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## Meetings and Sessions

### Chief Justice of the Supreme Court met with the Indian Ambassador

On November 24, 2019, Sayed Yousuf Halim, Chief Justice of the Supreme Court (SC) met Mr. Vinay Kumar, the Indian Ambassador to Afghanistan, in his office.



During the meeting, the Ambassador of the Republic of India said that the people of the two countries have deep cultural interests, and the Government of India is interested to continue its cooperation with Afghanistan in all fields, adding that strengthening the relationship between the judiciary of both countries, particularly regarding mutual cooperation and providing scholarships in law field are considered as priorities,

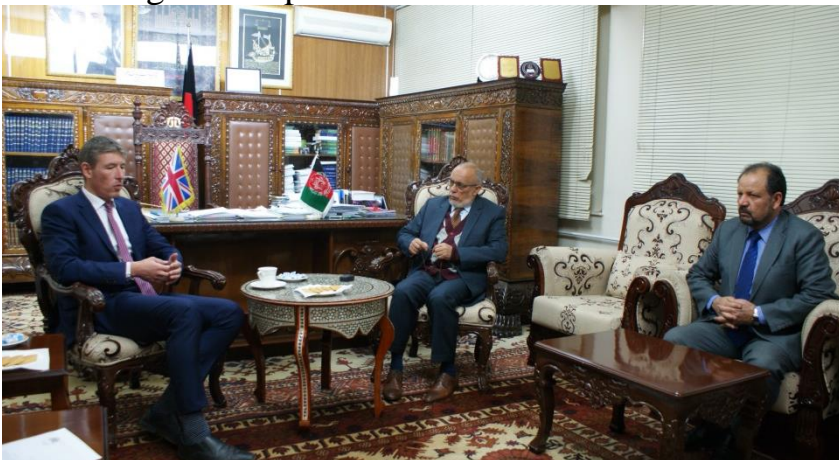
and the embassy will play a facilitating role in this regard. The Indian Ambassador submitted the invitation from Chief Justice of India to Afghanistan's Chief Justice in order to participate in the International Judicial Conference that will be held in Delhi on February 2020. Subsequently, the Chief Justice of the Supreme Court expressed his gratitude to the Chief Justice of India for sending the invitation; he added that shared cultural and historical values have brought both countries together and the Afghanistan Supreme Court is interested to improve the relationship between both countries' judiciaries even more; thus Afghan judges can take advantage of opportunities to share their experience and benefit from judicial scholarships at the master level that have been discussed upon.

Furthermore, Chief Justice of the Supreme Court appreciated the warm welcome of the Indian authorities during his participation in the 20th International Conference of Chief Justices of the World.

The meeting parties discussed other issues of mutual interest as well.

## **The Chief Justice met with the Deputy Chief of the British Embassy**

On November 25, 2019, Sayed Yousuf Halim, Chief Justice of the Supreme Court, met with Mr. Giles Lever, Deputy Ambassador of the British Embassy in Kabul. In this meeting both parties focused on bilateral cooperation. Deputy Ambassador of the British Embassy expressed readiness of his country for cooperation with the Judiciary in the fields of technical, equipment and technology for the primary and appellate of anti-corruption and counter-narcotics courts, training programs for criminal judges, cooperating with the thirty first round of Judicial Training Course and providing study tours and observation trips for the judges, and added that the embassy, in coordination with the Judiciary, will fulfil its commitments by facilitating the cooperation.



On the other hand, Chief Justice and the head of Supreme Court, emphasized on the importance of the

role of international community, especially the United Kingdom, in providing financial and technical support, specifically regarding the fundamental and important aspects of the Judiciary's Action Plan and appreciated their effort and assistance which leads to the implementation of the Judiciary's Action Plan priorities and rule of law.

## **The Chief justice met with the director of the Max Planck Foundation's programs**

On November 26, 2019, Chief Justice met with Mr. Wulf Plasmin Vice President and Dr. Alaria Finalou, Program Officer of Max Planck Foundation in Afghanistan.



This meeting was held by the request of the mentioned foundation. The vice president and Head of Programs for the mentioned foundation, following their previous collaborations, shared their new fields of cooperation, which will include cooperating with the Afghanistan Judicial System in the field of Judicial Training Course and providing judges with exposure visits for reciprocal sharing of judicial experiences. Both parties signed an agreement to expand bilateral cooperation.

After expressing his gratitude, The Chief Justice added that the Supreme Court has included all its needs in the Action Plan of the Judiciary and the indicators included in the Action Plan contains the needs and requirements in different fields, like capacity building of the judiciary and he hoped that the capacities and facilities of the

foundation could be used significantly in accordance with the Judiciary's policy.

Both parties discussed other issues of mutual interest as well.

## The High Council of Supreme Court Sessions, Reports

The High Council of Supreme Court held their regular sessions on October 29, November 19, 26, 2019, which were chaired by Sayed Yousuf Halim, the Chief Justice, and discussed the topics included on their agenda. The most important approvals and resolutions which have been adopted in the sessions are reported as below:



heard the report of the participation of the Chief Justice of Supreme Court in the 20th International Conference of Chief Justices of the World which was held in India, the Chief Justice had his speech at the opening ceremony on behalf of the Islamic Republic of Afghanistan. While leading the second section of the conference, he talked about the phenomenon of internal and external terrorism and its vulnerabilities and properly replied to the proposed questions in the conference, which was held on November 5-13, 2019 in which some Presidents, Prime Ministers, Chief Justices and Legal Scholars from 71 countries participated.

- Based on the provisions of the Law on the elimination of violence against women, the bylaw of



the Counter Harassment of Women and Children Committee in the Judiciary to Combat harassment of Women and Children in the Judiciary and providing a safe and secure environment for them and also the bylaw on publishing the final decisions of the courts in order to organize the publication of decisions and judicial rulings, setting standards for publishable verdicts and rulings and determining the duties and obligations of the publishing authority, were adopted.

