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Meetings and Sessions

Chief Justice of the Supreme Court meets with the Turkish Ambassador to Afghanistan

On September 23, 2019, Sayed Yousuf Halim, Chief Justice of the Supreme Court (SC), welcomed and met with Mr. Oguzhan Ertugrul, the Turkish Ambassador to Afghanistan.



In this meeting, first the Turkish Ambassador discussed on the historical relations between Afghanistan and Turkey, strengthened by King Amanullah and Mustafa Kamal Atatürk's friendship and this relationship has well developed within the last two decades, and pointed out on the cooperation of Turkey within the last hundred years with Afghanistan in various areas such as military, education, health, culture and providing

scholarships. He also pointed out on the projects supported by Turkey for Afghanistan which are more than one thousand projects. He mentioned that both the people and the government of Turkey will continue their support and cooperation with Afghanistan. The government of Turkey is willing to expand its cooperation in the judicial and justice area as well.

Later on, Chief Justice (CJ) in addition to explaining the mutual relationship and cooperation, considered Turkey as a good friend and a partner in pain and sorrow, adding that as well as political relationship, Afghanistan has historical, brotherhood and sacrificial relationships with the friendly country Turkey which is much appreciable. Chief Justice thanked and appreciated from the cooperation of the country in all fields, and hoped for the development of Turkish Ministry of Justice relationship with the Afghan Judiciary, providing training opportunities for Afghan judges in National Justice Academy of Turkey. H.E. Chief Justice emphasized on the preparation of a new agreement to be signed by both parties which should include all the training needs and exchanging experiences.

Turkish ambassador also appreciated the relationship of the Judiciary with Turkish Ministry of Justice, and promised that by considering this old relationship and the agreements signed on the sidelines of international conferences between the Islamic Republic of Afghanistan's Chief Justice and the Turkish Minister of Justice and Chief Justice of the criminal division, he

will share this issue with the Turkish high ranking officials and will endeavor to provide more opportunity for cooperation.

In this meeting both parties also exchanged views on accelerating the process of signing the protocols between the two governments in the area of judiciary and justice, especially in the area of transferring the convicts and extraditing the criminals.

The High Council of Supreme Court Sessions' Reports

The High Council of the SC held their regular meetings on August 31, September 3, 15, 21 and 24, 2019 which were chaired by Sayed Yousuf Halim, the CJ, and issues included in the agenda were discussed. The most important resolutions and approvals of the sessions are as follows:



- The seminar conducted on explaining and identifying the practical challenges of the penal code in which a number of judges, professional members of the legislative and academic research department of Ministry of Justice, prosecutors, defense attorneys and the representatives from the discovery institutions attended for three days which took place at the Supreme Court compound, in this seminar 237 articles as challenges and problems for the aim of amending, adding, correcting and revising them in the next

legislative process of the penal code were identified, and the required recommendations for their further enrichment were suggested which were evaluated positive, and the General Directorate of the Research and Studies of the Supreme Court was instructed to provide the result and findings of the seminar for the next upcoming legal process.

- The procedural manual of the monitoring committee for the implementation of the anti-corruption strategy in the Supreme Court which was prepared and written in accordance with Supreme Court's commitment toward the National Anti-Corruption Strategy, was approved by having seven articles after overall discussions and some corrections and amendments and the Planning and Policy Directorate was assigned to take the proper required actions in this regard.

- In accordance with part 7 of article 31 of the law on jurisdiction and organization of the courts and considering part C of the Anti-Corruption Strategy which has been approved by the High Council for Rule of Law and Anti-Corruption, the procedural manual for sound recording of the judicial sessions of the anti-corruption courts and counter narcotics court was reviewed, and after making the required correction, it was approved.

- This year's first quarter reports of court performances of the Judiciary were evaluated in the central and provincial level. According to the reports received for this quarter, a total of thirty thousand

criminal, civil and commercial cases referred to the primary, appellate courts and divisions of the Supreme Court, of which twenty thousand cases were resolved, and one thousand and four hundred cases have been referred back to the relevant courts to solve the legal and investigatory shortages and gaps, and the remaining cases are under the review in the courts.

- Based on the request of the General Directorate of Judicial Inspection which was provided on evaluation of the regular and extraordinary inspection from all courts of the country, and for more legality of the procedure in the judiciary and justice hearing process and for the aim of prohibiting for the load of the case on courts as well as avoiding from improper appealing in the appellate and Supreme Courts phase and providing more facilities for the parties of the case, an instruction was issued based on which the prosecutors should seriously consider the issue in accordance with the Criminal Procedure Code while appealing to the appellate court or Supreme Court, and for the cases which don't need to appeal on and these cases are deemed final, they should avoid appealing on such cases to the appellate and Supreme Court.

- The Regulation on specifying the official dress of the judges of the Judiciary of the Islamic Republic of Afghanistan in accordance with the law on organization and jurisdiction of the Judiciary was reviewed, and for revising this regulation again, the General Directorate for Research and Studies Directorate was given the proper required instruction.

- Some of the judicial and administrative offenses were reviewed and based on the inspection reports and scrutinizing views, thirty-one judges of the appellate courts of Kabul, Balkh, Parwan, Nangarhar, Kunduz, Jawzjan and Faryab provinces, and as per the inspection performance results, the judicial and administrative performance of judge which were found and recorded as offensive, the required disciplinary sanctions were issued on them. The good work of the head of the General Directorate of the Judicial Inspection and the inspectors for their sound performance in their duty were appreciated.

