

## Table of Contents

❖ Meetings and Sessions.....	2
❖ H.E Chief Justice of the Supreme Court meets Ms. Romana Schweiger the Head of Rule of Law Unit of UNAMA in Kabul.....	2
❖ H.E Chief Justice of the Supreme Court meets the Head of European Union Delegation .....	4
❖ H.E Chief Justice of the Supreme Court Meets the New Ambassador of the Islamic Republic of Iran .....	5
❖ Acting Chief Justice of Supreme Court Meets Max Planck's Officials .....	7
❖ The High Council of Supreme Court Sessions Reports..	9
❖ Agreement letter signed between Supreme Court and Max Planck Foundation .....	14
❖ The basic Skills Training Program of Administrative System of the Courts was held .....	15
❖ News & Events: .....	17
❖ COUNTER- CORRUPTION .....	20
❖ Counter Narcotics and Intoxicants .....	36

## Meetings and Sessions

### **H.E Chief Justice of the Supreme Court meets Ms. Romana Schweiger the Head of Rule of Law Unit of UNAMA in Kabul**

H.E. Chief Justice of the Supreme Court met Ms. Romana Schweiger, the head of Rule of Law Unit of UNAMA in Kabul on February 12, 2020.



In this meeting, first Ms. Romana Schweiger talked about preparing the UNAMA annual anti-corruption report and expressed her gratitude towards the Judiciary for providing the required information about the which will be included in the report. Ms. Schweiger also added that the UNAMA office is ready to cooperate in order to fight against corruption and conduct explanatory conferences for Penal Code in different Zones of the country. Then H.E Chief Justice talked about the improvements in anti-corruption measures,

and the priority of the Judiciary in ensuring transparency, publishing the explanatory materials regarding the Penal Code Conference, reaching a decision on Civil Code explanation in cooperation with Egypt's legal experts, and the transparency in the process of written and oral exams of the judicial training course applicants, and hoped that the above mentioned improvements would be considered as the Judiciary's achievements in the final report. Both parties discussed further on the interested issues.

## **H.E Chief Justice of the Supreme Court meets the Head of European Union Delegation**

On February 13, 2020 Chief Justice of the Supreme Court met with Mr. Pierre Mayoudon, the EU Ambassador at the Supreme Court compound. In this meeting, the general measures taken to fight corruption in light of the Anti-Corruption Law, the National Anti-Corruption Strategy and other relevant policies of the government, as well as the status of fight against corruption in the Judiciary were discussed.



The EU ambassador was informed about the activities and achievements of the judiciary in combating corruption, identifying its perpetrators and arresting them, ensuring transparency in judicial procedures, and adhering to the laws and justice in delivering the verdict. Both parties discussed on other issues of mutual interest as well.

## **H.E Chief Justice of the Supreme Court Meets the New Ambassador of the Islamic Republic of Iran**

On February 13, 2020 H.E Sayed Yousuf Halim, Chief Justice of the Supreme Court met with Mr. Bahador Aminiyan the new ambassador of the Islamic Republic of Iran in Kabul. In this meeting, the ambassador of Iran talked about long-standing relationships between two Muslim neighbor countries. Mr. Aminiyan emphasized on the continuation of cooperation in various fields which will certainly lead to the development and improvement in both countries.



In order to achieve the cooperation among both countries a bilateral Memorandum is suggested to be concluded. The bilateral memo would include providing scholarships at the Masters level, conducting judicial seminars, exposure visits, and exchanging

judicial experience of the judges in both countries. Then, Chief Justice of Supreme Court congratulated Mr. Aminiyan for his appointment as Iran's Ambassador, adding that the two countries certainly have Islamic commonalities, legislative alignments, and similar legal-judicial systems and would welcome the opportunity for bilateral Memorandum on Judicial Cooperation to assist and build good relations between the two countries. Finally, the Ambassador of Islamic Republic of Iran, delivered the message of Head of the Judiciary of Islamic Republic of Iran regarding the invitation of Chief Justice to Iran. The invitation was accepted with gratitude, and its follow-up was emphasized through diplomatic channels.

## Acting Chief Justice of Supreme Court Meets Max Planck's Officials

On February 22, 2020, Mohammad Zamani Sangari, the member of High Council and Acting Head of Supreme Court, met with Mr. Wolf Plassman and Dr. Alaria, officials of Max Planck projects. In this meeting, Mr. Plassman talked about the activities of the Max Planck project to resume the previously stopped training programs of that project.