- In order to promptly resolve the jurisdiction



dispute in the criminal cases and identify the competent dispute resolution authority, according to Article 184 of the criminal procedure code, if the court which is issuing the lack of competence ruling according the provisions of article 184 of the abovementioned law is in the jurisdiction area of appellate court of a province, relevant appellate court shall be the competent authority of dispute resolution. If there is dispute on jurisdiction between two appellate courts, Supreme Court shall be

authorized to resolve the dispute.

- In order to avoid age and year differences of survivors of the martyrs in the prepared deeds, it has been directed to the deeds sub-directorates of the courts that during deeds preparation, more attention should be paid, age and year of survivors of the martyrs should be prepared based upon their proper documents and with observation of required and legal stipulations to avoid problems in the future.
- Considering the complaints of some of the clients regarding the double dealing of some judges and administrative officials and failure to observe the judicial conduct regarding the parties, It was acknowledged that based on the legal and jurisdictional provisions and according to provisions of the Judicial Code of Conduct, Judges and all administrative appointees are obliged to adhere to ethical guidelines when dealing with clients to avoid partiality and acting on favor of one party which shall harm the impartiality, also the High Council Secretariat of the SC has been ordered to re-announce the approval of high council of the SC and disseminate it to all courts.
- Condolences has been expressed because of dying Judge Mohammed Omar, one of the country's most prominent and well-known judges who has recently died and joined to the Divine Mercy, and wanted for him Paradise and for his family great

patience.

- Based on Article 37 of the law on Organization and Jurisdiction of the Judiciary, for the purpose of organizing provisions of punishments of alternative imprisonment and incarceration by the courts, instructions for the courts has been given to implement alternative punishments of imprisonment and incarceration in a proper way and depth and paving the ground for implementation of provisions of second amendment to the Criminal Procedure Code, draft of Instruction on Organizing Provision of Alternative Punishments of Imprisonment and Incarceration by the Courts has been deeply studied and for the reviewing the draft in the light of provisions of criminal procedures law and penal code required instructions has been issued.

- Based on inspection reports and scrutinized ideas from the courts performances, duties and activities of five judges from Takhar province of appellate courts` Judges has been recognized praiseworthy, and on the contrary after identifying violations of duty with six judges of appellate courts of Nursitan province, based on provisions of Disciplinary Judicial Regulation of Judges, required disciplinary punishments has been issued for them.

Instructional Questions came from appellate courts of Parwan, Helmand, Zabul, Helmand, Courts of appeal and Department of Huquq of National Defense Ministry regarding re-performing deed document which proofs (singleness), how to proceed juvenile cases while

delegating jurisdiction and challenges related to negligence crimes related to the duty and breaching rules and regulations which has not been illustrated in the penal code, and it has been carefully reviewed and studied also necessary guidance is provided on this regard.

- Meanwhile, Ghulam Haidar Allameh, Deputy Prosecuting Attorney of the General Attorney, prosecutors, relatives and defense attorney of one of convicted people attended and three judicial review in the light of the provisions of article 282 of criminal procedures law has been heard and required decisions were taken.

- Based on request of the Attorney General Office, authority of (545) criminal cases' proceedings have been given to the Appellate Courts of Helmand, Baghlan, Kandahar, Nuristan, Faryab, Takhar, Balkh, Herat, Samangan, Khost, Ghor, Laghman, Paktika, Paktia, Ghazni, Nangarhar, Nimroz, Daikundi, Sarpol, Badakhshan, Farah, Kapisa, Kunduz, Jawzjan, Kunar and Badghis.

In continuation of the meeting some of requests regarding judicial review on the third stages courts about civil and criminal cases, requests regarding changing court on civil and criminal cases and some suggestions regarding upgrading academic ranking for the judges were discussed and appropriate decisions were made.

## **Acting General Administrative Directorate of the Judiciary met with the Head of the World Bank in Afghanistan**

On November 12, 2019, Najibullah Akbari, Acting General Administrative Director of the Judiciary met in his office with Mr. Henry Kerali, General Director of World Bank in Afghanistan. During this introductory meeting, Acting General Administrative Director of the Judiciary, first discussed about World Bank cooperation with the justice and judicial sectors from 2008 – 2017



and added that the Supreme Court could use this opportunities to increase capacity of the judges, establishing video conference system in six first grade provinces, partial solution for the transportation problem, providing legal and jurisprudence books, equipping the judiciary library and Sub-libraries and it was expected that building infrastructures in the

provincial capital would have achievements but, unfortunately, Rule of Law Projects which were being funded by the World Bank have been suspended by unknown reasons, so the Supreme Court failed to implement the most important projects, including the Action Plan which needed international assistances , I am hopeful that the World Bank will help on implementation of important indicators of the Action Plan, especially in the field of building construction for the courts and establishing video conference system activities in all courts of the country, projects for explanation of laws, challenges of transportation of primary district courts that other agencies and institutions failed to co-operate in the implementation, after that Director of the World Bank added that needs of the Judiciary is understandable and the World Bank is still interested in helping the judiciary and therefore it requires the creation of working group consisting of the Supreme Court and donor representatives of the World Bank so that this group can assess and prioritize the needs so that World Bank could be able to start working on that, so the World Bank assistances will be discussed at the Ministry of Finance in the month of March and April 2020 and we will share the results of the working group to that ministry so the Department of Coordination of Assistance at the ministry of finance has to pay attention on the judiciary needs and all together jointly we draw attention of international community and special required budget will be allocated to solve judiciary needs.

At the end Acting Head of the General Administrative of the Judiciary said that this message of the World Bank President is great point in term of better regulating of World Bank assistances to the judiciary and he instructed that the representatives of the Supreme Court will be introduced soon to the joint working group.