- Expressed the deep condolence and sympathy for the latest terrorist attacks, suicide and explosions which happened in Kunduz, Baghlan and Kabul provinces which resulted many financial and human casualties, and prayed for God and wished paradise for the martyrs, and soon recovery for the injured people and patience for their family members and survivors.

- Based on the request of the Attorney General of the Islamic Republic of Afghanistan, twelve applications for revision of criminal cases on the decision of courts on vice and moral crimes cases, murdering, forgery and fraud, trafficking drugs, kidnapping, escaping from the battle scene and kidnapping which resulted to rape cases were heard 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 in the light of

article 282 of the criminal procedure code, and appropriate decisions were adopted in this regard.

- In regard to the instructional question from the Kabul appellate court about the problems on the method of executing the guarantee letter before the debts of banks raised are considered under the different conditions, and based on the numerous approvals issued by the high council of the Supreme Court during several last years in this regard, the General Directorate for Research and Studies was instructed to conduct a research and studying about this problem in close coordination with the commercial divisions and department of Wasayq (Legal Deeds) of Kabul Appellate court in the light of the enforced laws and regulations, and to share their views after finding a proper legal solution on the relevant issue, and for the next step and in order to insure a unified procedure for the courts for the terms of reference on guarantee letter which are enforced since several years, they were instructed to revise it and present their new recommendations based on the updated needs of the issue.

- In regard to an instructional question from the appellate court of Kabul about the type of jurisdiction on providing the deed receipt letter on allowable sale on banking dealings, appropriate instructions were issued in the light of approvals of the high council of the Supreme Court, enforced laws and enforced training guidelines.

- In regard to an instructional question from the

special court of Kabul Bank crises and regarding jurisdiction on hearing a commercial case and an instructional question sent by Pajnsbir appellate court for re hearing of a criminal, the appropriate required instructions were issued in according with the enforced laws.

- In regard to an instructional question from Badakhshan Appellate court about a convicted person for how he used from the privilege of the presidential decree about the forgiveness and decreasing the punishment, and also regarding reviewing the suggestion of attorney general office about a person convicted in Belarus country and was returned to Afghanistan in order to spend his remaining imprisonment, the appropriate required instructions were issued in the light of the enforced laws.

- While the General Director of the State Case Directorate, the relevant prosecutors, the representatives of the client institutions and parties of the case were present, five appealing/review claims of the state case department regarding the public rights cases were reviewed, among all these cases, one of them in observance of the conditions stipulated in article 482 of the Civil Procedure Code was affirmed, and in addition to nullifying the decisions of the three phases courts, the instruction was given in this regard to re hear the cases.

- In addition to reviewing some applications for changing the courts on civil and criminal cases as well as the dispute on jurisdiction of the courts, and as per

the request of the attorney general office, the jurisdiction for solving seventy-five criminal cases were transferred to the appellate courts of Faryab, Farah, Kunarha, Badghis, Ghore, Herat, Balkh, Khost, Helmand, Jawzjan, Takhar, Sar-e-pul, Badakhshan and Dykundi provinces.

- Three application for revision of civil cases, one case for dispute on jurisdiction of the court for hearing the case, and three applications for changing the criminal court were also part of the agenda, and regarding each issue, appropriate required decisions were adopted. Also, as per the request of the attorney general office, the jurisdiction for hearing of fifteen criminal cases were transferred to the appellate courts of Balkh, Sar-e-pul, Ghore, Badakhshan, Ghazni and Daikundi provinces.

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Seminar on explanation and identifying the practical challenges of the penal code conducted

The judicial and justice institutions seminar on explanation and identifying of the practical challenges of the penal code conducted in the Supreme Court Conference hall on 16 September 2019 which was commenced with an opening remarks of Chief Justice, Sayed Yousuf Halim.



This seminar in which ex Chief Justice, Abdul Salam Azimi, and the current and old justices of the Supreme Court, their excellences Attorney General and Minister of Justice, the head of The Independent Commission for overseeing the implementation of the Constitution, head of Afghanistan Independent Bar Association, the head of commission for judicial and justice of the upper house, the representatives of UNAMA and UNDP and some other partner organizations, judges, prosecutors and the representatives of judicial and security

institutions of the court participated was commenced with the recitation of some verses from holly Quran, and the Chief Justice of the Supreme Court stated the goals for conducting this seminar as:



The main goal for this seminar was on specifying and reviewing the practical challenges of the penal code and its linkage with the criminal procedure code in order to provide its better sound implementation.

The chief justice of the Supreme Court in addition to explanation of developing the penal code process, he mentioned that this legislation from the viewpoints of unifying the crimes and punishment is on one volume, and in respecting the proportion principle of the crime and punishment in considering the current situation and condition of the Afghan society, it is deemed very important, but since it is a new phenomenon in the criminal legislation system of the country, specially the

innovation in the general rules, writing method of the newly principles of the legislatives, plurality of the parts, chapters and provisions, explaining terms and definitions in each chapter, adding new crimes and removing some others, and some other practical challenges, all required that there should be discussion on, exchange views and evaluate the challenges in the present seminar, and the final result of the work which will be agreed upon by all participants will be combined and unified, and should be prepared for the next upcoming required legal process.

Later on, the Attorney General, Minister of Justice, the head of The Independent Commission for overseeing the implementation of the Constitution, the head of commission for judicial and justice of the upper house and the president of Afghanistan Independent Bar Association, one after another delivered their speeches and found the penal code as an important achievement of the Islamic Republic of Afghanistan within the framework of the international and national commitment, and found that this code is matching with the international principles, and by mentioning on the practical challenges of this code, they hoped that the present seminar would be an opportunity to identify the challenges in different parts, and discuss in overall on it and share a unified and joined views with the legislative authorities of the country in order to use them for the enrichment and development of the penal code in the future.

