, officers and Case Registration Management System staff which took place at Kabul Appellate Court hall.

The program started with the recitation of the Holy Quran and then focused on topics including; Case registration management system, procedure for case registration management system, how to fill out the forms for case registration management, the way to use the case registration management system data base, having a unified working relationship direction (comfort, health and job safety for the administrative staff) for dispute resolution and hearing the complains, criteria, qualification and responsibilities of the dispute resolution committee and the proceeding forms were discussed, and the program was effectively implemented and got closed with conducting successful evaluation.

News and Events

➤ On August 7, 2019, judge Taj Mohammad Waseq, the head of criminal division and acting head of Badakhshan's Appellate Court with the participation of heads and judge members of that court's divisions, city court and defense attorney met in the appellate court compound with a delegation consisted of leadership from Afghanistan Independent Bar Association and International Development Law Organization (IDLO).

➤ On August 5, 2019, Judge Mohammad Hassan Seddiqi, head of appellate court of Baghlan Province met in his office with Loka, the representative of United Nations Assistance Mission in Afghanistan (UNAMA) based in Kunduz office.

First the problems and challenges before the courts affairs and judges, specially security challenges were noted by the representatives of UNAMA. Later on, the representative of UNAMA office in addition to express his appreciation from the sound and fair procedures of the courts in Baghlan province and its positive effects in the community, some of the problems toward suspected and accused people for lack of attendance of their lawyers during the interrogation and inquiry process by the national security officials and other discovery institutions were discussed that the chief of appellate court based on the law, defined the categories of the crimes and provided enough information in this regard.

- On August 5, 2019, judge Habibullah Monib, the deputy head of Nangarhar appellate court met with Romana Schweiger, the head of Rule of Law for UNAMA and their delegation at the appellate court compound in order to solve the technical shortage and implementation of the penal code.
- During the first quarter of the year 1398 (solar calendar), the criminal division of the Supreme Court reviewed a total of 1166 lower courts cases from the viewpoints of its legality, and adopted the required decision about them. From among this number, 1019 cases arrived to the criminal division while 147 cases were already under the review. From among these cases, 735 cases were affirmed, 109 cases were breached, 38 cases were amended and 24 cases were referred back to their competent courts that all the total cases which were reviewed are 906, and 260 cases are under review.

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 from 23 of July-22 of August 2019 heard 16 criminal cases of administrative corruption, and related to these cases, 37 individuals were accused for misusing their job authorities, taking bribes, forgery, embezzlement, betrayal, illegal acquisition of weapons and smuggling golds and they are arrested. Due to lack of sufficient bounding evidence, 21 individuals from among all were found acquittal and 16 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 years (5 people)
- Imprisonment from five to fifteen years (2 people)
- The convicted people for cash fine (5 people)
- The total of cash fine for the convicted people are \$12101

Table# 1 shows the figures for the accused people who are convicted by the primary anti-corruption court of Kabul for the month of Asad, year 1398 (23 July-22 August 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 fine	No of	
1	Misusing the job authority	3	4		4		1		3	6153	
2	bribery	6	7		7	3	1	1	2	5692	
3	Forgery	1	1		1	1					
4	embezzlement	1	1	1							
5	Betrayal	2	13	13							
6	Illegal acquisition of weapon	2	7	5	2		1	1			
7	Gold smuggling	1	4	2	2		2			256	
Total		16	37	21	16	4	5	2	5	12101	

Also, during this period, the mentioned court issued judicial rulings on nine cases and sent back these cases to their relevant authorities for completing the missing and incomplete investigation.

Table# 2 shows the judicial rulings for the primary anti-corruption court of Kabul for the month of Asad, year 1398 (23 July-22 August 2019)

number	Type of case	No of Cases	No of accused	Reason for judicial ruling	Relevant organization
				Gaps and shortages	
1	Misusing the job authority	3	4	3	prosecution
2	Forgery	2	3	2	prosecution
3	Betrayal	2	3	2	prosecution
4	Illegal acquisition of weapon	1	2	1	prosecution
5	Taking bribe	1	2	1	prosecution
Total		9	14	9	

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

Court decision date (27 August 2019)

Conviction of appellate prosecutor of the Violence Against Women Prosecution for the act of taking bribe