## **The Leadership Delegation of Case Management System had meeting**

On November 4, 2019, meeting of the leadership of the relevant institutions in the case management system held at the Supreme Court the meeting was held in the Supreme Court, Acting General Administrative Director of the Judiciary, Legal Adviser to the National Security Council, Deputy of Attorney General Office, Deputies of Ministry of Justice, Ministry of Finance, Ministry of Interior Affairs, National Security, National Defense, Independent Bar Association, Deputy of High Inspection, Director of Technology of Ministry of Telecommunications and Internal and external authorities of Case Management System participated in that meeting.



In that meeting it was discussed how to improve the Case Management System of criminal, civil and commercial cases which starts from the beginning detection, investigation, trial and registering data bank, considering to the summit which was held in Dubai, they discussed different topics such as: responsiveness



of the system, maintenance solution issues, identifying system challenges, concerns about immunity and security of all data also its legal status after the transitional issue of the system by the Justice Sector Support Project to the Afghanistan government, as general conclusion, all participants said that, existence of the Case Management System is very important and pledged to keep the system active through the relevant sections with the necessary information's and contribute to assist in problem solving related to structure, budget, maintenance and responsiveness of the Justice Sector Support Project pledged to keep the system active the system delivered to the of Afghanistan and the Justice Sector Support Project will not hesitate to provide consulting and specialized cooperation in the field.

## **Report on Culture and Change Management Training Program**

Reports from change management and culture organization training which was held according to the Capacity Building Action Plan for the year 2019 for Capacity Building Department and Performance Evaluation for the senior staffs of directorates of HR, Recruitment and Records, Capacity Building and Performance Evaluation, Policy and Planning from 3 till 5 November 2019 by ADALAT project's support at Sardar Hotel in Kabul.

This program is focused on Change Management History, and Fundamentals of Change Management Concepts, Environmental analysis, and Change Management Strategies, Change Management Process Models and Organizational Recognition Models (Fish bone- SwoT-lewin's-Mckinsey's-ADKAR) Change Management Adaptive, Change Culture in the Organization' Resistance to Change' Principles of Change Management' Challenge to the change management.

One of the new debates and basic needs of the administration forms in accordance with the Judicial Resource Management Strategy' The program was led by Mr. Hamed "Baha Ayyar" Head of Capacity Building and Performance Evaluation' which had remarkable results and special consequences'

Although the program was completely new for the participants and It was extremely appreciated from the participant they acknowledged that the program was extremely useful in terms of standardization of activities.

**Basic Administrative Skills of Court  
Administration and Performance Evaluation  
Training Program for some central and  
provincial staff of the Supreme Court was held**

According to the training programs, capacity building and Performance Evaluation department Implementation of Training Courses of Basic Administrative Skills of Court Administration Training Program held in Kabul Province on October 27-30, 2019 with financial support of ADALAT project, and 52 participants attended from primary court staff and appeal courts of Paktia, Paktika, Khost, Ghazni and Kabul provinces

This program was held and trained by Capacity Building and Performance Evaluation trainers and it concentrated on basic principles of administration, use of court books. (From primary courts to supreme court) Writing Method, Administrative correspondences, methods of writing suggestions, report writing, method of letter writing, Performance Evaluation cycle (Planning, Monitoring, and Evaluating Performance) the administrative system of the court system, judicial session minutes, types and parts of that. The participants of the training appreciated and evaluated the training and they said that this training is extraordinary for participants and one representative on behalf of others expressed gratitude for the conduct of such training programs he added that such programs are very useful and important and the program ended with the distribution of certificates to the participants.

## News & Events

On October 30, 2019 a three-day seminar was held under the name of Management and Supervision by the Supreme Court's capacity-building department with the partnership of J.S.S.P for twenty administrative staff. Chief Editor of Nangarhar Court of Appeal Appreciates from Supreme Court for conducting the Seminar he mentioned that these seminar is useful for increasing level of capacity of staff capacity, and called it useful to hold such seminars and called for such seminars to be held.

On Saturday November 2, 2019, Zabihullah "Ebrahimi" Chief of appeal courts of Kandahar Province opened a six-day training seminar which was held by the Judicial Training Directorate of the supreme court, (with financial assistance of ADALAT project) the seminar was about " Commercial Law and Civil Procedures Law) for a number of (23) Judges, Supreme for Kandahar, Helmand and Zabul Districts.

In his speech, thanked the Supreme Court and said that holding such training programs and seminars are very effective and useful for the judges and asked the continuation of such programs in the future.

# COUNTER CORRUPTION

## **A- Reports on the judicial activities of the primary court of the anti- corruption in Kabul province**

### **1- Reports**

From 23 October to 21 November 2019 equivalent to 1398/8/1 – 1398/8/30 Kabul province primary anti-corruption courts heard (14) criminal cases related to corruption crimes' In connection with these cases, 35 persons in accusation of abuse of power, taking bribes, harassment, embezzlement and robbery have been arrested the number (16) of them, due to the lack of sufficient evidences were not found guilty and acquitted and (19) person were sentenced to different punishments of imprisonment as fallow.



- One month to one-year imprisonment for 8 persons.
- One to five years' imprisonment for 4 persons.

- Five to 15 years' imprisonment for 2 persons.
- Convicted to Cash Crimes 5 persons.

Total convicted cash fine punishments of convicted is amount to (7303) US dollars.