He added that a capacity building workshop for female judges has already been held in Kabul on the topics of fundamental rights, fair trial, judicial independence, and it is decided to continue these conferences not only to female Judges of Kabul, but to the female judges of Herat, and Balkh provinces as well. Although, Supreme Court's perspective was not to limit it to female judges only, however since it has been previously agreed with the Ministry of Foreign Affairs of Germany, therefore we have to implement the projects in cooperation with the Judiciary of Afghanistan, but we will consider it the future planning. On the other hand, Mr. Sangari, in



principle, has approved the cooperation of Max Planck activities in terms of capacity building within the Supreme court and promised to contact the General Administrative Directorate of the Judiciary and Judicial Training Directorate in order to specify the position of Supreme Court with respect to conducting such programs.



## The High Council of Supreme Court Sessions Reports

The High Council of Supreme Court held their regular sessions on February 11, 18 and 25, 2020 which were chaired by Sayed Yousuf Halim, the Chief Justice and discussed the agenda items. The most important approvals and resolutions which have been adopted in these sessions are reported as below:



❖ Chief Justice has provided information on his participation in the International Judicial Conference under the title of (Judiciary and the Changing World) held in India on February 22-23, 2020. The conference focused on ensuring the rule of law, interpreting the constitution, protecting human rights, international cooperation between the courts, the development of the judicial system, the role of the judiciary in protecting gender, transparency in the judicial process, and how public should access the judicial process. The conference opened by Narendra Modi, the Prime

Minister of India, and the participants discussed on the abovementioned subjects during the two-day conference, and the conference was concluded with a closing statement by the honorable Ram Nath Kovind, President of India. In addition, Chief Justice of Afghanistan met with H.E Sharad Arvind Bobde, Chief Justice of India and talked about the necessity of Bilateral Judicial Cooperation Memorandum, which shall include facilitation of exposure visits of Afghan judges to India in order to exchange their opinions. H.E Chief Justice Bobde has promised to work on the issue.



In response to media protests about restricting access to information in some institutions, including Supreme Court, the Supreme Court of the Islamic Republic of Afghanistan has emphasized its commitment to the principle of access to information under the access to Information Law. Furthermore, Supreme Court always complies with the policies and publishes and distributes reports through press conferences, web pages, and other

related publications. In addition, the Supreme Court has provided information to thirty thousand applicants through Case Management System in the past four years. In order to institutionalize access to information and make it easier for people, a specific office is proposed in 1399 management structure. The Supreme Court of Afghanistan also adopted specific “Procedure” stating, the procedure and methods of sharing the documents on Supreme Court’s website to satisfy the needs of applicant of information—in light of Access to Information Law, which is one of the commitments under the Open Government program and the first meeting of which was held by representatives of relevant departments, civil society and the Integrity Watch on 16 February at the Supreme Court compound. The mentioned activities with respect to access to information shows the belief of Supreme Court to be as transparent as possible and let the interested party know the procedure and status of their cases, therefore, there is nothing to be concerned about.

❖ With regards to the Judicial Opinion delivered by some Lower Level courts, on not having the authority, even though in some cases the authority has been delegated to the courts by Supreme Court, but still these cases happen in regular base. Therefore, the High Council called upon the Directorate of Inspection to inspect the following matter as well, when performing the assigned duties.

❖ With respect to approval No. 5 of the High Council of Rule of Law and Fight Against Corruption in order to respect the Rights of neighbor in cases of harm of building tall structures, some articles from

Civil Law and Municipality Law with this regard has been explained.

❖ The martyrdom of Judge Abdul Rahim Azimi, Head of primary court of Injil district of Herat province, who was martyred the day before by the enemies of peace and stability of Afghanistan, has been strongly condemned and condolences and sympathies to his family was expressed, and hoped that Allah grant paradise for the martyr.

❖ The Question of Ministry of Foreign Affairs of Afghanistan, on processing the Diplomatic Passport for government's current high officials, and previous officials. The Question referred by the courts in order to assume the judicial opinion to be final, judicial opinion on expiration of date, question pertaining appeal of judicial opinion, conditional freedom of prisoners, system of selling a property with a bank guarantee, and question pertaining the official document of a town which is an agricultural area were discussed and based on the enforced laws and regulation, related guidance has been provided.