An individual for committing violence against women was convicted for eight months of imprisonment by the court, and the case of the accused person was in the violence against women prosecution. The in charge prosecutor asked for three thousand US dollar from accused person as bribe, and as a result, the accused brother speaks with the prosecutor about the payment of the mentioned amount. The in charge prosecutor asks the brother of accused person to pay the money to the

cook for Afghan Omid firm. Then the accused brother complains about this issue to the directorate prosecution of controlling and surveillance and the accused brother was give three thousand US dollar from the operational budget money which were stamped and marked in order to pay them to the cook of the firm in the Shar-e-now area, Bakhtawar lane, at this time the staff for controlling and surveillance directorate prosecution do the body search of the cook as a result of which the money which were stamped and marked are found from his pocket and he says that the prosecutor called me that I have given your phone number to someone who he will give you three thousand US dollar and take this money from him. The cook calls the prosecutor and tells him that I received money, on 11 June 2019, the prosecutor comes to the office of the construction company located in Bakhtawar palace lane to take the money from the cook and he leaves the office again, at this time, the staff for controlling and surveillance directorate of attorney general do the body search for prosecutor as a result of which three thousand US dollars from the operational budget money which were stamped and marked are found from his pocket, the prosecutor is arrested and has been taken to the judicial and justice institutions. The case came to the counter narcotic primary court of Kabul, and the court unanimously in the presence of the parties at the hearing dated on 27 July 2019 in the presence of the accused lawyer in consideration of article 212 of the penal code and part 5 of paragraph 1 of article 371,

paragraph 1 of article 375, paragraph 1 of article 385 and consideration of articles 211, 213, 214 of the penal code convicted the accused prosecutor in the case of taking three thousand US dollar (equivalent to 2381701 Afghanis) as bribe, and sentenced him for seven years of imprisonment since being arrested, and cash fine equivalent to the amount of bribe as well as being fired from his job.

Verdict date (30 August 2019)

Conviction of staffs from the public safety commanding unit for the acquisition of weapon

The public safety unit was established within the Kabul Police Headquarter structure in 1396 (solar calendar) and a first lieutenant as a technical stock keeper of the unit was assigned on duty, based on the needs of the mentioned unit, on 1396/10/9 request for 200 M 16 weapons was made and after the process of weapons and ammunition completed under the supervision of the delegation to a committee of three from different sections, the weapons were stored in the stock in the presence of first lieutenant the deputy for education, second lieutenant the discovery member and head of technique, and the stock keeper was satisfied. From among this two hundred M 16 weapons completed, as per the needs of the public safety unit to the weapons, 161 M 16 weapons were distributed among their staff and the remaining 39 weapons were kept in the stock. One of the junior second lieutenant officially requested from his unit to control and check the stock. The acting

head of the public safety unit refers the issue to the crime discovery office and a delegation is assigned to monitor the existence of the weapons and ammunition in the stock, and after monitoring the existence of weapons in the stock, it was reported for the lack of 16 weapons in the stock. Then in accordance with the information sent to the military prosecution of Kabul province about disappearing of 16 M16 weapons from the stock of public safety police head quarter unit, a delegation comprised from the national security directorate and military prosecution was assigned to review the issue as a result it was proved that 16 weapons are lost, related to this case, the stock keeper and some staff from the police headquarter have been arrested and introduced them to the justice and judicial institutions.

The case is referred to the Special Counter-Narcotics primary court of Kabul Province. The court unanimously in the presence of the parties at the hearing dated 30 July 2019 convicted the accused person from the public safety unit of police headquarter for the embezzlement of 16 M 16 weapons which cost 1425040 Afghanis from the time of arresting and detention based on part 4 paragraph 1 of Article 391 of the Penal Code and paragraph 1 and 2 of article 398 of the penal code with observance of articles 213 and 214 of the penal code for five years and six month imprisonment and paying 1425040 Afghanis to the government treasury as well as convicting him for dismissal from the profession and discharging from his

duty. Also, the commander for the public safety unit, assistant commander for the unit, commander for the first company, logistic officer, livelihood officer in the case of providing false information to the judicial authority and due to lack of bounding evidences in accordance with article 235 of the criminal procedure code were found innocent.