Chart (1) shows the number of convicts of the Kabul Province primary Anti-Corruption Court in month of November 2019)

No	Type of case	Number of case	Judicial decision						
			No of accused	Acquitted	No of convicted	The number of imprisonment validity			
						month to one year imprisonment	1-5 years imprisonment	5-15 years imprisonment	Cash penalty
1	Misuse of authority	2	3	2	1			1	1012
2	Bribery	7	16	4	12	4	2	4	6291
3	Embezzlement	2	8	5	3	3			
4	Counterfeit	2	3		3	1	2		
5	Treason	1	5	5					
Total		14	35	16	19	8	4	2	7303

Also the mentioned court during this time, they have issued judicial rulings on 11 cases and submitted to the relevant authority for completion of investigation gaps and defects.

**Chart (2) shows the judicial rulings and verdicts of the Kabul primary anti-corruption court against in the month of November 2019**

No	Type of case	Number of case	Number of accused	Reason for ruling	Related reference
				Legal gaps and Defects	
1	Misuse of authority	6	13	6	Prosecutor's Office
2	Embezzlement	1	1	1	Prosecutor's Office
3	Counterfeit	2	2	2	Prosecutor's Office
4	Possession of Illegal weapons	1	2	1	Prosecutor's Office
5	Lack of Authority	1	3	1	Prosecutor's Office
Total		11	21	11	

## **2. Sample of Verdict Summaries of the primary anti-corruption Court of Kabul province.**

**Verdict dated 18 November, 2019**

### **Conviction of employee of customer service of Aziz Bank in accusation of forgery crimes**

On November 21, one of the Azizi bank customers opened dollar account in the Qula- Fatulla branch and collected money to his account and after the adding the money on the date of 24 November the representative of customer service of the AZIZI bank arranged the ATM card in the absence of the customer and took out \$ 16,000 US dollars from the customer's account with automatic card from the ATM machine, when the customer comes to the bank and wants to get his money, he sees that there is no money in his account ‘ when Azizi Bank's internal audit investigated the matter verified that the customer service officer of the bank arranged the ATM card in the absence of the customer he intermittently receives the money and then he was arrested and introduced to the Justice and judicial organizations the case was referred to Kabul provincial court for proceeding of corruption related crimes’ on the date of 18 November the court unanimously convicted the former employee customer service of Azizi bank in accusation of counterfeiting of a public service obligation under paragraph (1) of article 438 of the penal code, with observation of articles 213 and 214 of the mentioned code, including detention days and he was sentenced to two-years imprisonment



punishments, and in the case of embezzlement, due to lack of sufficient evidences according to article 235 of the criminal procedures law and article 5 of the criminal procedures law has been known innocent.

**Verdict dated 12 November ,2019**

**Conviction of Kabul Municipality Commander for taking bribe,**

A permanent resident of seventh district of Kabul city had sent a notice to the head of the National Security Service (705) stated as follows: I have a yard at Chahel Metra road of Company, I wanted to build it and was denied by the Kabul municipality military unit and I had to go to the commander of the Kabul military unit he met me alone and I talked with him about the issue and gave me his brother's phone number and said to contact with my brother to communicate and negotiate about in amount of money (as bribe for him) he will solve your problem, when I met with his brother, he came and visited my house and stated that cost of each floor to be built is (US \$ 3,000). Officials in the Department of National Security (705) have taken action after receiving the information for the documentation the mentioned department, they provide \$ 2,000 to a colleague to give for the brother of military commander at the municipality' after that his brother was receiving 2000\$ from the mentioned person the brother of commander the delegation of arresting took actions and the brother of the commander was arrested with one of his colleague at the area of Madina Bazar district ten in presences of representative of the military

prosecution of Ministry of Interior Affairs, and was introduced to the justice and judicial institutions, the case has been referred to the primary court of anti-corruption of Kabul province on 1398/8/21 equivalent 12 November the a judicial hearing was held both parties were present and unanimously the court convicted the commander of the Kabul municipal military unit and his brother in the case taking bribe amount of US \$ 2,000 and his participation, according to the sub-paragraph 5 paragraph 1 Article 371, paragraph 2 'article 375 and paragraph 1 article 385 of penal code and according to article 58 of the mentioned code every one of them from the beginning of detention period is sentenced to imprisonment of six years enforced imprisonment equivalent cash fine of taken bribery and dismissal from the duty, their accomplice, the car seller in Gardez city article 385 of penal code with observation of article 59 of the penal code from the beginning of detention days sentenced to three years enforcement imprisonment and equivalent cash fine of amount of bribe.

### **3. Sample of Verdict Summaries of primary court issued against heavy crimes of corruption**

**Verdict dated 22 October, 2019**

**Conviction of Two shopkeepers in the area of Maidan Huwai in accusation of money laundering and use of fake documents on 4 August 2019.**

According to the Office of the United States Special Investigator for the Reconstruction of Afghanistan (CIGAR), one citizen of British - Afghanistan on the

date of 1398/5/13 equivalent 4 August, was carrying nine gold bricks from Afghanistan to UAE via Bagram Airbase, he was detected and inspected by senior US military officials, the total weight of the gold obtained from was 41,375 kg which costs around \$ 1 million and six hundred thousand US dollars, the person intended to smuggle the gold into the UAE's Dubai city by flight (Diplomatic Flight Services) by political agents. He showed two documents from Siddiqui Shahid Tamim Limited's and said gold owned by his brother,, the gold was submitted to the Central Bank in the presence of a joint delegation,

And the accused persons were introduced to the justice and judicial sectors and the case has been referred to the primary proceedings court of heavy crimes, at the judicial session on 1398/7/30 equivalent 22 October in presences of assigned prosecutor, defense lawyers of the accused persons, by a majority of votes, in accusation of money laundering amount of (41,375) forty one point three hundred and seventy-five pounds of gold, according modification of article 52 the Law on the Prevention of Money Laundering and its related Benefits from Crime, with observation of article 17 penal code and paragraph (6) article (212)' of criminal procedures law have been sentenced to four years of enforcement imprisonment and equivalent of cash fine of taken bribe and in accusation of (using of forgery document) because of lack of sufficient evidences, according article (5) of penal code, paragraph (31) article (4) and articles (235,5) of criminal procedures

law, he has been acquitted and not found guilty, also amount of (41,375) forty one point three hundred and seventy five kilograms of gold according to paragraph (1) Article (509) penal code, the gold has been confiscated.