It is worth mentioning that 220 people from judicial and

justice institutions of the country had participated in this seminar and followed up their work through a three working committees.

Chief Justice Attends the Heads of Provincial Appellate Courts Meeting

On September 18, 2019 after closing of the seminar on explanation and identifying of the practical challenges of the penal code, Sayed Yousuf Halim, the Chief Justice of the Supreme Court attended the meeting which was conducted for the heads of the central directorates and heads of provincial appellate courts. It was initiated by the General Administrative Directorate of Judiciary about solving the financial and administrative challenges of the second financial units of the judiciary as well as for organizing their better relationship with the center.



The meeting started with an opening remark by the acting general administrative director of the judiciary, judge Najibullah Akbari, and then the heads of the central directorates were given the opportunity to share their work related problems with the provincial

appellate courts and then the heads of provincial appellate courts in turn shared their work related problems and suggestions and asked for the solution of these problems from the leadership of the judiciary. In continuation to these discussions, Judge Najibullah Akbari, the acting general administrative director of the judiciary pointed out on the weak points and weak performances and relationships of the court with the center. After an overall evaluation of the problems and instructional points by his excellency chief justice of the Supreme Court for solution of the problems and suggestion raised by the heads of appellate courts as well as considering the guidelines of the Supreme Court by the courts, the follow issues were emphasized on:

- 1- The general directorate for finance and admin should work for organizing the judges trip from the center to the provinces and from provinces to the districting in close coordination of the ministry of national defense.
- 2- The head of general directorate for Human Resource was instructed to focus seriously for filling the vacant position in the courts.
- 3- In order to have a complete number of penal judges, the chief of appellate courts for now can use the on job service judges as far as the law allows them and they have the legal authority in this regard, otherwise they should send their request to the center.
- 4- The general directorate for finance and admin based on the near future Memorandum of Understanding which will take place with the ministry of land and city should focus on rebuilding of the appellate court

buildings.

5- It was announced that a proper official action should be taken about the cadre's benefits of judges, and the salary of clerks for now should be approved by the ministry of finance and paid as per the current norm.

6- Regarding the transportation needs of the courts, the assessment has been started and the problem will get solve.

7- The general directorate for research and studies was assigned to work on procedural manual for appointing, promotion and shifting.

8- Sick certificates should be regulated in accordance with the law provisions to prevent the fraud and forgery.

9- The communication of the center with the provinces should be organized through the email and the department for information technology was assigned to work seriously in this regard.

10- Those judicial and administrative staff who need capacity building programs, in close coordination between the Judicial Education Directorate and the Capacity Building Directorate, they should be introduced to get the capacity building training programs.

11- Based on the needs and the current available financial resources, the required allocated budgets for maintenance and providing the required furniture should be sent to the courts.

12- The chief judge for appellate courts should seriously monitor the financial and budget accounting

based on the facts specified by the general finance directorate.

13- Judges trips to the center should be based on a goal and based on a need of the court, traveling on for taking a stamp does not have legal justification to pay the fair and per diem.

14- The equipment which were supported should be recorded on the name of the stock keeper and their list should be sent to the center.

15- The regulation for code of conduct of judges should be respected over all by judges and courts staff and they should not continue to their education, such as the master education during the official working hours.

16- The chief judges of appellate court are seriously paying attention on the administrative affairs and the courts staff should regularly get the capacity building programs continuously.

17- The coordination meetings should happen continuously and these meetings should be expanded to the district level.

18- A permanent focus should be on holding open judicial session which reflects the judicial chastity and transparency.

The meeting with the heads of the central directorates and head of provincial appellate courts got closed with some prayers at the end.

Seminar on Explanation and Identifying the Practical Challenges of the Penal Code Closed

The seminar on explanation and identifying the practical challenges of the penal code which was conducted in the Supreme Court Conference hall on September 16, 2019, was closed with the closing remarks of the Chief Justice of the Supreme Court, Sayed Yousuf Halim.



In the closing ceremony, first the three working committee who during the three days of the seminar worked on the general criminal topics, violence against women, public security, counter narcotics, military and administrative corruption and crimes on internal and external security, and some general provisions parts of the penal code and its annexes, they were led by the high council members of the Supreme Court and views and discussion exchanged in this regard, in total recommendations and feedbacks on two hundred and seven issues were collected for better enrichment of the

penal code, and it was hoped that these recommendations and feedbacks are shared with the legislator institutions of the country.



Later on, the Chief Justice of the Supreme Court before pointing out directly to the topics of the agenda of the seminar, used the opportunity to give the required judicial instruction remarks to the provincial and central appellate courts heads of the country and he added that the status, sanctity and prestige of the judicial system not only on the laws, but it has been stipulated in the Sharia too, and this is the reason why the judges mission to carry out their risky duty is extremely burdensome, because insuring justice needs to a sound judgement, and sound judgement is dependent to the judges' understanding, knowledge and tact, and it is required for a judge to pay attention to increase his professional knowledge, piety and virtue, on the other hand, it is needed and required for a competent and committed judge to consider the judicial code of conduct while hearing the parties of the case. Chief Justice also emphasized on strengthening struggling on administrative corruption, insuring rule of

law and fair and justice judgement, transparency and duty chastity, on time hearing of the cases, hearing the complaints of the parties of the case, insuring the required relationship with the provincial and other local institutions, creating coordination between the courts and other institutions, and performing other judicial duties and made the judges responsible for carrying out the sound jobs.