❖ Charges attributed to one of the former judges of the Rig-e Takhta district in primary court of Kandahar Province which the dismissal was based on specified thing. Judicial Investigation his case was conducted and after the procedure, and hearings, according to Article 684 of Penal Code, he was fined with cash and was dismissed from Judicial activity within Afghanistan.

❖ Three appeals of General Directorate of Government Cases with the presence of the Deputy

Minister of Justice, the relevant prosecutors, representatives of client offices and around the cases has been investigated, according the requirements of Article 482 of the Civil Procedure Law, the necessary decisions have been taken.

❖ The Questions pertaining Civil Cases Appeal, court convertible request, the Inherent Issues of Judges and Judicial offenses, have been investigated, based on the request of the honorable general attorney office, authority of inspection for some criminal cases have been handed over to provincial courts.

### **Agreement letter signed between Supreme Court and Max Planck Foundation**

On 23 February 2020 the learning agreement letter signed between the Max Planck Foundation for global peace and rule of law and the Afghanistan legal research and development institute, the agreement letter signed by Judge-Javed Rashidi, general administrative director of the Judiciary, Wolf Plasman, Max Planck, Project general manager for Afghanistan, and Dr.



Lotfur Rahman Saeed, director of Afghanistan legal research and development institute,  
Based on this agreement letter, six training workshops will be held for women judges in Kabul, Herat and Balkh which will strengthen their professional capacity in the field of constitutional law, and the activities of this project will focus in particular on increasing the capacity of women judges to observe the fundamental rights in their cases, which will be coordinated and co-operated by the Supreme Court's Judicial training department.

### **The basic Skills Training Program of Administrative System of the Courts was held**

The basic skills of evaluation performance system training course held on January 26- 29 this year with the financial assistance (CHECCHI) ADALAT project held in Nangarhar, which included 50 primary administrative court staff a curriculum on basic principles of administration, in Kunar, Laghman, Nuristan and Nangarhar provinces. the training base on basic principles of administration, use of court books Courts ( from primary to differential) writing procedure, administrative instructions, writing, Inquiry, suggestion, reporting, performance evaluation cycle (planning, monitoring, and evaluating performance) the administrative system procedure of the court, the proceedings of the meeting focused on all its component types at the end of the program the participants evaluated the training effective and demanded to continue such programs and the program ended with the distribution of certificates.

#### **The judicial inspection evaluation session held**

On 26 January 2020 the Judicial Inspection Evaluation, administrative, and Operational meeting was held at the Supreme Court Compound. This meeting was held to discuss the implementation of Supreme Court's action plan to intensify the fight against bribery and corruption at the level of the judiciary during the third quarter of this year.

The meeting began with reciting the verses of Holy Quran by Qari. Abdul Razzaq, then comprehensive discussion conducted on the meeting agenda and it was



acknowledged that over the past three months, this Department has been able to arrest 10 individuals, including court officials and other people, who were taking money from the clients during their work in various courts. They arrested while they were receiving the money and their cases were pursued in the prosecutor's office. Finally, they also expressed their appreciation from those employees who had worked tirelessly on their entrusted tasks. Then the staffs working report was heard from different aspects of the work, the revealed gaps and shortcomings, and the necessary decisions have been taken and the authorities have already been notified to their important duties and responsibilities, and the meeting ended with prayer.

## News & Events:

On 22 January 2020 Kabul Province Court of Appeals, Dewans head commission meeting was held under supervision of Judge Merajuddin Hamedi, the Chief of appeals court. At the meeting, 22 different issues such as relevant court proposals, petitions of criminal cases base on salvation of dispute has been discussed and solved Including the cases that the dispute has been coming between the Courts. the decision has been taken to resolve the conflict and base on suggestions and tuitions, the decision has been taken and directed to the relevant authorities to act base on law to solve the Complicated problems.

On 13 January 2020 Judge Mohammad Sharif Fani, Head of Balkh's Appeal Court, met with twenty members of the Fisco Network, one of the projects of GIZ office, which include civil society activists, scholars and influential people of Balkh province, in his office. The meeting was about the use of informal justice in civil and personal matters, Head of the Court welcomed the members of the network, and talked about how civil cases are handled. Then Mr. Fani talked about the use of corrective measures in these cases, and finds the role of jirga and students useful. Finally, some questions were answered by the head of court and head of civil and appeals court and the meeting ended with prayer.