### **C) Report and Judicial Activities of appellate Anti-Corruption court of Kabul province**

#### **1) Report**

On 23 October to 21 November 2019 Kabul Province appellate courts against administration crimes heard around (9) criminal cases related to administration corruption, in connection with these cases, 12 persons have been arrested on charges of misuse of power, taking bribery and forgery. 12 person have been convicted to various imprisonment as below.

- 1 month to 1-year imprisonment one person.
- 1 year to 5 years' imprisonment 4 person.
- Convicted to cash fine 7 person.

Amount total cash fine of convicted 5758 US Dollars.

**Chart (3) shows the statistics of appellate Anti-Corruption courts of Kabul province in the month of November 2019**

No	Type of case	Number of case	Judicial decision						
			Number of accused	Acquitted	No of convicted	The number of imprisonment validity			
						One month to one year imprisonment	1-5 years imprisonment	5 - 15 years imprisonment	Convicted of cash crime
1	Misuse of authority	4	7		7				7
2	Taking bribe	3	3		3	1	2	2	
3	Embezzlement	2	2		2		2		
4	TOTAL	9	12		12	1	4		7
									2911
									2278
									569
									5758

Also in this period the court has issued judicial rulings on (3) cases and sent them to the relevant authority for completion of investigative gaps and to find the deficiencies.

**Chart (4) shows the judicial rulings appellate Anti-Corruption courts of Kabul province in the month of November ,2019**

No	Type of cause	No/ case	No / accused	The cause of ruling	Related authority
				Legal gaps and Defects	
1	Bribery	1	2	1	Prosecutor's Office
2	Embezzlement	1	1	1	Prosecutor's Office
3	Treason	1	6	1	Prosecutor's Office
		3	9	3	Prosecutor's Office

**2. Sample Verdict Summaries of Kabul's Anti-Corruption appellate court**

**Verdict dated 5 November, 2019**

**Conviction of head of admission of license distribution of ministry of commerce and industry in accusation of taking bribe**

Based on petition of director of World Eagle company based on the fact that I wanted to extend 15 days' letter of my company which is under the process but, the person who introduced himself as head of archive and employee of national security in order to proceed the letter wanted about 1500 US dollar from me that after a series of conversations I agreed on 1200 US dollar as bribe that based on this this issue has been under work of detection institutions and head of archive has been arrested, and another person has been putative by the head of archive, and accused people acknowledged on

their crime and indicated that head of admission of license distribution of ministry of commerce and industry in order to proceed the letter and asked from him around 600 US dollar and signed the letter for him and the prosecution office filed an accusation and litigation against head of archive and one of the accused in this case and referred it to the court that the accused people by decision dated 1396/11/17 of the court were recognized by court because of mediation in bribery crime and were sentenced and the accused, head of admission of license distribution of ministry of commerce and industry according to article 69 criminal procedure law has been prosecuted that after finalization of the papers the accused now has been referred to the primary court of anti – administration corruption of Kabul province, the court in its judicial session dated 1398/6/9 in presence of both parties unanimously the accused, head of admission of license distribution of ministry of commerce and industry in the related cases of demanding bribe according to part 3 paragraph 1 article 371, paragraph 2 article 375 and paragraph 1 article 385 of Penal Code and observation articles 213 and 215 of mentioned code sentenced to one year and six months enforced imprisonment and cash fine of six hundred dollar and removal from the duty. But the case because of dissatisfaction of the accused has been referred to the appellate court of anti-corruption of administration court, the court during its judicial session dated 1398/8/14 unanimously in the presence of both parties of the case according to

instruction of article 54 of Law on Organization and Jurisdiction of the Judiciary and paragraph 3 article 267 of criminal procedures court, the issued decision dated 1398/6/9 of primary court of anti-corruption court of Kabul province has been amended and the appellate court, in case of demanding six hundred US dollar according to part 3 paragraph 1 article 371, paragraph 2 article 375 and paragraph 1 article 385 of penal code and observation of articles 213 and 215 of the mentioned code sentenced head of admission license distribution ministry of commerce and industry for one year and one month enforced imprisonment and cash fine equal to demanded amount of bribe and removal from the duty.

**Verdict date 19 November, 2019**

**Conviction of prosecutor of Justice Center of Detention of Bagram regarding to crime of forgery and holding illegal arm**

Head of prosecution of Justice Center of Bagram detention has been informed that around 7 of prisoners of Bagram were being shifted to Pul-e- Charkhy prison, since no order and written instruction regarding shifting the prisoners was issued, he followed the issue and has informed to general directorate of combating against internal and external crimes, based on that information, three prosecutors from different sections such as; supervision office of prosecution, judicial prosecution of prosecution, and investigation office of prosecution have been assigned in order to inspect the issue, as a result it has been cleared that issued letter number 1830

dated 98/4/22 prosecution office of Bagram to the headquarter of military police is not registered in Issuing ad Receipt Book of the prosecution office and head of prosecution office of Bagram claims that his signature is also falsified in charges of Bagram prison have given information that the mentioned letter was brought by one of prosecutor of Bagram detention and has contacted several times about proceedings of this letter. Detention related registers of three shifting prisoners has been signed by the prosecutor as falsified when the in charges asked him why you did not your original signature? In response to the questions said; my signature has been changed, 7 prisoners before getting shifted the in charges of relevant institutions got information and avoid their shifting, so in order to make clear different complicated and dark angles of the case the respected investigation delegation interrogated from in charges of prosecution office of Bagram, and asked 7 prisoners of Bagram prison and also asked a series of explanations from the prosecutor of the case during the investigations leaving room of accused in Bagram prosecution was searched too that as a result a machine gun type of Kalakouf , a machine gun type Kalashinkouf without handle and five gun magazine a pistol type of Brita, a gun type shotgun , an armor vest, one wireless , one bayonet , one rod of pistol with spiral spring, one (Khab kun) related to gun, 77 bullets type of Kalashinkouf 6 bullets type of pistol, 7 bullets type of Kalakouf , two pairs of military uniform with two pairs military shows, 15hundred black color with serial



