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Meetings and Sessions

Chief Justice of the Supreme Court meets with the Chief of Party of ADALAT Project

On October 21, 2019, Sayed Yousuf Halim, Chief Justice of the Supreme Court (SC) welcomed and met Mr. Eric the Chief of Party for ADALAT Project.



In this meeting, first the Chief of Party for ADALAT Project discussed on their assistance in the areas of conducting training programs for the judicial and administrative staff on Civil Procedure Code, Commercial Law, Afghanistan Court Administrative System, Land Dispute Resolution, Family Law, supporting the training exposure visits, developing offline and online databases, and financially supporting

the establishment of Law Review Committee, and also the Chief of Party provided detailed information about their assistance which indicates the expansion of their cooperation in the future.

On the other hand, the Chief Justice of the Supreme Court appreciated and thanked these assistances, and focused on the priorities of the judiciary which are reflected on the Action Plan, and added that the partner organizations and foundations should manage and organize their programs in coordination and close contact with the Judiciary based on its needs and suggestions in order to become more efficient in implementing their plans and programs, and help Supreme Court in providing better judicial services, thus, the ADALAT Project promised to support Supreme Court. Both parties also discussed and exchanged views on some issues of mutual interest.

Chief Justice meets and welcomes the Deputy Ambassador of the United States of America

On October 24, 2019, Sayed Yousuf Halim, Chief Justice of the Supreme Court (SC) welcomed and met with the deputy ambassador of the United States.



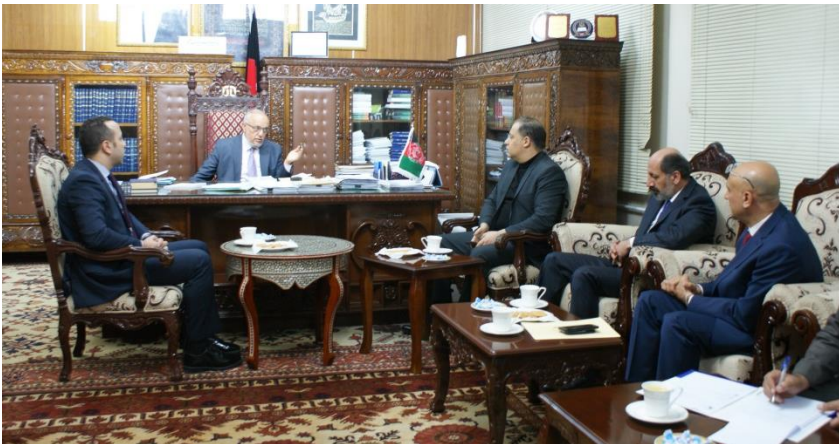
In this meeting, first the Chief Justice discussed about the status of the Judicial System, activities and challenges before the judiciary which is to ensure the application of law, justice and to ensure access to justice for the public, fight against corruption and other crimes and hearing the governmental properties usurpation cases, and found them as important priorities of the Supreme Court and hoped that the technical and financial supports of the international community, specially the United States of America helps the judiciary in reaching its objectives which are indicated

on the Action Plan, responsiveness of the Case Management System as an information bank for the criminal and civil cases and other fundamental areas.

Later on, the US deputy ambassador mentioned that the judiciary has a tremendous mission and is responsible in insuring justice and legality and the US government intends to support in the areas of conducting training programs, fighting against corruption, strengthening the function of the Case Management System and providing material and technical needs, and in order to identify the needs, a project has been established in this regard and for its better implementation, he will establish better coordination with the Judiciary. The parties also discussed and exchanged views on some relevant interesting points in this meeting too.

Chief Justice of the Supreme Court meets with consulate and acting ambassador of Egypt

On October 30, 2019, Sayed Yousuf Halim, Chief Justice of the Supreme Court welcomed and met with Mr. Walidul Sharif, the consulate and the acting ambassador for Egypt embassy in Kabul whose mission was ended and he was accompanied by Mr. Mohammad Abuld Halim, the new consulate of that country in Afghanistan. In this meeting, the acting ambassador for Egypt Embassy in Kabul talked about the historical relationship of the two brother countries, and he also continued to call Egypt a friend and colleague of the Afghan government and people, and emphasized on the continuation of their assistance in the various areas.



Later on, chief justice in addition to appreciate from the generous assistance of that country with Afghanistan,

especially with the Judiciary of Afghanistan, he added that Afghanistan and Egypt are two brother countries and from the viewpoints of legal system and legislation, we have common similarities. The Egypt country regularly invited the Afghan judges to get special training in the judicial education center of Cairo, and the Afghanistan legislation system is influenced by the Egypt country legislation system. In total, the officials from the judiciary and justice institutions have gained constructive learnings from the exposure and experiential visits in that country. Chief Justice also asked from Mr. Mohammad Abdul Halim the acting ambassador for Egypt embassy in Kabul to help with completing the indicators of Action Plan in the area of judicial training in Judicial education center of Cairo as well as with the description and interpretation of the civil and criminal laws of Afghanistan by the experts of that country.

On the other hand, the acting ambassador for Egypt assured the continuation of their support with the Judiciary and found themselves committed to any kind of cooperation with the Afghan Judiciary upon its request.