On 9 January 2020 Judge Sabghatullah Mushfiq, chief

of Jawzjan province Appeals Court in the presence of Judge Mohammad Tayeb, Chief of Civil Appeals court met with number of scholars and residents of the province who had visited the provincial courts and the Justice department. After welcoming of Chief of the Court, one of the participant describes the objective of provincial travel and Provided information about agreement of USAID's and Ministry of Justice in order to form local or informal councils. Then, Chief of Civil Court explained the procedure of Civil Law related cases from bottom until the end in Afghanistan's Judicial System. In addition, Chief of the court called such scientific trips useful, said that the exchange of ideas causes lawfulness of the society and public awareness and the implementation of the law in all areas of life is a fundamental requirement of every citizen of the country, during the meeting, the guests asked questions about the principles of the criminal procedure and explanation of some legal issues and the meeting ended with prayer.

On 20 January 2020 Judge Seyed Abdul Qayyum "Kamali" Chief of Nimroz Province appeal court met with delegation that had been inspected the attorney offices with the presence of Faisal ,Shirzad, Chief of appeals prosecutor in appeal court compound and provided information on efforts to combat corruption, coordinate with justice institutions and implementation of reforms and the delegation appreciated the co-ordination of the justice and judicial organization, in time decision taking for the cases and the dramatic changes that have been taken, were greatly appreciated and they emphasized that the achievements must be reflected.

On 20 January 2020 Judge Mufti Mohammad Wazir, chief of Badghis province appeals court with the presence of Judge Abdul Qahir Qaed Chief of the Public Security Court, civil society activists, university professors, and a large number of Qala naw citizens visit in his office and talked about efforts to ensure justice, equal enforcement of laws and serious fight against corruption and allegations of abuses in courts and civil society activists committed, to worked for the success of these efforts.

On 3 February 2020 Judge Sayed Abdul Qayyum Kamali Chief of Nimroz Province appeals court met with Sumoonwal Abdul Wali Safi the new provincial director of prisons and promised the cooperation of appeal court with the directorate of prison authorities, and the director of the prison thanked for their trust and expressed its serious efforts to fight against drugs, reforming prisoners in prison and respecting the convicts' human rights.

On Sunday 16 February 2020 Judge Shams uRahman Rais Khel Chief of Herat province appeals court met with a number of Kateb university law students in his office. Chief of Court welcomed the students and provided information on procedures of the court in various sections. With regard to the applicable laws of the country, he advised the students try to see the experiences of their professors and how to perform justice and judicial departments.

## COUNTER- CORRUPTION

### **A- Report of Judicial Activities of Kabul Anti-Corruption Primary Court**

#### **1- Reports**

From January 21 to February 19, 2020 Kabul province primary anti-corruption courts heard (8) criminal cases related to corruption crimes. In connection with these cases, 27 persons in accusation of abuse of power, taking bribes, deception and embezzlement have been arrested and 6 of them due to the lack of sufficient evidences were not found guilty and acquitted and 21 persons were sentenced to different punishments of imprisonment as fallow.



- One month to one-year imprisonment for 6 persons.
- One to five years' imprisonment for 10 persons.
- Convicted to Cash Crimes 5 persons.

Total convicted cash fine punishments of convicted is amount to (11524) US dollars.

**Chart (1) illustrates the number of convicted of the Kabul Province Anti-Corruption Court of February 2020**

No	Type of case	Number of case	Judicial decision							
			No 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	Cash penalty
1	Misuse of duty	۳	۱۲	۰	۷	۴	۱		۲	۱۸۱۸
2	Embezzlement	۱	۸	۱	۷		۷			
3	Bribery	۲	۳		۳	۲	۱			۴۰۳۸
4	Deception	۱	۳		۳				۲	۱۱۶۸
5	fraud	۱	۱		۱		۱			۴۰۰۰
Total		8	27	6	21	6	10		5	11524

Also, the mentioned court, during this time have issued judicial opinions on (5) cases and submitted to the relevant authority for completion of investigation gaps and defects.