number US dollar has been arrested and the accused has been introduced to the justice and judicial sectors, the case is referred to the primary court of anti-corruption of Kabul, the court in its public judicial session dated 1398/7/13 in presence of both parties, the prosecutor of Justice Center of Bagram detention in related case of falsification according to paragraph 1 article 437 of penal code from the beginning of days of detention sentenced to three years enforcement imprisonment and in case of holding illegal arm and its related requirements according to article 536 of penal code convicted to 45000 AFS of cash fine which will be sent to the treasury of the government. Since in the abovementioned crimes, there is no unified purpose to be linked with each other, based on provision of article 75 of penal code both abovementioned punishments are applicable on him, likewise the court according to article 182 of the mentioned code issued verdict on confiscation of gained arms, ammunitions and equipment. But, because of not satisfaction of the accused, the case has been referred to the appellate court of anti-corruption of Kabul province, in the judicial session dated 1398/8/28 in an unanimously in presence of both parties according to instruction of article 54 of Law on Organizational and Jurisdiction of Judiciary Branch confirmed the decision of anti-corruption primary court of Kabul and the accused prosecutor of the Justice Detention of Bagram in the issue of counterfeit according to paragraph 1 article 437 of penal code is sentenced to three years of enforcement

imprisonment from the beginning of the overseeing and detention period and in accordance with the unauthorized weapon possession of its requisite items according to article 536 of mentioned penal code convicted to 45000 AFS cash fine to be delivered to the government treasury, since there is no unity of purpose in the abovementioned cases which brings the these crimes together, according to provision of article 75 of penal code, both abovementioned punishments will be applicable and also the court issued its verdict that all seized arms, ammunitions and equipment confiscated.

### **3: Sample of Verdict Summaries of appellate court of combating heavy administration crimes**

**Verdict dated 30 October, 2019**

#### **Conviction of employee of cadaster of Logar province with head of company in accusation of taking bribe and mediation for bribe**

Based on information and application of one of the Mohammad Agha district residents of Logar province to the directorate of combating heaving crimes of administration corruption of ministry of interior regarding usurpation of his hereditary properties located in Ghaldara village of the mentioned province, the district governor asks bribe 10000 AFS (per 2000 meter square) total of which is 1800000 AFS in order to surrender his land, the victim of the case informed the directorate of combating heavy crimes of ministry of interior, after getting notice, the related staffs of directorate of combating heavy crimes of administration

corruption took steps and coordination with the victim, a sum of promised money which is provided by the ministry of interior to the victim of the case in order to be surrendered to the district governor via the victim, as result of that related employee of the directorate of combating heaving crimes of administration corruption of ministry of interior already installed a secret camera in room in which another person who introduced himself as representative of the governor enters together with the victim in that room and met and offered him operational money amount of 90000000 AFS of ministry of interior to surrender it to him and the victim says to him I sold some of my land and this amount is from that, if the governor helps on extradition of lands, I will give the money and the representative of the governor emphasizes that he already discussed with the governor, he does not trust on you that in lieu of each 2000 meter square land to be given for him, until we receive did not receive the lands the money will not be for him and this decision is made that the victim will pay some amount of money as advance and the rest of the money will be paid after surrendering the land. for this purpose on 1398/4/15 the victim contacted to the communicative officer of combating heavy crimes of administration corruption that the manager of lands and representative of the governor wants to get one million AFS as advance and the rest of money will be paid surrendering the land. on the mentioned date the staff of combating heavy crimes of administration corruption goes the mentioned location with one million AFS and

was introduced to the manager of lands of Mohammad Agha district and they entered to Saraye Shazada Market (Money Exchanger Market) and the mentioned people were guided to shop number 32 and they entered, they received amount of one million AFS from the communicative officer who had already positioned there, after few moments they go out from the shop, during this time, the accused was arrested by the assigned delegation and was introduced to the justice and judicial institutions, the case was referred to the primary court of heavy crimes of administration corruption, the court on the judicial session dated 1398/6/31 which was held with the presence of both parties in accusation of taking bribe amount of one million AFS according to subparagraph 5 paragraph 1 article 371 the of penal code with consideration of paragraph 1 article 385 and paragraph 2 article 375 of penal code and paragraph 2 article 370 of mentioned code unanimously sentenced to six years enforcement imprisonment, paying one million AFS cash fine equal to taken bribe and removal from the duty and the other accused because of lack enough evidence according to article 5 of penal code and article 235 of criminal procedure law in accusation of partnership of taking bribe was acquitted. Head of the company according to subparagraph 6 paragraph 1 article 372 with consideration of paragraph 1 article 385 of penal code and paragraph 4 article 370 and article 373 of mentioned code in accusation of mediation for bribe amount of eighteen million AFS has been sentenced to

seven years enforcement imprisonment and cash fine of eighteen million AFS equal to bribe money. But the case because of dissatisfaction of accused people the case entered to the appellate court of proceeding to heavy crimes of administration corruption, the court in its judicial session dated on 1398/8/6 unanimously in presence of both parties of the case according to article 54 of Law on Organization and Jurisdiction of the Judiciary, decision dated 1398/6/31 primary court of proceeding to heavy crimes of administration Corruption was confirmed.