Sample for summary of the judgement issued by the Anti-corruption and Access to Justice Primary Court

Verdict dated 26 June 2019

Conviction of the Afghanistan Islamic Bank staff for the crime fraud, accomplice in the crime and fraud

The Afghanistan Islamic Bank through a letter number 121 dated October 30, 2018 to the address of police head quarter Asmayee zone number 101 of Kabul province about stealing of 845000 US dollars and inform them that one of their staff has misused his job authority and has opened an account to a client of the Afghanistan Islamic Bank, and has provided him a copy of the electricity receipt and confirmation of the elder of the region, and after the account is being opened by the client, he steals a big amount of money through a fake check from the Afghanistan Islamic Bank account and he fled.

The above mentioned suspected person is summoned by the security in charged staffs, but he was not found in his living settlement, and on date October 31, 2018

he himself applies to the Afghanistan Islamic Bank in order to get information about his case and he was introduced by the in charged staff of the Bank to relevant district police and he is being arrested for this case and referred to the justice and judicial institutions. The case comes to the Anti-corruption and Access to Justice primary court. The court unanimously in the presence of the parties at the hearing dated June 26, 2019 for the accusation that he is being accused for based on article 25 of the Afghanistan Constitution, article five of the Penal Code and article five of the Criminal Procedure Code and due to lack of bounding evidences, he is found acquittal, but the other accused person in the case of fraud and accomplice in the embezzlement crime due to lack of bounding evidence pursuant to article 25 of the Afghanistan Constitution, article 5 of the Criminal Procedure Code and article 5 of the Criminal Code is found acquittal, but for the case of accomplice in the crime of fraud in accordance with article 439 and article 59 of the Penal Code since being arrested and detained, he is sentenced to six months of imprisonment. Also another accused person for the crime of attempt to plundering according to article 714 in observing of article 53 of the Penal Code sentenced him for six months of imprisonment and for the accusation for the crime of forgery of a check based on article 437 of the Penal Code, he is sentenced to one year and six months imprisonment, and for the accusation of the crime for forgery of national identification card based on article 437 of the Penal

Code, he is sentenced to one year and two months imprisonment. Since these crimes are related to each other and they are undividable based on article 73 of the Penal Code, the heaviest punishment which is one year and six months for the crime of forgery of check, he is charged for and this punishment is applicable on the accused person. And one of the staff for the Etisalat tell communication company, shopkeepers and the representative of Nowabad regional and the staff for the Afghanistan Islamic Bank who opened a bank account for the accused person and the in charge staff for Khawaryan company are ordered to be prosecuted.

B: Reports and Judicial Activities of Anti-Corruption Appellate Court of Kabul province

1. Report

Since 1398/5/1- 1398/5/31 solar calendar (23 July-22 August 2019), the appellate court for anti-corruption in Kabul heard four cases raising from administrative corruption, and relevant to these cases, eight individuals were arrested for the crimes of misusing the job authority, taking bribe and forgery. From among these numbers, three of them due to lack of sufficient bounding evidences got acquittal, and the remaining five individuals have been 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 (one person)
- The total amount for the cash fine are \$1000.

Table# 3 shows the figures of activities for the appellate court of anti-corruption of Kabul for the month of Asad, year 1398 (23 July-22 August 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 month prison	1-5 years prison	5-15 years prison	convicted for cash fine	No of	
1	Misusing the job authority	2	3		3		2			1	1000
2	Bribery	1	2	1	1	1					
3	Forgery	1	3	2	1		1				
Total		4	8	3	5	1	3		1		1000

Also, during this period, the aforementioned court issued judicial rulings on four 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 Asad, year 1398 (23 July-22 June 2019)

number	Type of case	No of Cases	No of accused	Reason for judicial ruling	Relevant organization
				Gaps and shortages	
1	Misusing the job authority	2	8	2	prosecution
2	Bribery	1	1	1	prosecution
3	Forgery	1	1	1	prosecution
Total		4	10	4	

3. Brief for the Sample of the judgement issued by Anti-Corruption Appellate Court of Kabul Province Verdict date July 31, 2019

Conviction of the operational manager for the logistical objects management institution on the case of misusing, and forger by the representative of the iron melting company