**Chart (2) shows the judicial rulings of the Kabul Anti-corruption Primary Court**

No	Type of case	Number of case	Number of accused	Reason for ruling	Related reference
				Legal gaps and Defects	
1	Misused authority of duty	3	10	3	Prosecutor's Office
2	Treason	1	2	1	Prosecutor's Office
3	Embezzlement	1	۲	1	Prosecutor's Office
Total		5	12	5	

**2. Verdict Summary Samples issued by the primary anti-corruption Court of Kabul province**

**Verdict dated 8, February 2020,**

**Conviction of a professional member of foreign affairs department of Ministry of Labor and Social**

### **Affairs in taking bribe**

Base on official report of FCI Afghanistan office to national security about Cancellation of work permits of 42 employees of this company and one year has passed from its time. The cancellation has been kept from happening by official member of professional mobile care department of directorate of the foreign work Permit license distribution in Ministry of Labor, and Social Affairs. The official demanded 5000 Afghanis in Bribe per card for cancellation. According to the intelligence agency with the presence of two employees as a witnesses from the mentioned office, the accused person was arrested inside his office while he was taking the amount of 3000 US dollar. He then was introduced to the justice and judicial organization; the case was referred to Kabul province primary court for proceeding of corruption related crimes. Court hearing dated 8 February 2020 in the presence of both parties, the accused in the case of taking bribe amount of 3000 Us dollar, in accordance with provisions of Article 5, paragraph 1, Article 371, paragraph 1, Article 375 and paragraph 1, Article 385, panel code with the considering of Articles (213 and 214) of the mentioned panel code from the beginning of detention period is sentenced to imprisonment of three years and six months enforced imprisonment, equivalent cash fine to the bribery, and dismissal from the duty.

### **Verdict dated 11, February 2020**

### **Conviction of Bagrami district lands manager for taking bribe,**

One person mentioned in his petition to the directorate of national security (062) I am one of the retired officers of the Afghanistan National Army, after his retirement, in order to provide to his family, he started



buying and selling lands in accordance with law and regulations for the past year. During my work, I was introduced with Bagrami, district governor, a year ago. The district governor told me that he had some lands and would like to sell it. We both went to lands office of Bagrami district for checking the accuracy of the documents, officers of the lands branches and finance manager verbally assured me that the documents of the district governor are correct. While I contacted to process the land document, the property manager and finance manager told me to pay the bribe to provide the necessary information regarding to the land. According to this Bagrami land manager in the presence of assigned delegates from relevant departments have been arrested with (20000) twenty thousand US dollar that has already been marked in eleventh district of Kabul. The case has been referred to the primary court of anti-corruption of Kabul province on 1398/11/22 equivalent 11 February, the judicial hearing was held in the presence of both parties and unanimously the court convicted the lands manager of Bagrami district in the case taking bribe amount of US \$ 2,0000 In accordance with the provisions of paragraph (6), paragraph (1), Article 371 and paragraph (2), Article 375, and paragraph (1) Article (385), with the provisions of Article (213 and 214) of penal code from the beginning of detention period is sentenced to imprisonment of seven years imprisonment, equivalent to bribe cash fine, and dismissal from the duty.

**Verdict Summary Samples issued by the primary anti-corruption Court**

**Verdict dated 2, December 2019**

**Conviction of Khost municipality mayor and staff in accusation of deception and misuse of authority of**

**duty,**

On 1398/8/4 equivalent 26 October 2020 three Khost municipality officials arrested by Khost province national security personnel in case of deception in the city services credit voucher sheet and have written in their statements that we had to do this deception according some compulsions and we had to pay the amount of (70,000) monthly Afghanis for the Khost Provincial guest house under directions of financial and administrative authority of Khost municipality with the guidance of mayor. Although there is no document or protocol between Khost province Municipal and Khost Mayor. The municipality paid monthly (70,000) Afghanis for the expenditure of Khost Guesthouse, located in the provincial command center headquarters, which was built for the meeting to honor the tribal jirga guests they are coming from Kabul in the mentioned guesthouse. This guesthouse has rest rooms and conference rooms. the Municipal stated that the governor is boss of our area, and I accepted his request. The request was verbal on the amount of (70,000) Afghani monthly. Money was paid through financial and administrative officer for guesthouse, the finance officer of the municipality stated in his statement that for eight or nine months he has paid seventy thousand Afghanis per month for the provincial guesthouse. Of course, the mentioned money has given throw agreements of provenience and municipality authorities, the municipality officer has written in his own statements a year and six months ago I was employed in the province municipality and I worked as an officer in the entrance gate, which I have increased the municipality's revenue from two million to four million Afghanis, on behalf of myself seventy thousand