The High council of Supreme court Sessions, Reports

The High Council of the SC held their regular meetings on October 1, 8, 12, 15, 22 and 29, 2019 which were chaired by Sayed Yousuf Halim, the Chief Justice, and discussed on their agenda topics. The most important approvals and resolutions which have been adopted in these sessions are reported as follows:



- The positive evaluation of the High Council for Rule of Law and Anti-Corruption for the implementation of the Judiciary action plan in the year 1397 of the solar calendar was considered important, and the general administrative directorate of the Judiciary was instructed that those fundamental indicators of the Action Plan which have financial

expenses and they are not fulfilled yet, with the estimation of their costs in accordance with the suggestion of the high council for rule of law, to send it to the presidential administrative office in order to be reviewed by the Islamic Republic of Afghanistan Cabinet. It was also instructed to prepare the report for the activities of the Primary and Appellate Court of the country about hearing the governmental properties usurpation cases to present them to the high council of the rule of law.

- The report of the assigned delegation from the judicial inspection directorate of the Supreme Court about the interview of Bamyan Governor, Mr. Taher Zahir with the Voice of America Radio and TV that the judges in Bamyan province leave their office 20 days before Eid and show up 20 days after the Eid and other allegations about the backlogs and delays of the cases as well as asking for bribe by the judges from the convicted people in that provinces were reviewed and heard. According to the investigations conducted, the delegation went to Bamyan province to investigate the allegations made by the governor, and started this investigation by meeting the governor face to face, the Director of National Security of that province, a representative from the civil society, chief of appellate court and those convicted people who had made the

allegation for taking bribe by some judges. As a result of the investigations from the daily performance of the judges and controlling their attendance sheet, it was found that for the period that the allegation made against these judges, all judges were present on their job and the daily performance were running smoothly, the cases were heard and resolved on the due legal timing, and the governor and also all those convicted people who had made allegations during the governor's visit from the prison that the judges had asked them for bribe, they could not provide any evidence and documents for proving their allegations. Finally, the irresponsible statements of a provincial official in the presence of the medias, in the current situation which on the one hand confuses public opinion with regard to the system and on the other hand it undermines the public opinion toward the performance of the courts, and these allegations were all found untrue.

In response to this interview, the Council, while reflecting on the outcome of the delegation of the Surveillance Directorate of the Supreme Court review, considered it necessary to formally report the issue to the Directorate-General of the local organs and to inform the provincial authorities to avoid making allegations without presenting any legal documents and evidences, in case of facing with such issues and in accordance to the former Memorandum of

Understanding, share the issue directly with the Supreme Court leadership or share it with the General Directorate of the Local Organs in order to take timely and necessary action In accordance with the applicable laws of the country.

- In order to better address public rights cases, it has been pointed out that petitions for allegation of the defense against the attack and other claims of land cases related to the public rights are first referred to the State Case office, and the State Case Directorate based on article (8) of the State Case law and other provisions of the mentioned law and its amendments should observe them in overall and then if the cases required to be heard by the court, and by considering the provision of the laws, they should send and refer the file to the competent court.

- Based on the results of the regular and extraordinary inspection from the performance of the courts, which most of them were violations of the duties of judges and clerks, failure to comply with the legal requirements, and the provision of writing educational manual and deeds and the instructional decree of the high council of the Supreme Court about the exercise of their various deeds have been identified. The Judicial Training Directorate was assigned to take necessary measures for organizing and implementing special training and descriptive programs for judges.

- In order to solve the problems related to obtaining the judgements and final and ongoing ruling forms' tax to the ordinary and safekeeping account of the Supreme Court, removing paragraph 3 of article 29 of the law on obtaining the rights and adding two more paragraphs to this article were approved and it was instructed to send the issue to the legislation institute of the Ministry of Justice.
- Expressed the deep condolence and sympathy for the death of judge Mawlawi Abdul Basir Farahi one of the old judges who was the head of the public right court and a member of the high council of the Supreme Court during the interim government administration, and prayed for God and wished paradise for the late judge and patience for his family members.
- Expressed the deep condolence and sympathy for martyring of judge Lahour Khan, the head of primary court in Barmal district of Paktika province who was killed when going to his job by the enemy of the peace and stability of the country, and prayed for God and wished paradise for the martyrs, and patience for his family members.
- The arrived instructional questions from the judicial authorities about type of taking the tax from the child custody ruling forms, and specifying the appointed amount and paying the alimony to the child

as written on the mentioned ruling form, mechanism for stabilization of the bankruptcy of the debtor based on the provision of the law for obtaining the rights and the high council of the Supreme Court's approval number 12, dated on 1/1/1387 (solar calendar), as well as the circumstances and conditions for allowing selling the properties of the client by the lawyer, and the exceptions and legal limitations in this regard were reviewed, and about each item the required legal instructions were provided in the light of the provision of the Civil Code, Civil Procedure Code, the Law on Obtaining the Rights and the approvals of the high council of the Supreme Court.