Based on the letter number 30 dated October 31, 2019 of the ministerial council and the decree number 1301 dated April 11, 2019 of the procurement and preparation directorate of the ministry of finance and the order number 566 dated October 30, 2016 of the ministry of national defense about the sale of inactive means and inactive old goods and things, and in order to avoid stealing and misusing the iron, old inactive goods and inactive means which are parked for many years and are stored in the stocks of the units and central offices of the national defense ministry are put on sale, as a result of this, 20000 tone of inactive iron and each tone has been contracted with Hamidul Modaser Company for 16400 Afghani. The mentioned company took the iron and transferred the iron money on the government bank account, regarding which the file papers are remarkable and FS 1 form has been provided for seven hundred tons of iron and the contract has been signed with the mentioned company, from the amount of seven hundred tons of iron, the contracting company takes five hundred and forty-three tons of them from the back way of the Mamer command and transfer them, and one hundred and

seven tones are deficient, later on, the contracting company applies to the logistical objectives management office of the command and asks for the remaining amount of the iron. And according to the Ministry of National Defense order, the remaining amount of iron should be submitted to contracting company from the Kabul Military Education Center Garrison Command, later on the directorate for purchasing and completing sends the order of the ministry of national defense along with an exit ticket for the inactive and unarmed iron through a letter to the address of Pul-e-Charkhi Garrison, and mentions that to submit the amount of one hundred and seven tons of inactive and unarmed iron to the contracting company, but the Pul-e-charkhi military educational central command submits the amount of 210,032 tons of iron to the contracting company while the second ticket was forgery and the amount of 53,032 tons of inactive and unarmed iron was illegally was taken out through forgery document from the Pul-e-charkhi Garrison and were submitted to the contacting company, relevant to this case, the member of weapons office, the representative for the Hamidul Modaser and the president of Hamidul Modaser company in the case of forgery were introduced to the justice and judicial institutions.

The case comes to the Anti-corruption and Access to Justice primary court of Kabul province. The court unanimously at the hearing dated April 24 2019 in the case of forgery in accordance to paragraph 2 of article

310 of the Penal Code, sentenced the representative of Hamidul Modaser representative to one year and six months and based on article six of the mentioned law, ordered for returning 8697248 Afghanis, and the former operational manager for the objectives management office in the case of misusing from the job authority based on article 403 of the Penal Code with the observation of article 213 and 215 of the mentioned Code is sentenced to Sixty thousands Afghanis cash fine penalties, and the president of Hamidul Modaser company due to lack of bounding evidences based on article 235 of the Criminal Procedure Code is found acquittal, and the officer for internal contracting management section in accordance with article 69 of the Criminal Procedure Code was ordered to be prosecuted, but the case due to lack of competent prosecutor's confirmation comes to the anti-corruption appellate court of Kabul Province. The court unanimously in its judicial hearing dated July 31 2019 in the presence of the parties of the case based on the direction of article 54 of the law on organization and jurisdiction of the judiciary affirmed the judgement issued by the anti-corruption primary court of Kabul Province.

Verdict dated 6 August 2019**Conviction of the president, the deputy president and procurement manager of the national bus enterprise for the accusation of treachery**

According to the procurement law, if the price or service cost of a construction is more than five hundred thousand Afghanis, the governmental institutions are obliged to advertise the issue, and enter into contract through an open competition, but the directorate of national bus enterprise contrary to the law for procurement suggests to the Ministry of Transportation and ask them for purchasing one hundred thousand liter of fuel for their need which its cost becomes almost seven million Afghanis. The transportation minister without paying attention to the law, he orders for purchasing the required fuel which was requested by the directorate of national bus enterprise. The in charge people from the national bus enterprise at the first stage purchases twenty thousand liter of fuel from the Hafizullah Nangarhari fuel company and in order to justify their illegal act and deceiving the discovery institutions, they take quotations from two other companies named Meli and Frotan too while the mentioned companies don't have the required fuel, and they purchased low quality fuel with the high price and sell them on National bus enterprise. Also, the directorate for national bus enterprise purchase 65724 liters of diesel fuel for their need as retail for sixty Afghanis while in the entire Kabul bazaar the price for each liter of high quality fuels is sold for 56 Afghanis,