Chief Justice of the Supreme Court added about the evaluation of the work of the seminar on explanation of the penal code that the instructional questions which arrived can be effective because in the future they can be as a torch for legislative authorities of the country, not only they are very important, they had their specific complication too, and that is why it was needed to work on them a lot before referring them to the commissions chaired by the Supreme Court High Council Members, therefore, presenting this issue in the seminar caused to have the feedbacks and views of experts from different judicial, justice and security institutions and fortunately this goal was achieved, and the committee, with great spirit of cooperation and empathy, were able to review their work agenda and achieve their expected results.

Chief Justice of the Supreme Court appreciated from the work and activity of the participants of the seminar as well as for their view points and recommendation for the better improvement of the penal code, and they played effective role.

The work of seminar ended by distribution of certificates to the participants

Training seminar on special part of the penal code conducted for the judges of Badakhshan and Takhar provinces

Training seminar on special part of the penal code conducted by the professional member of the Judicial Education Directorate on 20- 25 July 2019 for the primary and appellate court judges of Badakhshan and Takhar provinces.

This seminar which was conducted with the support of International Development Law Organization, focused on topics including; crimes against persons (intentional murdering crime, abortion, accidental murdering, beating and laceration results to death, beating and laceration), crime against the properties (robbery crime, usurpation, breach of trust and fraud) and crimes against the honor and public morality (sexual assault crimes, violation of honor and honor of women, women harassment and violation, pederasty crimes, adultery, sodomy, touching, Qazaf (slander or false accusation of unchastity) and prostitution which stipulated on the penal code, definition of each crime, the elements and punishment for each crime and the shortage and practical problems of some provisions of the penal code are discussed and views are exchanged. In this program which was for six days, twenty-five judges attended and the participants with their certain enthusiasms followed the up the program.

Supreme Court was appreciated for its work toward decreasing illiteracy

In the ceremony which was celebrated on Thursday, 5th September 2019 for the international literacy day in which a number of governmental high officials attended, and some institutions were appreciated, and at the top of this list, Mr. Hamed Baha Ayar, the Head of



Capacity Building and Performance Appraisal of the Supreme Court of the Islamic Republic of Afghanistan was provided an appreciation certificate by Dr. Mohammad Mirwais Balkhi, the Minister for the Ministry of Education of the Islamic Republic of Afghanistan in the presence of Ms. Salamt Azimi, the minister for counter narcotic, Dr. Sardar Rahimi, the literacy education deputy minister for ministry of education, Japan Ambassador, South Korea Ambassador, the representative of Swedish embassy, president of UNISCO in Afghanistan, representative of UNAMA office and president of the Afghanistan Civil Society Forum (ACSF).

Management and Monitoring Training Program for Courts Administrative Staff of Herat and Badghis Provinces Conducted

The training program on Management and Monitoring conducted on 25-27 August 2019, and was supported by Justice Supporting Sector Program (JSSP) which took place in Tujarat international hotel, and the court administrative staff of the appellate courts of Herat and Badghis provinces participated in this program.

The program focused on the basic principles of management, 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, 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 in addition to thank and appreciate, they requested for conducting such programs in the future. The program got closed by distribution of certificates to the participants.

Training on Basic Skills of Court Administrative System Conducted

The training programs on basic skills of court administrative system and performance appraisal was conducted on 15-18 September for four days in Herat zone which was supported financially by Checchi/ADALAT project, and in this program, the courts administrative staffs from the primary and appellate courts of Badghis and Herat 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. The training program started with pre-test, checking who is present and who is absent, and ended by taking a final test and evaluation. At the end of the program, the participants appreciated and thanked the Capacity Building and Performance Appraisal Directorate for conducting such training programs and mentioned that conducting such

programs are helpful and important for our work, and the program got ended with distribution of the certificates.

Seminar conducted in Kandahar Appellate court compound on description of penal code

A six-day seminar on description of penal code which was supported by International Development Law Organization (IDLO) was conducted by Judicial Education Directorate on August 24, 2019 for twenty-four judges of the southwest zone. Judge Naqibullah Mahboob, the judge member from criminal division of the appellate court of Kandahar while attending in the mentioned seminar said that the mentioned six-day seminar will be conducted with the support of IDLO in which twenty-four judges from Kandahar, Zabul and Helmand provinces will attend in it. He added that the participants while describing the penal code under the name of “the special part of the code”, the crime against the public property and persons will be provided. Mr. Mahboob found the seminar very important and promised conducting such seminar for increasing the capacity building in the future.

News and Events

- On August 25, 2019, judge Mohammad Sharif Fani, the chief judge for appellate court of Balkh province met with some provincial officials of the Integrity Watch Afghanistan Institution and Civil Society Members in his office. In this meeting after explaining the judiciary's policy on providing judicial services, found the recommendation and criticism of the mentioned institution effective for reforming the administration and to provide sound judicial services. After that the representatives of the mentioned organizations pointed out on some challenges including; lack of considering wearing uniform by prosecutors and defense attorneys, lack of on time presence of the defense attorney in the judicial session, and presence of the third party as the deputy of defense attorney in the judicial session, lack of obeying the laws by other judicial and justice institutions officials (Police and prosecutors) while arresting the accused people, especially appointing a defense attorney in the process of obtaining the statement of the accused person, and the chief judge of the appellate court promised to share all this issue in the coordination meeting.
- On Saturday September 22, 2019, judge Sayed Abdul Qayum Kamali, the chief judge for appellate court of Nemrooz province met all judges of Appellate, primary and districts courts in the appellate court

compound after returning from the seminar conducted on explanation and identifying the practical challenges of penal code which took place in the Supreme Court. Then the chief judge of the appellate court talked about his trip to the capital and shared the instructions of his Excellency Chief Justice of the Supreme Court and the heads of the central directorates of the Supreme Court with judges and they were instructed to put in practice all the mentioned points in their performance.