- The instructional questions of the special court for hearing the financial crises of Kabul bank, the General Directorate of the State Cases, and court of appellate of Kabul Province in regard to the ruling form which says that it is against the provision of the laws, as well as selling of some properties which were under the guarantee of the Bank that the deeds of these properties were already found counterfeit and nulled and they were reviewed and heard, and about each of them the required instructions in the light of the applicable laws were given.

- The arrived instructional questions from the appellate court of Badakhshan province about selling

agricultural lands and living properties which were proved as public property based on the claiming of the general directorate of state cases about how to return the tax to the defendant who changed his position in the higher court as plaintiff, were reviewed and heard, and the required instructions in the light of the applicable laws and approvals of the high council of the Supreme Court were given and proper decision were taking in this regard.

- According to the instructional question from the appellate court of Kabul province about the practical challenges of guarantee letters and based on the high council approvals, their execution is considered the jurisdiction of the commercial courts, and in order to have a unified procedure in regard to differentiate and prepare the Bank and non-bank guarantee and surety letters in the light of the law on leasing the immovable properties, terms of reference for guarantee letters and other approvals of the high council of the Supreme Court in this regard and the required instructions were given.

- In accordance with the report from the General Directorate of judicial inspection and the scrutinizing opinions to six individual judges of appellate courts of Faryab, Maidan Wardak , Logar and Dykundi provinces for their job offense which were stabilized during the

regular and extraordinary inspections, the required disciplinary punishments were ordered based on the provision of the regulation for judicial offenses.

- Some of the suggestions from the General Directorate of the State Cases against a people and vice versa and suggestion of peoples against peoples in regard to the governmental and private properties in the presence of the deputy minister for the ministry of justice, relevant prosecutors, representatives from the clients' organizations and parties of the case were reviewed and heard. Except delaying one suggestion which was send back for more research and participation of a representative from a client organization, on the other cases, based on the conditions of article 482 of the Civil Procedure Code, the required decisions were adopted.

- While 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 were present, nine applications for revision of convicted criminals for the cases of escaping from the war scene, raping, membership, murdering, fraud, destroying and kidnapping were reviewed and heard in the light of conditions of article 282 of the criminal procedure code, and the required decisions were adopted.

-Some of the requests about changing the court on civil and criminal cases, and request related to the promotion of judges' cadres were also part of the agenda regarding which the decisions were taken, and also as per the request of the Attorney General Office, the jurisdiction for hearing (103) criminal cases were given to the appellate courts of Kapisa, Nangarhar, Takhar, Faryab, Samangan, Paktya, Ghazni, Balkh, Laghman and Badghis provinces.

-An application from the General Directorate of the State Cases for revision of a case related to the public rights was reviewed and heard in the presence of the Director of the State Case Directorate, relevant prosecutor, representative of the client's organization and the parties of the cases based on the provision of article 482 of the Civil Procedure Code.

In addition to proceedings of some revision requests, request for changing the courts on civil and criminal cases, and solving a case of jurisdiction dispute and giving the jurisdiction for hearing ten criminal case to the competent courts, were also part of the agenda and regarding each item the required decision was taken.

A trip report from the professional members and trainers from the judicial training directorate of the Supreme Court to the Philippine country

Based on an invitation from the Asia development bank, five judges and administrative staff of the Supreme Court attended a training workshop on training of trainers focused on access to justice, Elimination of Violence Against Women held on 23-27 September which took place in Manila city of Philippine.

The topics which were included in the program were the goals of Elimination of Violence Against Women Law, training on the understanding of gender sensitivity in the judicial system and the role of gender in the judiciary and justice processes, gender discrimination, gender equality and integration among the family members, violence based on gender discrimination, their factors and effects in the judiciary and justice process, access of the women who are the victims of domestic violation to the justice and conflict of laws, reviewing the sexual abuses, rape and attacking on honor and chastity of the women on the Elimination of Violence Against Women Law and Penal Code, and environment and how to behave in the court which were included in the program and they were delivered in a training manner to the participants.

The goal and objectives for this program were that the participants get familiar with the teaching method, fundamental discussion about access to justice and Elimination of Violence Against Women Law, and also being able to conduct the program for the others in the future.

Also in this program fifteen trainers from the Attorney General Office and Ministry of Women's Affairs including the deputy minister for Ministry of Women's Affairs and the Violence Against Women Deputy Attorney General had participated.

Training program on preparing and executing budget conducted for the financial and administrative staff of North Zone Court

Training program on preparing and executing the budget for obtaining the tax, the process for procurement of things, building and services, procedure for processing the salaries and expenses and the working method for cash counting conducted on 6 – 10 October 2019 for 25 finance and administrative staff of Balkh, Sar-e-pul, Baghlan, Jawzjan, Samangan and Faryab provinces in Balkh province which was financially supported by ADALAT (Checchi) organization.

This program focused on identifying the concept of budget and processing of the budget in Afghanistan, identifying the principle for implementation of the budget, using the fiscal budget calendar of Afghanistan, the preliminary cost counting of the ordinary and development budget activity, the processes for executing budget, the concept for counting table, Afghanistan Financial Management Information System, financial planning and allocating budget process, the content of cash receipt (26-m) form, banking procedure, book for recording the fee, book for money safekeeping (10- T), preparing and sending the

(29-m) form for salary execution procedure, procedure for processing the costs, using the recruitment process for purchasing the things, building affairs and services, providing the procurement request, processing the procurement plan and other budget forms.