# Counter Narcotics and Intoxicants

## **A: Reports on performances of special judicial primary court of intoxicants and anti-narcotic**

### **1. Report**

Primary court of intoxicants and anti-narcotic from 23 October to 21 November, 2019 around 86 of related different type of case of drugs have judicially proceeded and required decisions was taken. Regarding to these cases around 122 persons in accusation of smuggling and carrying drugs were arrested and out of these, 3 of them because of lack of enough evidences were acquitted and 119 of them because under trial and were convicted into different imprisonment of punishments.



- Imprisonment 1 year to 5 years 55 person
- Imprisonment 5 years to 15 years 32 person

- Imprisonment 15 years to 20 years 28 person
- Imprisonment 20 years to 30 years 4 person

In connection to abovementioned trials the verdict has been issued to perish amount of 1458 702 kg of drugs and 9831 liter types of drug.

**Chart number (1) shows statistics of judicial performances of special primary court of intoxicants and narcotics In the month November, 2019**

Sl number	Type of case	Number of case	Amount of items	Judicial Decision						
				Number of accused	Acquittal	Number of convicted	Number of enforced prisoners			
							1-5 years imprisonment	5-15 years imprisonment	15-20 years imprisonment	20-30 years imprisonment
1	Ampheta mine	43	168,109	64	3	61	24	20	15	2
2	Morphine	3	67,4	4		4	1	1	2	
3	Heroin	17	103,257	20		20	10	6	4	
4	Hashish	10	874,66	12		12	10	2		
5	Opium	6	244,37	9		9	2	1	4	2
6	Tablet K	4	906g	9		9	4	2	3	
7	Alcohol drinks	1	LT3720	1		1	1			
8	Agreement in crime	1		1		1	1			
9	Poppy	1	6111	2		2	2			
Total		86	1458702	122	3	119	55	32	28	4

## 2. Sample of Verdict Summaries of primary special court of intoxicants and drugs

**Verdict dated 5 November, 2019**

**Ten years of imprisonment in accusation of smuggling 1,733 Heroin**

Based on the information of department of investigations that one of residents of Panjshir province and two of his accomplices they are practically

involved in drug trafficking in the northern provinces, that department of information and investigation following the prosecution's agreement and court's permission to hear and record telephonic conversations of the accused people, as result it has been revealed that two drug renters carry a quantity of drugs from Baten village of Kashim district of Badakhshan province to Kabul city, staffs of department of information and investigation took measures that on date 1398/6/31 at area of Sar-e-Kootal Khairkhana of seventeen district of Kabul city, while they were carrying drugs the owner and the accused persons the owner and submitter to the recipient were arrested, subsequently two the two accused persons were dispatched and introduced to the Police 300 Beds Hospital for expulsion of swallowed capsules from their abdomen, as result 55 capsules of drugs under the name of Heroin which weighs 809 gram is being expelled and 63 capsules of drugs under name of Heroin weighs 924 gram is being expelled from another's abdomen total of which is 733,1 kilo gram and the accused person were introduced to the justice and judicial institutions and the case has been referred to the special primary court of combating intoxicants and drugs, the court in the judicial session dated 1398/8/14 in presence of both parties unanimously the of two accused persons according to subparagraph 4 paragraph 1 article 302 of penal code with consideration of articles 213 and 214 of the mentioned code from the beginning detention days every one of them were sentenced to three – three years



enforced imprisonment and another accused in the case of trafficking drugs quantity of 1,734 kilo gram Heroin based on subparagraph 5 paragraph 1 article 302 of penal code with observation of article 61 of the mentioned code from the beginning of detention days of the past, was sentenced to ten years enforcement imprisonment and the court also based on article 32 Law on Anti- Narcotic issued verdict on confiscation of 4 set mobiles with its SIM cards and 3000 AFS and the total amount of 733,1 kilograms obtained Heroin according to article 19 of the mentioned code is deemed to be extinguished.

**Verdict dated 28 October, 2019**

**Five years imprisonment in accusation of smuggling 87.800 kilograms Hashish**

Based on the information of department of investigations that one of residents of Panjshir province that a person who was driving a corolla type of vehicle and toward Kabul and in the area of Shutul made an accident. The accused sought for help from another person and requested from to take his car mechanic, after the notice action was taken by the relevant authorities and in the area of Malakaan Anaaba district went to recognize the accused and arrest him, the accused had previously been arrested in accusation of 87.00 kilogram Hashish on 1398/4/16 in Panjshir province too and with consideration to the copy of describing registry of drugs 87.800 kilograms it has been recognized type of Hashish and it has bene confirmed and weighted too, the case enters to the

special primary court of anti- narcotic, the court in its judicial session dated on 1398/8/6 solar calendar unanimously and in presence of both parties, accused of the case of smuggling quantity of 87.800 kilogram Hashish based on subparagraph 7 of paragraph 1 article 305 of penal code with consideration of articles 213 and 214 of the mentioned code has been sentenced to five years of enforcement imprisonment, also the court issued a verdict to confiscate one set mobile with its SIM cards, it is worth to mention that a court decision was already issued for extinguish the drugs.

## **B: Reports of Judicial Performances of Special Appellate Court of Anti-Narctotics**

### **1. Report**

Appellate court of anti-narcotic from 23 October to 21 November, 2019 around 51 cases related to types of narcotic judicially were proceeded and the court decision. In connection to this these cases around 67 persons in accusation of smuggling and carry drugs were arrested out these 1 person of them because of lack of sufficient evidences acquitted and 66 of them were sentenced to different period imprisonment.

- Imprisonment 1- 5 years 13 person
- Imprisonment 5 – 15 years 33 person
- Imprisonment 15 – 20 years 13 person
- Imprisonment 20 – 30 years 7 person
- Also in relation to abovementioned cases amount of 577,4326 kilograms of drugs discovered and 665,76 liter seized.