later on the investigation delegation summons the purchasing delegation including; the president and the in charge staff for the national bus enterprise and introduce them to the justice and judicial institutions, their case comes to the anti-corruption primary court of Kabul province, the court in its judicial hearing dated 1398/8/12 in the presence of the parties of the case, the court based on paragraph 1 of article 285 of the Penal Code, convicted and sentenced the president of the national bus enterprise, the deputy of the national bus enterprise and the procurement manager for the national bus enterprise in the case of misusing from their job authority for the cash fine of ten thousand Afghanis that each of them should pay to the government, then the case due to breaching the judgement of the primary court through a judicial ruling by the public security division of the Supreme Court is referred for revision to the appellate court, the court unanimously in the judicial hearing dated August 6, 2019 based on the instruction of article 54 of the law on organization and jurisdiction of the judiciary and based on the judicial ruling of the public security division of the Supreme Court breached the judgement of the anti-corruption primary court and in the appealing phase, the court based on article 394 of the Penal Code in observance with article 237 and 209 of the Criminal Procedure Code sentenced each of the former president of the national bus enterprise, the administrative and accounting deputy for the national bus enterprise to three years of imprisonment. And the procurement

manager for national bus enterprise based on article 394 of the Penal Code with observation of article 237 of the Criminal Procedure Code in the above mentioned case is sentenced to one year and six months' imprisonment, and based on paragraph 1 of article 398 of the Penal Code, the court ordered to return the amount of 3121547 Afghanis to the treasury of the government by all the three accused people and the minister for transportation at that time based on article 69 of the Criminal Procedure Code is prosecutable.

COUNTER NARCOTICS

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

1. Report



The primary court for counter narcotic from 22 of July-23 of August 2019 heard 72 cases relevant to types of narcotics and issued their required judgements on them. In regards to these cases, 104 individuals who were arrested for trafficking and transferring drugs only four of them due to lack of bounding evidences and proofs, got acquittal and the remaining 100 individuals were found guilty and received imprisonment punishment as follow:

- Imprisonment from one to five years (58 individuals)
- Imprisonment from five to fifteen years (33 individuals)
- Imprisonment from fifteen to twenty years (7 individuals)
- Imprisonment from twenty to thirty years (two individuals)

In regards to the above mentioned trials, the judgements were issued for the elimination of 1836.322 Kg drugs and 1205-liter type of narcotics too.

Table# 1 shows the figures for the judicial performance of the special primary counter narcotics court for the month of Asad , year 1398 (22 July-23 August 2019)

No	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	Cash fine
1	Methamphetamine	39	38.69	52		52	24	23	5		
2	Heroin	2	29	2		2			1	1	
3	Opium	18	72.502	27		27	23	3		1	
4	marijuana	6	602.14	13	4	9	6	3			
5	Morphine	2	69.99	2		2	1		1		
6	poppy	1	606	3		3	3				
7	Chemical	1	55	1		1		1			
8	Alcoholic drinks	1	LT1205	2		2		2			
9	Tablet K	2	363	2		2	1	1			
Total		72	1836.322	104	4	100	58	33	7	2	

2. Summary of Judgement of the Special Counter Narcotic Primary Court

Verdict dated August 7, 2019

Twelve years imprisonment for smuggling 900 grams of Methamphetamine.

Based on a report from the national security directorate of Nangarhar about the two residents from Achin district of Nangarhar who wants to transfer some amount of narcotics under the name of Shisha (a type of drug) from Marko bazaar to another location and after the report received, the staff from 705 managements national security directorate rapidly go to Marko bazaar, and close to the cars' bargain of Marko bazaar, a vehicle without having the license plate was parked there in which there were two persons with the same specification that was reported by the confidential source. After specification and identification, the vehicle is being searched as a result of which some amount of narcotics under the name of Methamphetamine which was already placed has been discovered and found from the back seat of the mentioned vehicle. Two people have been arrested related to this case and they are introduced to the justice and judicial institutions, the case comes to the special counter narcotic and drugs primary court and the court unanimously in the judicial hearing dated August 7, 2019 in the presence of the parties of the case, for the crime of trafficking 900 grams of Methamphetamine based on part 5, paragraph 2 of article 303 of the Penal Code from the time of arresting and detention, they are

sentenced to twelve years and two months and ten days imprisonment, and in the case of using vehicle without license plate based on article 560 of the Penal Code sentenced to 20000 Afghanis cash fine penalties in observing of article 75 of Penal Code, also based on article 32 of the law on counter narcotic and drugs issued the verdict for seizing of a sim card along with a phone set and based on article 779 of the Penal Code issued the verdict for seizing of the vehicle without license plate used for the mentioned crime.