Training Seminar conducted for the judges of Appellate courts of Bamyan and Dykundi provinces

On 4-8 September 2019 a training seminar on commercial rights and civil code (objective rights) was conducted for 23 judges from the appellate courts of Bamyan and Dykundi provinces with the help and coordination of the Judicial Training Directorate of the Supreme Court at the appellate court compound of Bayman Province and the trainers were Abdul Wahed Hamed and Mohammad Yaseen Mutawakil, the professional members of Judicial Training Directorate. The training seminar began with recitation of some Quranic Verses and then according to the agenda which was already prepared, the training seminar continued for five days which was ended by a closing remarks of Judge Ghawsuddin Taheri, the chief judge for the appellate court of that province as well as with distribution of the certificates to the judges participated and the program got closed by a prayer.

News and Events

- On September 18, 2019, judge Mohammad Maroof Tareq, the acting chief judge for appellate court of Balkh province met in his office with officials from the Legal Aid department of the Ministry of Justice, representative of the Afghanistan Independent Bar Association, monitoring the Association of Women's Network for women and the senior advisors for IDLO in Kabul.
- On August 28, 2019, a meeting which was chaired by Judge Abdul Saboor Musamem, the head of Criminal Court and the deputy chief judge for appellate court of Jawzjan province with the participants each the head of city court of that province, and Mr. Mohammad Akram Muroor, the representative of Afghanistan Independent Bar Association in that province, the lawyer from ILF, lawyers from Women for Women, the legal aid from Legal Aid Department of the Ministry of Justice and the other independent lawyers of that province conducted about the challenges in the court hearings.
- On October 9, 2019, Judge Gholam Sakhi Habib, the chief judge for appellate court of Faryab province met

with Gul Ahmad Khalili, JSSP staff in the presence of Mohammad Yousuf Frotan and Sayed Mohsen Rahin the Case Management System staff in his office and discussed about the Case Recording System forms and the relevant offices in order to speed up the work, then the representative of JSSP thanked the chief judge for the meeting and discussion and mentioned that these meetings will cause to solve the challenges and by holding such meetings the level of challenges for Case Recoding System will get decreased and the affairs in the office will get developed.

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 September- 22 of October 2019 heard 19 criminal cases of administrative corruption, and related to these cases, 36 individuals for the accusation of misusing their job authorities, taking bribes, forgery and embezzlement are arrested. Due to lack of sufficient bounding evidence, five individuals from

among all were found acquittal and 31 others were brought before the court, and the following different imprisonment punishment were imposed on them:

- Imprisonment from one month to one year (6 peoples)
- Imprisonment from one to five years (14 peoples)
- Imprisonment from five to fifteen years (2 peoples)
- The convicted people for cash fine (6 peoples)
- The total of cash fine for the convicted people are \$4974

Table# 1 shows the figures for the accused people who are convicted by the primary anti-corruption court of Kabul province form the (23 September-22 October 2019)

No	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 †	No of convicted for cash fine	
1	Misuse of authority	6	10	1	9	1			8	2570
2	Bribery	8	10		10	4	5		1	2404
3	Forgery	3	5	2	3	1	2			
4	embezzlement	2	11	2	9		7	2		
Total		19	36	5	31	6	14	2	9	4974

Also, during this period, the mentioned court issued judicial rulings on eleven 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 form the (23 September-22 October 2019)

number	Type of case	No of Cases	No of accused	Reason for judicial ruling	Relevant authority
				Gaps and shortages	
1	Misuse of authority	3	5	3	prosecution
2	Embezzlement	3	11	3	prosecution
3	Forgery	2	7	2	prosecution
4	Bribery	1	1	1	prosecution
5	Having illegal weapon	1	2	1	prosecution
6	Stealing weapon	1	1	1	prosecution
Total		11	27	11	

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

Verdict date (19 October 2019)

Conviction of the acting head of building control and engineer for the municipality seventh district in Kabul for the act of taking bribe

Based on a report arrived to the address of (501) National Security Directorate that the acting manager for buildings in seventh district municipality in Kabul who he stopped the building work of a residents in

district seven and for allowing him to build his house, he asked for one thousand Afghanis as bribe.

Regarding this case, the officials of the mentioned office based on a plan which was already prepared acted upon and marked thirty thousand Afghanis and four hundred \$USD and gave them to the complainant, the suspected people by having a motorcycle take position in the Say Rahi Alawedin, district seven of Kabul to take the mentioned amount and while taking the mentioned amount in a corolla vehicle belonged to the victim, put the money in his motorcycle helmet, and as a result of body search the mentioned amount of money is found from him and he was arrested, the case is referred to the primary anti-corruption court of Kabul and the court in the presence of the parties of the case at the hearing dated on 7 October 2019, convicted the acting head of buildings controlling directorate and the district directorate engineer for taking 30000 Afs and \$400 as a bribe in accordance with part 4 Paragraph 1 of article 371 and paragraph 2 of article 375 and paragraph one of article 385 of the penal code and in consideration of article 213 and 214 of the mentioned code sentenced each of them to two years and six months of imprisonment and a cash fine equivalent to the amount demanded for bribe as well as dismissing them from their job.