Afghanis has paid monthly from this revenue to the financial officer and then throw it paid to the guesthouse. When the voucher sheets were checked, the entrance gate authorities distributed the revenue paper of city services to the divers in amount of (5500) Afghanis and only wrote (500) Afghanis. In their initial research, the accused wrote that they had some reasons for this and it was coercive payment of 70000 by the guidance of Municipal and it has paid throw financial officer for the two staff of guesthouse for expenditure of guesthouse. The accused was introduced to the justice and judicial organizations, the case was referred to the primary court of heavy crimes of corruption, judicial hearing dated 1398/9/11 was held in presence of both parties and unanimously the court convicted, which was held with the presence of both parties in the case of accused financial and administrative officer Khost municipality on 25 allegations case abuse of power, In each case according provision paragraph( 1 ) article 285 penal code with respect to articles 57 and 17 of the penal code for term of three month imprisonment in total according article 158 the mentioned code sentenced to six years and three month enforcement imprisonment, and in the accusation of 25 items deception according paragraph (1) article 313 penal code with observation paragraph (2) Article (145) mentioned with the consider article 17 and 57 penal code, in each case six months imprisonment in accordance with article 158 the mentioned law sentenced twelve years and six month enforcement imprisonment, Because the deception crime have been committed with the aim of abuse of power related to each other and non-separable, the punishment of deception is more sever according article 156 penal

code sentenced to twelve years and six months of enforced imprisonment applicable on him. And the accused employee Shahidan entrance gate in one case partnership misuse of duty according paragraph (1) article 285 penal code with the observation of article 58 panel code for three month enforcement imprisonment and in 28 items misuse of duty according paragraph (1) article 285 panel law with observation of articles 17 and 57 panel code In each case for a total of three months enforced imprisonment according article 158 the mentioned law enforced seven year and three month enforced imprisonment and in 29 case accusations of deception in each case according paragraph 1 article 313 panel law with the observation of paragraph (2) article 145 panel law with the observation of article 17 and 57 panel code enforced six month enforced imprisonment in total according article 158 the mentioned law sentenced fourteen year and six month enforced imprisonment, Because the deception crime have been committed with the aim of misuse of duty they are related to each other and non-Separable, fourteen years and six month enforced imprisonment for the punishment of deception is more sever according article 156 panel law applicable on him, and the gate's other employee in 11 case of accusation misuse of duty according paragraph (1) article 285 panel law article 17 and 57 penal code in each cases enforced three month imprisonment, total according article 158 the mentioned law tow year and nine month enforced imprisonment and in 11 case deception according paragraph (1) article 313 penal law with the observation of articles 17 and 57 penal code with the consider paragraph (2) article 145 the mentioned law in each case three month enforced imprisonment in total

according article 158 penal law sentenced punishment to five year and six month enforced imprisonment. Because the deception crime have been committed with the aim of misuse of duty they are related to each other and non-decomposable enforced imprisonment to five year and six month the deception crime punishment is more severe according article 156 penal code applicable on him and the accuse mayor of Khost province in the accusation misuse of duty according paragraph (1) article 285 panel law and with the observation article 17 panel code sentenced eleven month enforced imprisonment, and from the accusation of deception according article 25 constitution and article 5 penal code due to lack of sufficient evidences was not found guilty and acquitted and the accused previous governor of khost province in the accusations of abuse and deception claimed by Prosecutor according article (5) penal code and article 5 procedure of penal law due to lack of sufficient evidences he was acquitted.

### **C) Kabul Anti – Corruption Appellate Court Report and Judicial Activities**

#### **1) Report**

From January 21 to February 19, 2020 Kabul province appellate courts against corruption crimes heard around (9) criminal cases related to corruption, in connection with these cases, 18 persons have been arrested on charges of misuse of power, taking bribery, embezzlement and deception. And (5) persons were acquitted due to lack of sufficient evidence and 12 persons have been convicted to various imprisonment as below.

- 1 month to 1-year imprisonment 5 person.
- 1 year to 5 years' imprisonment 2 person.
- 5 years to 15 years' imprisonment 2 person.

- Convicted to cash fine 4 persons.  
Total Amount of cash fine, 5433 US Dollars.