- On August 31- September 2, 2019, a training seminar under the name of “objective laws matters” which was conducted for twenty-five judges of the primary and appellate courts of Badakhshan province with the cooperation and coordination of the Judicial Education Directorate, which was led by a trainer, Judge Abdul Jamil Nadim, the head of the civil and public rights division of the city court of Badakhshan province took place in Bam Duni Hotel at Faizabad city of Badakhshan province.

Counter – corruption

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

1. Report

The primary court for anti-corruption in Kabul Province from 23 of August- 22 of September 2019



heard 13 criminal cases of administrative corruption, and related to these cases, 14 individuals were accused for misusing their job authorities, taking bribes, forgery, embezzlement and betrayal and they are arrested. Due to lack of sufficient bounding evidence, four individuals from among all were found acquittal and 10 others were brought before the court, and the following different imprisonment punishment were imposed on them:

- Imprisonment from one month to one year (2 persons)
- Imprisonment from one to five years (2 persons)
- The convicted people for cash fine (6 persons)
- The total of cash fine for the convicted people are \$7298

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

num be r	Type of case	No of cases	Judicial decisions							
			No of accused	acquittal	No of convicted	Number of prisoners sentenced to imprisonment				
						1-12-months imprisonment	1-5 years imprisonment	5-15 years imprisonment	No of convicted for cash fine	Total of cash fine
1	Misuse of duty	5	5	1	4				4	4840
2	Bribery	5	6	1	5	1	2		2	2458
3	Forgery	1	1		1	1				
4	embezzle ment	1	1	1						
5	Betrayal	1	1	1						
Total		1 3	14	4	10	2	2		6	7298

Also, during this period, the mentioned court issued judiciary ruling on seven 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 Sonbula, year 1398 (23 August-22 Sep 2019)

number	Type of case	No of Cases	No of accused	Reason for judicial ruling	Relevant authority
				Gaps and shortages	
1	Misuse of duty	4	13	4	prosecution
2	Embezzlement	1	4	1	prosecution
3	Forgery	2	9	2	prosecution
Total		7	26	7	

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

Verdict date September 2 , 2019

Conviction of a tax district staff for the act of taking bribe

Based on a complaint for taking bribe by Tax district employee to the address of the general directorate of controlling and surveillance prosecution and instruction of the leadership of this directorate to the assigned delegation of controlling and surveillance prosecution with representative from Kabul Police Headquarter and having a prior organized plan, enters into an action, and marked 20000 Afs and submitted to the complainer. The complainer first contacts the tax employee and the tax employee invites him to his office to the second

district tax office located in Ghani Zada Plaza Market, and takes the money from complainer behind the curtains, and puts them in his pocket and goes back to his office. After a while, the assigned delegation takes action and do the body search for the second district tax office employee and during the body searching, they find 20000 Afs operational money from his pocket. The case is referred to the primary anti-corruption court of Kabul province and the court in the presence of the parties of the case at the hearing dated on 2 September 2019, convicted the accused person for taking 20000 Afs as a bribe in accordance with 2 part of Paragraph 1 of article 371 and paragraph 2 of article 375 and paragraph one of article 385 of the penal code and consideration of article 215 of the mentioned code for seven months of imprisonment since being arrested, and charged him for a cash fine equivalent to the amount (20000 Afs) demanded for bribe as well as firing him from his job.

Verdict date September 9, 2019

Conviction of a member from the staff general department of the personnel directorate of Ministry of Interior Affairs for taking bribe

Based on a petition letter from one of the captains of Kandahar Police Headquarter for taking course to promote to the Major's rank after taking the staff colleague course, mentioned that I followed up all my relegated works legally, but for being introduced on the list of the staff colleges course, the second lieutenant member from the staff general department of the

personnel directorate asked me for 5000 Afs as a bribe because of which the mentioned officer was recently arrested in front of Emergency Hospital by the criminal investigation department police in the presence of representative of prosecution office with operation money which were already marked, and he was introduced and referred to justice and judicial institutions. The case is referred to the primary anti-corruption court of Kabul province and the court unanimously in the presence of the parties of the case at the hearing dated on 19 September 2019, convicted the personnel director officers of the ministry of interior affairs for taking 5000 Afs as a bribe in accordance with Paragraph 1 of article 371 and paragraph 1 of article 385 of the penal code for four months of imprisonment since being arrested, and charged him for a cash fine equivalent to the amount (5000 Afs) demanded for bribe.

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

1. Report

Since (23 August-22 September 2019), the appellate court for anti-corruption in Kabul province heard thirteen cases raising from administrative corruption, and relevant to these cases, nineteen individuals were arrested for the crimes of misusing the job authority, taking bribe, embezzlement, illegal extortion, armed robbery and forgery. From among these numbers, four of them due to lack of sufficient bounding evidences got acquittal, and the remaining fifteen individuals have

been prosecuted and the different level of imprisonment penalties were imposed on them as follow:

- One month to one-year imprisonment (two persons)
- One to five years of imprisonment (seven persons)
- Five to fifteen years of imprisonment (two persons)
- People who were convicted of cash fine penalties (four persons)
- The total amount for the cash fine are \$ 1812.