Verdict dated (14, October, 2019)

Conviction of Herat`s Municipality staff on the charge of embezzlement

Based on operational work of the intelligence officers of the National Security directorate, they got information that some staff of Herat Municipality who are assigned in the taxation unit of Kamar Kalagh area, by misusing their job authority during issuing tariffs for the business companies and high weight transportation agencies, the insertion process of customs declarations in the original tax books and on the top of tariffs sheets are being written less than the actual that on average, each custom declaration includes more than one hundred tone or more than hundred tons of bill are not being inserted in the original tax book, by collusion with the dealer, they receive the price of origin tonnage from the company which causes embezzlement of around one hundred AFN in daily base, the case has been under operation of the intelligence with assistance of Herat Municipality and Fawad business company around 47 distributed tariffs have been referred to the intelligence officers, 18 tariffs were compared with existing custom declaration about 2645 tons which amounted 396590 AFN of municipal tax were not taken and has been embezzled. The responsible authorities, arrested three employees of the Kamar Kalagh taxation unit including informal dealer of Fawad company ltd and one hired worker of the revenue branch of the municipality and introduced them to the justice and

judicial sectors. The case entered into Kabul primary court of anti-corruption, in the judicial session dated 1398/7/22 solar calendar (October 14, 2019) unanimously the staffs of municipality of Herat according to article 209 in the case of tariffs` forgery of Herat revenue department according to paragraph 1 article 438 of Penal Code each of them have been convicted into five years and six month including which include period of custody and detention, in the case of 413850 AFN according to paragraph 2 article 391 and paragraphs 1 and 2 article 398 of mentioned code each of them were convicted into three years enforcement imprisonment, returning the amount of embezzled, dismissal from the duty and dismissal from the profession. According to article 73 of Penal Code serious punishments of which includes five years and six months has been considered for them and about the informal dealer in the case accomplice amount of 413850 AFN according to paragraph 2 article 391 with considering article 58 of Penal Code convicted into one year and seven months of enforcement imprisonment which includes period of custody and detention, considering articles 213 and 215 of Penal Code in both committed crimes and returning of embezzled amount they have been convicted into punishment and according to article 73 of Penal Code they have been convicted into serious punishment which is one year and seven months which will be enforced on him.

B. Reports of activities of primary court of crimes against public security of Balkh province

3. Report

Primary court of public security of Balkh province from (June 25, 2019 – October 21, 2019) judicially proceeded around 9 corruption cases, so related to these cases 23 people in accusation of misuse of job authority, taking bribe, taking illegals money and forgery were arrested and 21 one because of lack of sufficient binding evidence were acquitted and 2 of them were punished into imprisonment as follow:

- Imprisonment one month up to one year 1 people
- Convicted into cash fine 1 people
- Total cash fine of the convicted receives 767 US dollar

Table number 3 shows statistics of convicted people on primary proceeding of Public Security court from (June 25,2019 – October 21, 2019)

1	Type of case	Number of case	Judicial Decision							
			Number of accused	Acquittal	Number of convicted	Number prisoners of enforced imprisonment				
						One month up to one year	1 – 5 years imprisonment	5 – 15 imprisonment	Convicted to cash fine	Cash fine
2	Misuse of authority	4	13	12	1				1	767
4	Bribery	2	2	1	1	1				
5	Forgery	2	4	4						
6	Taking illegal money	1	4	4						
Total		9	23	21	2	1			1	767

The abovementioned court during this period issued judicial ruling regarding 2 cases to the relevant authority for completion of investigation gaps and removal of the defects.

Sl No	Type of case	Number of case	Number of accused	Reason for the ruling	Relevant authority
				Gaps and defects	
1	Misuse of authority	1	1	1	Prosecutor's Office
2	Failure to comply with the provisions of law	1	1	1	Prosecutor's Office
Total		2	2	2	

2. Summary samples of the issued orders to the primary court of proceeding of the Public Security of Balkh province.

Order dated (October 16, 2019)

Conviction of supply officer for second battalion of second brigade of Shaeen 209 second corps infantry by breaking the procedures on 1396/11/1 (January 21, 2019) solar calendar (while he intended to supply the staffs of abovementioned battalion which is located at the Chamtal district of Balkh province, taking some amount of wood from Loading Depot without weighing and he is taking less price of spoiling food items from the contractor and submits it to the corporal of staffs supply stationed at the Shulgara district while he evacuated the firing wood of the second battalion of brigades of infantry corps in a yard area of Pul-e Emam Bakri stationed at Dawlat- Abad district, he has been arrested and introduced to the justice and judicial sectors, the case enters to the primary court of crimes

against public security, during the hearing session at the court dated 1398/7/24 solar calendar (October 16, 2019) in unanimity convicted him because of not applying or stopping orders of relevant authorities and according to paragraph 1 article 407 of Penal Code to pay cash fine amount of sixty thousand AFN and also the judicial session agreed that manager of logistic and in charge of Depot of second battalion of second corps infantry of Shaheen 209 should he under prosecution