Verdict dated August 21, 2019

Three years and six months imprisonment for smuggling 845 grams of heroin.

Based on the information provided by the counter narcotic department personal of Hamid Karzai international airport about two passengers who have swallowed some narcotics capsules and want to transfer them to India, pursuant to the above mentioned information, the assigned delegation in order to identify and specify the passengers who are reported about, they start checking and controlling the second terminal , and among the passengers, two passengers who approached the check point, their passports get controlled and after the check, the delegation is assured that these two people are the ones about whom the information is reported, and they were asked some professional verbal questions regarding which they could not provide satisfactory response, meanwhile during questioning, their physical appearance got changed and during the question, they confessed that they have swallowed

some narcotic capsules and they intend to transfer them to India. Later on paragraph 2 of article 23 of the counter narcotic law was announced to them and after taking their written satisfaction, they were officially introduced to the police hospital doctors for the specialized test, and twenty-three capsules of heroin with a net weight of 195 grams were taken out from the belly of an accused person, and 95 capsules of heroin with a net weight of 650 grams were taken out from the belly of the second accused person. The case is referred to the especial counter narcotic primary court, and the court unanimously in the judicial hearing dated August 21, 2019 in the presence of the parties of the case, for the crime of trafficking **650 grams of heroin** by the first accused person based on part 4, paragraph 1 of article 302 of the Penal Code and observance of article 213 and 214 of the Penal Code from the time of arresting and detention is sentenced to two years imprisonment, and the second accused person in the case of transferring 195 grams of heroin from the time of being detained based on part three, paragraph 1 of article 302 and observance of article 213 and 214 of the Penal Code is sentenced to one year and six months, and also two sets of mobile with their sim cards, 5000 Afghanis and the money for the flight ticket based on article 32 of the law on counter narcotic is seized. And based on article 19 of the mention law a verdict is issued for elimination of 845 grams of Heroin, and based on article 19 of the above mentioned law it was ordered to eliminate 845 grams of heroin which is obtained.

B: Report of the Judicial Performance of Counter Narcotic and Drugs Appellate Court

1. Report

The Counter Narcotics and Drugs Appellate Court has since July 23- August 22, 2019 (1398/5/1-1398/5/31 solar calendar) adjudicated a number of (55) drug-related cases and issued judgment on them. In connection with these cases, 73 people have been arrested for trafficking and transferring drugs and have been sentenced to various prison terms, and from among this number, three of them due to lack of sufficient evidence and bounding proofs, got acquittal and the remaining 70 individuals were found guilty and received imprisonment punishment as follow:

- 1 to 5 years imprisonment (27 people).
- 5 to 15 years (33 people).
- 15 to 20 years imprisonment (8 people).
- 20 to 30 years imprisonment (2 persons).
- The aforementioned amounts of (13.3266) kilograms of drugs have also been discovered and seized.
- The total cash fines amount for all accused people is \$4358.

Table# 1 shows the judicial enforcement of the Counter Narcotic Appellate Court during the month of Asad 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 prison	30-20years of imprisonment
1	Methamphetamine	28	30.314	35		641	35	15	15	5	
2	Heroin	10	1208.476	15			15	6	8		1
3	Hashish	7	1909.69	9	2	641	7	1	6		
4	Opium	4	87	4		2820	4	1		2	1
5	Morphine	4	30.65	6		256	6	1	4	1	
6	Associate in crime	2		4	1		3	3			
Total		55	3266.13	73	3	4358	70	27	33	8	2

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

Verdict dated August 20, 2019 Ten years imprisonment for smuggling (637.19) kilograms of Ashish