Table# 3 shows the figures of activities for the appellate court of anti-corruption of Kabul for the month of (23 August-22 September 2019)

number	Type of case	No of cases	Judicial decisions							
			No of accused	acquittal	No of convicted	Number of prisoners sentenced to imprisonment				
						1-12 month prison	1-5 years prison	5-15 years prison	No of convicted for cash fine	Total of cash fine
1	Misuse of duty	6	10	2	8		4		4	1812
2	Embezzlement	2	3	1	2	1	1			
3	Bribery	1	1		1		1			
4	Forgery	2	2	1	1		1			
5	Illegal extortion	1	1		1	1				
6	Armed robbery	1	2		2			2		
Total		13	19	4	15	2	7	2	4	1812

Also, during this period, the aforementioned court issued judicial ruling on two 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 province for the month of (23 August-22 September 2019)

number	Type of case	No of Cases	No of accused	Reason for judicial ruling	Relevant organization
				Gaps and shortages	
1	Misuse of duty	1	1	1	prosecution
2	Bribery	1	1	1	prosecution
Total		2	2	2	

2. Brief for the Sample of the judgement issued by Anti-Corruption Appellate Court of Kabul Province Verdict date September 8, 2019

Conviction of an investigation prosecutor of Qarabagh district prosecution of Kabul Province for taking bribe.

Based on a petition letter from someone for taking bribe by the investigation prosecutor of Qarabagh district prosecution, and taking the order of the attorney general office leadership, a delegation was assigned from the general directorate prosecution of controlling and surveillance with representative from Kabul Police Headquarter and having a prior organized plan enters into an action, and marked 30000 Afs from the operational money which were marked were submitted

to the complainer near Qarabagh district. The complainer enters into prosecutor's office, the office of prosecutor was in a location from where he could see all the area around the prosecution compound under have it under his control, at this time, the complainer after the arguments had with the prosecutor, he submits 20000 Afs to prosecutor. The assigned delegation after revising the password, enters into an action and finds the mentioned money under the furniture, and related to this case, the prosecutor was arrested and introduced to judicial and justice institutions. The case comes to the primary court of anti-corruption of Kabul Province, and the court at the hearing dated 29 June 2019 in the case of taking 20000 Afs taking bribe in a accordance with part two of paragraph 1 of article 371 and paragraph 1 of article 375 of the penal code, paragraph 2 of article 385 of the penal code in consideration with articles 215, 212 and 213 of the mentioned code sentenced the accused prosecutor for one year and six months of imprisonment since being arrested, and charged him for a cash fine equivalent to the amount (2000 Afs) demanded for bribe and discharging him from his duty, but the case due to lack of accused person's confirmation comes to the anti-corruption appellate court of Kabul Province. The court unanimously in its judicial hearing dated September 08, 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 date September 15, 2019

Conviction of the administrative officer for recruitment command of the Ministry of Interior Affairs for the crime of forgery.

A person having a Klashnikof gun with a fake license for carrying it was arrested by the security officials during the searching, the case after the preliminary reviews by the general directorate for the counter terrorism of the ministry of interior affairs was referred to the North Zone prosecution. During the investigation, the arrested accused person claimed that the forgery license for carrying weapons were prepared by the administrative officer for recruitment command of the ministry of interior affairs and an employee from the national directorate security for 2000 US dollars, and also on date 1397/12/13 of solar calendar (4 March 2019) another forgery license for carrying weapons was submitted to the general directorate of intelligence of Ministry of Interior Affairs and these forgery licenses for carrying weapons were prepared by the

administrative officer for recruitment command of the ministry of interior affairs and one of the corporals for \$2400. The general directorate for intelligence arrested both accused persons and introduced them to the justice and judicial institutions. The case comes to the anti-corruption primary court of Kabul province and the court at the hearing dated July 15, 2019 in the presence of the parties of the case, sentenced the accused person from the recruitment command of the Ministry of Interior Affairs for two years of imprisonment in the case of forgery of two license for carrying weapons in accordance with articles 542, 211 and 213 of the penal code since being arrested and detained, and in the case of preparing two forgery weapon license in accordance with article 437 and observation of articles 213, 542 and 211 of the penal code sentenced him for one year of imprisonment. And the accused person from the National Directorate Security was sentenced to one-year imprisonment for the crime of assistance in preparing two forgery license in accordance with article 437 and observation of articles 542 and 59 of the penal code since being arrested and detained. Since the aim and unity does not exist in the mentioned crime to collect them together, therefore, in accordance with article 75 of the penal code both penalties will be applied one after another on them, and also accordance

with article 182 of the penal code, the verdict was issued for seizing of \$2000 and fifty thousand Afs as well as issuing verdict for seizing of three forgery licenses for carrying weapon. But due to the objection of the accused people, the case was referred to the anti-corruption appellate court of Kabul Province. The Appellate Court on trial session date September 03, 2019 unanimously in the presence of parties of the case, in according with article 54 of the Law on Organization and Jurisdiction of the Judiciary, the decision of the anti-corruption primary court for Kabul province issued about forgery of two licenses for carrying weapons was amended, but for the case of forgery of weapon license the decision was affirmed and in the appealing phase, the officer for the recruitment command of the Ministry of Interior Affairs in the case of forgery of two licenses for carrying weapons in accordance with article 437 of the penal code and observation of articles 542, 211 and 213 of the penal code was sentenced to one year and eight months imprisonment since being arrested and detained and for the case of forgery of weapon license was sentenced to one year imprisonment in accordance with article 437 of the penal code and observation of article 211, 542 and 213 of the penal code, since the goal and unity does not exist in the mentioned crimes to collect them together, in according to article 75 of the

penal code both crimes will be applicable on him one after another. And in accordance with article 182 of the penal code, the verdict was issued for seizing of two thousand US dollars, fifty thousand Afghanis, and three forgery licenses for carrying the weapon.