Order date (September 16, 2019)

Conviction of Acting Head of local police of Chamtal district in accusation of misuse of job authority

Based on the credible information of supply office of head quarter of local police for Chamtal district of Balkh province, one of the first lieutenant and head of police local head quarter of Chamtal district requested money, according to pre-plan, manager of the intelligence police head quarter of Balkh province takes the required measures on 1398/3/5 solar calendar (May 26, 2019) in presence of military prosecutor arrests the head of local police of Chamtal district while he was taking operational one hundred dollar and two thousand AFN marked money from the first lieutenant and introduced him to the justice and judicial institutions, the case enters to the public security division of the court, during the judicial session dated 1398/6/25 solar calendar (November 16,2019) in presence of both parties of the case, according to instruction of article 5 of Penal Code with consideration of articles 118 and 120 observing article 235 of Criminal Procedures Law

in unanimity in the issue of misusing of job authority and due to lack of sufficient evidences is recognized acquitted.

C) Reports and Judicial Activities of Appellate Court of Anti-Corruption Court of Kabul province.

1) Report

Appellate court of anti-corruption of Kabul province from (September 23, 2019 - October 22, 2019) heard and judicially proceeded around 14 cases related to administration crimes that arrested 34 in accusation of misuse of job authority, taking bribe, forgery and plunder 19 of them have been acquitted due to lack sufficient evidences and 15 of have been convicted and are sentenced as below:

- one year up to five years Imprisonment 5 people
- Cash fine convicted 10 people
- Total cash fine convicted reaches (\$10485)

Table number (3) shows statistics of performances of appellate court of anti-corruption

Sl No	Type of case	Number of case	Judicial Decision							
			Number of accused	Acquittal	Number of convicted	Number of prisoners who enforced imprisonment				
						One month upto one year imprisonment	1 – 5 years imprisonment	5-15 years imprisonment	Cash fine convicted	Cash fine
1	Misuse of authority	10	20	12	8					
2	Bribery	1	1		1		1		8	9718
3	Forgery	2	6	5	1		1			
4	Plunder	1	7	2	5		3		2	767
Total							5		10	10485

The mentioned court during this period issued judicial ruling about 5 cases and for completion of further process and removal of investigation gaps and deficiencies has been submitted to the relevant authority.

Table number (4) shows judicial rulings of appellate court of anti-corruption court of Kabul province month Meezan year 1398

Sl No	Type of case	Number of case	Number of accused	Reason of ruling	Relevant Authority
				Gaps and deficiencies	
1	Misuse of authority	1	2	1	The prosecutor's office
2	Bribery	1	2	1	The prosecutor's office
3	Forgery	2	3	2	The prosecutor's office
4	Plunder	1	9	1	The prosecutor's office
Total		5	16	5	

**2. Short samples from issued orders from the appellate court anti-corruption of Kabul province
Verdict date October 8 , 2019**

Conviction of Communication Officer of Court`s Prison of anti- narcotic on the charge of misusing the authority

26 people of prisoners from sub-directorate of special prison of anti-narcotic of Herat province that their legal works were proceeded through the Commission of General Prisons and Detention Center, for recognizing their identities they were coming to the Relation Sub-Directorate of the special prison, communication officer of anti-narcotic prison of the court was taking 500 AFN from each prisoner publicly so he has been followed by the intelligence in charge of special prison of anti-narcotic while he was collecting the money which total collected amount is (5260) AFN, he has been arrested and introduced to the justice and judicial institutions. The case entered to primary court crimes against anti-corruption of Kabul province for further proceeding, during judicial session dated 1398/4/26 solar calendar (July 15, 2019) in presence of both parties, the accused, Communication Officer of Court`s prison of anti-narcotic in the relevant case, misusing of job authority according to article 182 of Penal Code has been convicted to exclusion from the profession and dismissal from the duty and according to article 182 of Penal Code the decision has been taken for extradition of the earn money but, the assigned prosecutor did not

agree so, the case is entered into appellate court of anti-corruption of Kabul Province, during the judicial session dated 1398/7/16 solar calendar (October 8, 2019) unanimity according to instruction article 54 of Law on Organization and Jurisdiction of the judiciary and decision of primary court of anti-corruption of Kabul province confirmed the court` decision.

Counter Narcotics and Intoxicants

A) Judicial performance report of the special anti-corruption primary court

1. Report

Primary court of anti-narcotic from (September 23, 2019 – October 22, 2019) handled around 94 different types of anti-corruption related cases and required decisions were taken, relevant to these cases, 143 people in accusation of trafficking and carrying narcotics have been arrested and 1 one them due to lack of enough binding evidences acquitted and 142 of them have sentenced into different period of imprisonment as below:



- 1 year to 5 years Imprisonment: 75 people
- 5 years to 15 years Imprisonment: 41 people

- 15 years to 20 years Imprisonment: 13 people
- 20 years to 30 years Imprisonment: 13 people
- In relation to the abovementioned trials, the court issued an order for elimination of (51555,507) kg of narcotics and 51095 liter of other drugs.