On April 10, 2019 the police for Counter Narcotics and Drugs Department of Garem Sair district of Helmand province is informed about an individual who he is going to transfer 2850 Kilograms of Ashish through a car he has already rented, the case is discovered and seized by the in charge police, and four individuals are arrested in connection to this crime. Now they would like to transfer the narcotics through high speed vehicles, and transfer the narcotics through Ragestan

center area for purchasing and selling them regarding which the Counter Narcotics and Drugs police in coordination with national security personal of Garem Sair district of Helmand province take the proper action and after ambushing in the area of Ragestan of Reg-e-Jabar of the Garem Sair district of Helmand province on April 10/11, 2019 and after an armed fighting, the police discover and seize 637.19 Kilograms of Ashish and a gun (Kloshinkof type), a high speed Corzine type vehicle for transportation and a driver who got wounded during armed fights on his leg and an armed person were arrested in connection to this case. The case is referred to the Counter Narcotics and Drugs Primary Court, and the court unanimously in the judicial hearing dated July 13, 2019 in the presence of the parties of the case, sentenced the first accused person for the crime of trafficking 19.637 Kilograms of Ashish based on part 7, paragraph 1 of article 305 of the Penal Code to ten years of imprisonment and in the case of using vehicle without license plate based on article 560 of the Penal Code, sentenced to twenty thousand Afghanis cash fine penalties, in observing to article 75 of the Penal Code the punishment one after another are applied on him. And the second accused person in connection to the case of trafficking and transferring of 637.19 Kilograms of Ashish is sentenced to ten years of imprisonment based on part 7, paragraph 1 of article 305 of the Penal Code and in the case of using weapon illegally based on article 540 of the Penal Code is sentenced to thirty thousand Afghanis of cash fine that

in observance to article 78 of the Penal Code, the punishment one after another is applied on the convicted person, and in accordance with article 32 of the law on Combating Counter narcotic and drugs it is ordered to seize a mobile set with its sim card as well as seizing of a Klosingof gun. And based on article 308 of the Penal Code, a vehicle without having a license plate full of narcotics is ordered be seized. But the case due to lack of confirmation of the prosecutor is referred to the special counter narcotic and drugs appellate court. The court unanimously in the judicial hearing dated August 20, 2019 in the presence of the parties of the case, based on article 54 of the law on organization and jurisdiction of the courts, paragraph 2 of article 17 of the law on Combating counter narcotics and drugs and paragraph 1 of article 267 of the Criminal Procedure Code confirmed the judgement of the Counter Narcotic and Drugs Primary court which issued on July 13, 2019.

Verdict August 18, 2019

Fifteen years imprisonment for the accusation of trafficking of 1.554 Kilograms of Heroin

Based on the reports received from the partner to the fifth police district of Kandahar province that the drug dealers (Sellers) in one of Kandahar districts have placed the narcotics in motorcycles and the security staff after identifying and specifying the location and while the drug dealers were placing the narcotics in their motorcycles, they are being discovered and arrested by police with an amount of 1.554 Kilograms

of heroin and then they are introduced to the justice and judicial institutions for further process. The case comes to the Counter Narcotic and Drugs Primary Court, and the court unanimously in the judicial hearing dated July 3, 2019 in the presence of the parties of the case is sentenced to fifteen years of imprisonment, based on part 5, paragraph 1 of article 302 of the Penal Code and with observing of articles 61 and 83 of the Penal Code since being arrested and detained, and the other accused for the case of trafficking 380 Kilograms of Heroin in accordance with part 3, paragraph 1 of article 302 of the Penal Code with observance of articles 61 and 83 of the Penal Code is sentenced to seven years and six months of imprisonment and by observation of article 73 of the Penal Code, the heaviest punishment which is fifteen years of imprisonment is applicable on the convicted person. And also based on article 32 of the Combating Counter Narcotics and Drugs law, phone set with its Sim Card is seized. The case due to lack of confirmation of the in charge prosecutors is referred to the Counter Narcotic and Drugs Appellate Court, and the court unanimously in the judicial hearing dated August 18, 2019 in the presence of the parties of the case, based on article 267 of the Criminal Procedure Code, paragraph 2 of article 17 of the law on Combating counter narcotics and Drugs confirms the judgement issued by the Primary court of counter narcotics and drugs.