Counter Narcotics and Intoxicants

A. Reports on the judicial performance of the special primary counter narcotic court.

1. Report

The special primary court for counter narcotic from 23 of August- 22 of September 2019 heard 93 cases related to types of narcotics, and issued their required judgements on them. In regards to these cases, 135 individuals who were arrested for trafficking and transferring drugs, and only three of them due to lack of bounding evidences and proofs got acquittal and the remaining 132 individuals were found guilty and received imprisonment punishment as follow:



Imprisonment from one to five years (75 individuals)

- Imprisonment from five to fifteen years (45 individuals)
- Imprisonment from fifteen to twenty years (15 individuals)

In regards to the above mentioned trials, the judgements

were issued for the elimination of 66991,734 Kg drugs

and 1103-liter type of narcotics too.

Table# 1 shows the figures for the judicial performance of the special primary counter narcotic court form the (23 August-22 September 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
1	Methamphetamine	3	93.87	57	3	54	23	22	9	
2	Morphine	3	32.7	9		9	4	5		
3	Heroin	2	50,736	35		35	28	5	2	
4	hashish	3	1978	6		6	3	3		
5	Opium	3	781	8		8	4		4	
6	poppy	2	27781	5		5	5			
7	Alcoholic drinks	3	LT803	4		4	2	2		
8	Accomplice in crime	3		3		3	3			
9	Tablet K	2	24,428	5		5	1	4		
10	Chemical	3	36250	3		3	2	1		
Total		93	66991,734	135	3	132	75	42	15	

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

Verdict dated September 2, 2019

Eight years imprisonment for selling 30 grams of Methamphetamine and 40 grams of heroin

Based on a prior report from the counter narcotic department of the Balkh police headquarter that a resident from Guzar –e- Seya, district eight of Mazar-e-sharif city is selling heroin and Shisha (a type of drug), and the personnel for counter narcotic department with the participation of a representative from prosecution office inspects and searches the accused house, as a

result of which 30 grams of Methamphetamine and 40 grams of Heroin which are made as capsule shape discovered and the accused person was arrested and introduced to the judicial and justice institutions, the case comes to the special counter narcotic and drugs primary court and the court unanimously in the judicial hearing dated September 2, 2019 in the presence of the parties of the case, for the crime of selling 30 grams of Methamphetamine based on part 3, paragraph 2 of article 303 of the Penal Code and observation of article 83 of the penal code from the time of arresting and detention, was sentenced to five years imprisonment, and in the case of selling 40 grams of Heroin, in accordance with part 2 of paragraph 1 of article 302 of the penal code and observation of article 83 of the mentioned code was sentenced to three years of imprisonment in a way that based on article 73 of the penal code the severe punishment, it means the five years' imprisonment will be applied on the accused person, and in the case of selling drugs on addicted people in accordance with article 311 of the penal code, he is sentenced to three years imprisonment which totally becomes eight years is sentenced imprisonment, 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, 2000 Afs and 13550 Tomans (Iran currency) and based on article 19 of the mentioned law, issued the verdict for elimination of 30 grams of Methamphetamine, and 40 grams of Heroin which were obtained.

Verdict dated September 15, 2019

**Ten years imprisonment for possessing of 106 grams
of Methamphetamine and 60.3 Kilo grams of
hashish**

Based on a prior report on 26 June 2019, the in charged police from the deputy discovery section of the special unit in Nangarhar province searched the house of a permanent and present resident of Shahidan Mina, Roydat district of Nangarhar province in the presence of Nangahar Province prosecution representative, representative of female police and representative of the deputy discovery section, as a result of which some amount of drugs under the name of hashish, and some amount of heroin, and some amount of narcotic under the name of Shisha (a type of narcotic) and a Titi type pistol was found, and the accused person for this case was arrested and the case referred to the special counter narcotics and drugs primary court. The court unanimously in the judicial hearing dated September 15, 2019 in the presence of the parties of the case, based on part 5, paragraph 2 of article 303 of the Penal Code from the time of arresting and detention sentenced the accused person for ten years and five days for the crime of possessing 105 grams of Methamphetamine, and for the case of one gram of Methamphetamine based on part 1, paragraph 2 of article 303 of the Penal Code, he was sentenced to nine months of imprisonment, and for the case of possessing three kilo grams of hashish based on part 5, paragraph 1 of the

article 303 of the penal code, he is sentenced to three years of imprisonment, and related to the case of 60 grams of hashish, based on part 2, paragraph 1 of article 305 of the penal code, he is sentenced to cash fine of 6000 Afs, and related to the case of possessing ten grams of heroin based on part 1, paragraph 1 of article 302 of the penal code, he is sentenced to nine months of imprisonment in a way that in accordance with article 73 of the penal code, the severe punishment which is ten years and five days are applicable on him. And for the case of possessing a Titi type pistol in accordance with article 536 of the penal code, he is sentenced to cash fine of thirty thousand Afghanis, and for the case of cultivation of poppy on three hundred meters land in accordance with part 1, paragraph 1 of article 302 of the penal code and with observation of article 75 of the penal code, he is sentenced to cash fine of thirty thousand Afghanis. Also, based on article 545 of the penal code issued the verdict for seizing a pistol and in accordance with article 19 of the law on counter narcotic and drugs, issued the verdict for elimination of 105 grams of Methamphetamine and 60.3 kilo grams of hashish.