Table number (1): Shows statistics of judicial performances of special primary court of anti-corruption in the month of Meezan 1398 solar calendar .

Sl No	Type of case	Number of case	Amount of item	Judicial Decision						
				Number of accused	Acquittal	Number of convicted	Number of prisoners by enforced imprisonment			
							1-5 years imprisonment	5-15 years imprisonment	15-20 years imprisonment	20-30 years imprisonment
1	Methamphetamine	36	63,856	51		51	20	22	7	2
2	Morphine	2	7,975	3		3		2		1
3	Heroin	32	137,107	51		51	33	8	2	8
4	Hashish	10	1,865,009	13	1	12	6	4	1	1
5	Opium	9	1,879,66	12		12	7	1	3	1
6	Poppy	1	47600	2		2	2			
7	Alcohol drinks	2	LT1095,5	4		4	1	3		
8		1		6		6	6			
9	Chemical items	D	1,900	1		1	1	1		
Total		94	51555,507	143	1	142	75	41	13	13

2. Summary issued verdict from the special primary court of anti-corruption

Verdict dated (October 7, 2019)

Thirty years of imprisonment in accusation of trafficking of amount (28,700) kg Heroin and (80) liter chemical items.

Based on notice of Department of Information and Investigation of in charge staff at the Detective Department of anti-corruption of Farkhar district of Takhar province, a Toyota type corolla vehicle without number plate from the village of Pyane Tagap Chap while was moving through Taloqan, in cooperation of department of National Security of Farkhar district, it has been recognized at the area of Band-e Barq and has been stopped, afterward it has been shifted into the police head quarter, in presence of assigned delegation the car was searched as a result of that 10 packages of Heroin has been found from the area in which the extra tire is being kept and about 10 packages were found which were located into two bags, pure weight of each earned narcotic is 700,28 kg the accused people has been introduced into justice and judicial institutions, the case enters into special primary court of anti-narcotic, the court in its judicial session dated 1398/7/15 solar calendar (October 7, 2019) in presence of both parties in unanimity in connection with trafficking amount of 28,700 kg Heroin according to part 5 paragraph 1 article 302 of Penal Code in observation of article 59

law on anti-narcotic considering from the days of detention is sentence into thirty years and in connection of trafficking amount of 80 liter chemical (Acetic Anhydride) according to part 6 paragraph 2 article 303 of Penal Code sentenced into sixteen years, in this case serious punishment has been considered because of 28,700 kg of Heroin which is thirty years according to article 73 of Penal Code shall be enforced. The current convicted punishment under article 77 of Penal Code after the final convicted punishment the penalty is applicable.

Verdict dated (October 1, 2019)

Twenty years of imprisonment on the charge of trafficking of 36934 kg Heroin

On (June 19, 2019) around five at the morning the security guard of department of transit and control during his duty watches that four unknown people s with wooden sticks they just look like guards in the custom areas, they come to the security guard saying that they are chasing people who stole vehicle fuel and ask the security guard water, the security guard instructed them to the water location, one them is recognized by the security guard that he had being worked as watchman for the cars in the custom of Islam Qala afterward two of the four start talking with the security guard while he watches that two others carrying two bags, the security guards ran toward them and air firing, as a result three of them could escaped and one of them has been arrested, they found Heroin

when they opened the bags according to registry the weight was 93436 kg and after testing at the laboratory it has been confirmed that it was Heroin and the case has been submitted to special anti-narcotic primary court, in the judicial session dated 1398/7/9 solar calendar (May 30, 2019) in presence of both parties of the case in unanimity in connection trafficking amount of 36,934 kg Heroin according to part 5 paragraph 1 article 302 in observation of articles 213 – 214 of Penal Code considering from the days of detention convicted into twenty years enforced imprisonment and one mobile with its sim card which specifications in the telecommunication related form has been entered and about 285000 Toman (Iranian currency) has been confiscated also the court has ordered to eliminate 36,934 kg of Heroin, the conviction is issued according to article 19 of the abovementioned law.

B: Report on performances of Special Anti-Corruption Court

1. Report

Special appellate court of anti-narcotic from (September 23, 2019 – October 22, 2019) about 66 cases related different types of narcotic has been subject to judicial hearing and the court issued verdict about them. In connection with these cases 95 people in accusation of trafficking and carrying narcotic has been arrested and 1 of them due to lack of sufficient evidences has been acquitted and 94 people went to trial and sentenced into different period of imprisonment as below:

- 1-5 years Imprisonment 42 people
- 5-15 years 42 Imprisonment people
- 15-20 years 10 Imprisonment people
- Also in connection of abovementioned cases amount of (5576,067) kg narcotic has been detected and 600 liter seized.
- Total cash fine convicted 3414 USD dollar

Table number (1) shows judicial performances of special appellate court of anti-narcotic during month of Meezan year 1398 solar calendar (2019)

Sl No	Type of case	Number of case	Quantity of drug	Judicial Decision							
				Number of accused	Acquittal	Cash fine	Number of convicted	Imprisonment			
								1-5 years imprisonment	5-15 years imprisonment	15-20 years imprisonment	20-30 years imprisonment
1	Methamphetamine	36	53,815	47	1	2071	46	17	24	5	
2	Heroin	11	42,768	18			18	9	7	2	
3	Hashish	6	1,250,054	8		895	8	2	6		
4	opium	4	631	6		384	6	3		3	
5	Morphine	3	14,2	6			6	3	3		
6	Alcoholic drinks	1	Lt 600	2		64	2		2		
7	Tablet K	1	Gr 23	1			1	1			
8	Poppy	1	3584	4			4	4			
9	Assistance with traffickers	3		3			3	3			
Total		66	5576,067	95	1	3414	94	42	42	10	

2: Summary issued verdict of special appellate court of anti-narcotic.