- Total cash fine convicted 3354 US dollar

**The chart number (1) shows judicial performance of special appellate court of anti- narcotic month of November, 2019**

Serial No	Type of case	Number of case	Amount of item	Judicial Decision							
				Number of accused	Acquittal	Cash fine	Number convicted	Number of prisoners of enforced imprisonment			
								1 – 5 years imprisonment	5 – 15 years imprisonment	15 – 20 years imprisonment	20 – 30 years imprisonment
1	Amphetam ine	20	26,878	26		1075	26	5	15	5	1
2	Hashish	7	2068*8	10	1	256	9		9		
3	Heroin	11	193,949	14		506	14	5	3	1	5
4	Morphine	3	1764	3		632	3		2		1
5	Opium alcoholic drinks	7	272*95	9		632	9		2	7	
6		1	LT335,76	1			1	1			
7	Chemical item	1	LT330	2			2		2		
8	Cooperatio n with smuggles	1		2		253	2	2			
Total		51	4326*577	67	1	3354	66	13	33	13	7

## **2: Sample of Verdict Summaries of special appellate court of combating intoxicants and drugs**

**Verdict dated 12 November, 2019**

### **Fifteen years of imprisonment in accusation of smuggling 15,96 kilograms opium**

Based to prior notification from department of national security of Shibar district of Bamyan province that a narcotics type of opium was embedded in a corolla type of vehicle and probably around 8 AM will arrive to Shibar district, officers from the national security department in that district took action, the vehicle was

identified and recognized during the checking and searching as result of that three cartons of apricots, including four packages of opium under the name of opium and a bottle of filled beverage under the name of liquid opium with a total weight of 10 kilograms and amount of 6 kilograms drugs under the name opium that was skillfully embedded under the vehicle was detected and arrested, in connection with the case the driver of the vehicle was arrested and in consideration of registry form description of pure weights of the seized item is 15.96 kilograms and as result of laboratory test it has been confirmed that it is opium. The case has been referred to the primary special court of anti- narcotics, the court in their judicial session dated 1398/7/11 with presence of both parties unanimously was decided that in case of carrying quantity of 15.96 kilogram opium type of drugs according subparagraph 6 paragraph 1 article 304 with consideration of articles 213 and 214 of penal code from the beginning of detention sentenced to five years of enforced imprisonment accused in connection of amount, likewise one set mobile with its SIM cards and amount of 2025 AFS according to article 32 of Anti-Narcotics Law the seized corolla type of vehicle which was carrying the drugs according to article 308 of penal code it is confiscatory and amount of 15.96 kilograms seized opium based on instruction of article 19 of anti-corruption law it has to be extinguished. But, due to lack of satisfaction of the accused the case has been referred to the special appellate court of proceeding the

anti-narcotics, the court in its judicial session dated 1398/8/21 in presence of both parties according to article 54 of law on organization and jurisdiction of the the Judiciary and article 267 of criminal procedures, the decision of primary court dated 1398/7/11 unanimously and seriously was amended, in case of carrying amount of 15.96 kilograms opium based on subparagraph 6 of paragraph 1 article 304 of penal code from the beginning of detention days the accused has been sentenced to fifteen years imprisonment, likewise according to article 32 of anti-narcotics law and article 308 of penal code the court has issued a verdict for confiscation of all seized items.

**Verdict dated 13 November, 2019**

**Five years imprisonment in accusation of trading (76,355) liter ethanol**

According to the telephonic information from Department of Information and Investigation, Special Head Quarter of Counter Narcotics stated that a person by using house which is located at the 12<sup>th</sup> street of Wazir Akbarkhan area district ten built a hostel and under the cover the same hostel, he paved the ground for selling alcoholic beverage as wholesale and retail, on the night of 1398/5/ (24/25), counter narcotics in charge officers in collaboration with the Department of Information and Investigation and one representative from the Kabul Appellate Prosecution Office, local police and female police were dispatched to that location and the area was operatively covered and the was knocked under supervision of the assigned

prosecutor and one of the armed guard equipped with a machine gun type of Kalashnikov opened the gate, the delegation have asked for weapon license but, he had no legal license, afterward a person who introduced himself the owner of the hostel and house, the hostel has been searched by the delegation as result around 125 bottles of different types of alcoholic drinks and 406 metal and vitreous cans of beer with some percentage of alcohol and a machine gun type of Kalashnikov with its one gun magazine and 30 bullets type of Kalashnikov were found, from total seized alcoholic drinks based on search registry form 545 beer with percentage of alcohol were found and during the carrying about 14 bottles of alcohol drinks and beer have been broken and wasted and regarding two persons owners of the hostel whom were arrested and they have been introduced to the justice and judicial sectors, likewise 3980 US dollar and 85700 AFS which seized as result of trading alcoholic drinks, based on the describing forms total weight of seized drugs is 355.76 liter and as result of laboratory test, the ethanol type has been confirmed that the case entered to the primary court of anti-narcotics, the court it its judicial session dated 1398/7/17 in presence of both parties based on the above evidences accused, regarding in accusation of trading of 355.76 liter ethanol as wholesale and retail, the owner of the hostel according to subparagraph 5 paragraph 1 article 686 of penal code unanimously sentenced to five years enforcement imprisonment beginning from the date of detention and according to

article 32 of anti-narcotics law the issued a verdict for confiscation of two set mobiles with its SIM cards, 260 US dollar, 3980 US dollar, 96700 AFS and according to article 19 of the mentioned code the drugs shall be extinguished, but due lack of satisfaction of the accused the case entered into appellate court of proceeding drug crimes and the court in its judicial session dated 1398/8/22 unanimously based on article 54 of law on organization and jurisdiction of the Judiciary and article 267 of criminal procedure law confirmed decision of the primary court.