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

1. Report

The Counter Narcotics and Drugs Appellate Court since **23 August-22 September 2019** has adjudicated a number of (57) drug-related cases and issued judgment on them. In connection with these cases, 81 people have been arrested for trafficking and transferring drugs and have been sentenced to various prison terms, and from among this number, five of them due to lack of sufficient evidence and bounding proofs got acquittal, and the remaining 76 individuals were found guilty and received imprisonment punishment as follow:

- 1 to 5 years imprisonment (26 people).
- 5 to 15 years imprisonment (41 people).
- 15 to 20 years imprisonment (7 people).
- 20 to 30 years imprisonment (2 persons).
- The aforementioned amounts of (1452, 843) kilograms of drugs have also been discovered and ((1538,5 liters have been seized.
- The total cash fines amount for all accused people is \$6790.

Table# 1 illustrates the judicial enforcement of the Counter Narcotic Appellate Court during the (23 August-22 September 2019)

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	30	49.8	39		640	39	9	25	5	
2	Heroin	10	75,108	15		770	15	7	7		1
3	Hashish	4	1015.47	10	4	640	6	2	4		
4	Opium	5	227.08	5	1		4	2		1	1
5	Morphine	4	85,385	6		510	6	3	2	1	
6	Alcoholic drinks	3	1538.5	5		4230	5	2	3		
	Using drug related tools	1		1			1	1			
Total		57	1452.843	81	5	6790	76	26	41	7	2

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

Verdict dated (September 15, 2019)

Three years imprisonment on charges of smuggling 27 kg of methamphetamine.

According to the Co-operative notice of Police against the Drugs department of Kunar police headquarter that one of the residents of Nangarhar province transports a number of drugs from Nangarhar to Kunar province and sells drugs to drug addicts in the Marwari district. The department personnel of Drug Discovery of Marwari District take action around 6:00 pm in the Lahore Dock area, they identify the person, detained, and stopped as a result of an attempted they discovered 27 grams of

Shisha (A type of narcotic) from the said pocket of the arrested man, in connection to the case they arrest him and submit the case to judicial and justice entities.

Judicial entities introduced the case to the counter narcotic and drugs primary court. The court hearing dated September 17, 2019 convicted the accused person in the case of smuggling (27) grams of methamphetamine in accordance with paragraph (3) item (2) Article (303) of the Penal Code for(three years and six months) Imprisonment sentenced to punishment and in accordance with Article 32 of the Counter narcotic and drugs law and its seizure of a mobile phone sim card set and pursuant to Article 19 of the said Act to the extinction of (27) gram methamphetamine In the case of drug dealing over drug addicts in accordance with Article (5) of the Criminal Code, due to insufficient evidences and proofs, he is acquitted, but due to disagreement of the Prosecutor, the Case has entered into the Special Court of Appellate for Drugs and narcotics, The court at its hearing dated September 15, 2019 held in the presence of the parties of the case relied on article 54 of the Law on Organization and Jurisdiction of Courts, paragraph 2, article 17 of the law on counter narcotics and drugs and paragraph (1) Article 267 of the Criminal Procedure Code has affirmed the decision of the counter narcotic and drug Primary Court.

Verdict dated (September 14, 2019)

**Ten years imprisonment on charges of smuggling
127 kg of hashish**

Nangarhar police headquarters of Rudat district received notification that in the region of Diwar Sorkh of Rudat district four vehicles loaded with narcotics are smuggling and transporting.

Based on the mentioned information provided by the security commander, the criminal officer of the police headquarters and his three Afghan National Police and one point of contact person arrive at the scene where four vehicles have been stopped and two suspects are arrested and the smugglers have escaped before police arrive. According to two suspected information's, drugs being transported by two national soldiers, two other vehicles with suspected criminals and two Afghan national police with their criminal officer remain in area, because one of these vehicles had no key and the steering wheel was locked, the soldiers arrive at the scene with one mechanic and the last vehicle of smugglers after being pulled over the Lock by the mechanic that is transferred by soldier and the criminal officer to the Rudat headquarter, from the aforementioned vehicle (127) kilograms of hashish has been seized. Afterward, the department against drug and narcotics of Nangarhar province introduce the security commander, criminal officer, solders of Rudat with two convicted people in connection to the case of embezzlement of drug, bribery and suspension release

to judicial and justice entities where the case has been referred to the Special Counter-Narcotics and Drug Court, the judiciary trial holds unanimously and the two accused in connection with the case of smuggling (127) kilograms of hashish according to part 7, paragraph 1 of Article 305 of penal code were convicted in the charges of misusing the job authority, releasing other drug traffickers in exchange for bribes. Lack of sufficient reasons according to Article (5) of the Penal Code and Article 235 of the criminal procedure law, the court issues their verdict for acquittal of the accused and dismissal of the prosecutors charges. According to paragraph (1). Article (308) of the penal code, the said fertilizer has been confiscated by four Corolla-type vehicles, including a Record and in accordance with Article (138) of the Criminal Procedure Code issued the verdict for seizing of the mobile. But the case due to objection of the prosecutor has been referred to the Special Counter narcotics and drugs appellate court. Appellate Court verdict dated on September 14, 2019 in the presence of the parties of the case in accordance with article 267 of the criminal procedure code, paragraph 2 of Article 17 of the Counter narcotics and drugs law has affirmed the decision of the primary Court dated July 27, 2019.