Verdict dated (October 19, 2019)

Sixteen years of imprisonment on charges of smuggling 551 kg of opium.

Based on a discovery report, the drug traffickers were going to transfer some amount of drugs from Adraskan district to Kishk Kohna district of Gulran in Herat, and after receiving the notification, some of the peoplenel from the fourth battalion of the border command located in Torghondi, in the area of Chehel Dokhtaran, district of Robot Sanging and make a check point, a vehicle Saracha type which is transferring some amount of drug from Chehel Dokhtaran to Gulran district and while driving, they face with the check point peoplenel and almost for ten minutes there was armed clashes between drug traffickers and the check point peoplenel, as a result of that the driver gets injured, the injured people and the mentioned vehicle with some amount of drugs and two guns are being arrested. The driver is being sent for treatment to the Torghondi clinic and the Saracha car with the amount of drug is taken to the fourth battalion station and the obtained drugs were described and weighed (551) kg and also two guns of Kalashinkof which were arrested with the amount of drugs were officially submitted to the counter narcotic and drugs department of Herat province.

The case after completion of the investigation is referred to the special counter narcotic and drugs

primary court and the court unanimously in the judicial hearing dated September 21, 2019 in the presence of the parties of the case, for the crime of trafficking 551 Kg of Opium based on part 6, paragraph 1 of article 304 of the Penal Code from the time of arresting and detention was sentenced to sixteen years of enforced imprisonment, and in the case of using the weapon illegally in accordance with article 540 of the Penal Code was sentenced to cash fine of thirty thousand Afghani, and in observation of article 75 of the Penal Code, he was sentenced to punishment, and according to article 545 of the Penal Code, two guns of Kalashinkof along with their Magazines and according to article 308 of the Penal Code, a vehicle with its amount of drugs are seized and according to article 19 of the law on counter narcotics issued the verdict for elimination of the amount of 551 Kg of opium, but due to disagreement of the parties of the case on the judgement of the primary court, the Case has entered into the Special Court of Drugs and Counter Narcotic Appellate, the court at its hearing dated October 24, 2019 held in the presence of the parties of the case relied on article 267 of the Criminal Procedure Code, and paragraph 2, article 17 of the law on counter narcotics and drugs, the judgement of the counter narcotic and drugs primary court has been affirmed.

Verdict dated (October 21, 2019)

One year and six months of imprisonment on the charge of smuggling 47 Grams of Heroin and 35 Grams of methamphetamine.

According to the report of office 100 of police that a vehicle type Seracha and its driver who is the permanent resident of Kapisa province who is driving from Kapisa to Kabul, the people against the drug department of Shakardara district make a check point in the entrance gate of Kabul at Kotal Khair Khana and stops the mentioned vehicle and start searching the vehicle as a result of which the amount of 35 grams of methamphetamine and 47 grams of heroin is arrested from the frame under the gearshift and seize them, and in connecting to this cases, the driver is being arrested, and finally the laboratory test for the arrested heroin and methamphetamine is positive. The case is referred to the Special Primary Counter Narcotic and the court in its hearing dated 1398/7/2 of the solar calendar (September 24, 2019), in the presence of the parties of the case, unanimously for the case of trafficking 47 grams of heroin based on part 2 of paragraph 2 of article 302 of the Penal Code sentenced the accused people from the time of custody and detention to two years of imprisonment and in the case of trafficking 35 grams of methamphetamine in accordance with part 3, paragraph 2 of article 303 of the Penal Code, he is sentenced to three years of imprisonment and according to observation of article 73 of the Penal Code, the severe punishment which is three years enforced imprisonment is applied on him, and according to article 19 of the Law on Counter Narcotics and Drugs, the court issued its judgement for elimination of 47 grams of heroin and 35 grams of methamphetamine.

But the case due to the lack of agreement of the competent prosecutor, is referred to the Special Counter Narcotic Appellate court, and the court in its open judicial trail dated 1398/7/29 of solar calendar (October 21, 2019) in the presence of the parties of the case unanimously based on article 54 of the Law on Organization and Jurisdiction of the Court amends the decision of the primary court, and in appealing phase the court sentenced the accused people for transferring of 47 grams of heroin based on part 2, paragraph 2 of article 302 of the Penal Code to one year enforced imprisonment and for the case of transferring 35 grams of methamphetamine according to part 3, paragraph 2 of article 303 of the Penal Code sentenced him to one year and six months of enforced imprisonment and in according to article 73 of the Penal Code, the severe mentioned punishment which is one year and six months will be applied on him.