**Chart (3) shows the statistics of appellate courts of combating corruption of Kabul province in the month of February 2020**

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 during the duty	2	2	1	1				1
2	Taking bribe	4	4	1	3	3	2	2	3
3	Deception	2	2		2				
4	Embezzlement	1	0	3	2	2			
TOTAL		9	8	5	3	5	2	2	4
									5433

Also in this period the court has issued judicial rulings on (5) 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 courts of combating corruption of Kabul province for the month of February 2020**

No	Type of cause	No/ case	No / accused	The cause of ruling	Related authority
				Legal gaps and Defects	
1	Misused authority of duty	1	4	1	Prosecutor's Office
2	Treason	2	14	2	Prosecutor's Office
3	Bribery	1	2	1	Prosecutor's Office
4	Possession of Illegal weapons	1	1	1	Prosecutor's Office
Total		5	21	5	Prosecutor's Office

**2. Verdict Summary Samples of Kabul Anti-Corruption Appellate Court**

**Verdict dated 14, February, 2020**  
**Convictions of tow custom officers of Hamid Karzai airport in the case of taking bribery,**

On 1389/ 4/12 based on efforts of security officer in Hamid Karzai International airport in the arrival of Ariana Airways Dubai-Kabul flight, during passenger control and taking custom clearance of Baggage's. One person with five cartons under the following ticket numbers (73470), (73490), (73424), (73439), (73465) was spotted and the security officer asked for the custom clearance paper, the person was not able to provide one and told that he gave the money but did not receive the paper. The issue had been investigated, and the property of the person sent to Inquiry at the customs authorities to be specified and custom was needed to be specified. The accused person during the investigation said that he had been working in the shop for eight months, according to the direction of his employer, he goes to the airport to the receive the shop goods under the ticket numbers of passengers and I carried the goods to the scanners, then the custom employees said you must pay your goods custom and said you should pay 2000 tow thousand Afghani per carton and later on two other employee came, and told that I should pay 5000 five thousand per carton and finally I told them I only have seventeen thousand Afghanis. The custom employees agreed to my seventeen thousand but said, that I should give the money somewhere else, and they chose the bathroom and that is where I gave the money to the customs employees. Later on the custom employees were arrested by the assigned delegation in the case of (17000) Afghanis in bribe and they were introduced to the justice and judicial organization, the case has been referred to the primary court of anti-



corruption of Kabul province on 1398/8/28 equivalent 19 November the a judicial hearing was held in the presence of both parties and the court unanimously convicted two custom employees of Hamid Karzai airport in the case of taking bribe in the amount 17000 Afghani; according sub- paragraph (2) paragraph (1), Article (371), paragraph (2) article (375), and paragraph (1) article (385) with the observation of articles (213,215) of penal code each one eight months of enforced imprisonment, equivalent cash fine of taken bribery, and dismissal from the duty, and the other accused shopkeeper in the case of bribery amount of seventeen thousand Afghanis and the smuggling of five women's veil cartons worth \$2820 with the consideration of article 212 of Criminal Procedure law, according sub - paragraph(2) paragraph 1 article (372) and sub - paragraph(1) article (385) and sub-paragraph (1) article (779) of Penal Code with the observation of article (76) mentioned code cash fine of Six times of the bribe paid and Confiscation of the smuggling property according to article 384, but due to dissatisfaction of assigned prosecutor the case was referred to the Kabul province's appeals court of combating against administrative corruption, the court in its judicial session dated on 1398/11/25 unanimously affirmed the bottom court's decision in the presence of both parties.

**Verdict dated 27 January, 2020**

**Conviction of Azizi bank customer service employee in the case of deception,**

On November 21, a customer of Azizi Bank opens a dollar account in Azizi bank at Qula Fathullah branch and added money to his account. After adding the money on November 24 the agent of customer services,

arranged the ATM card in the absence of the customer and collects an amount of money from ATM without a customer's request, until he withdraws sixteen thousand US dollar from customer bank account by ATM card without customer request. when the customer comes to the bank and wants to get his money, he sees that there is no money in his account, then Azizi Bank's internal audit inspected the issues, and they found out that Azizi Bank customer service staff had arranged an ATM Card and he was constantly getting money, therefore he was arrested and introduced to justice and judicial institutions. The case has been referred to primary court combating corruption of Kabul province, the court in its judicial session dated on 1398/8/27 unanimously accused the former customer service employee of Azizi bank in the case of deception in public services according paragraph (1)article 438 penal code with observation of articles 231 , 214 mentioned code sentenced to two years enforcement imprisonment beginning from the date of detention and in the case of embezzlement due to lack of sufficient evidence, according to article 235 panel code Procedure and article 5 of penal code acquitted from embezzlement, but due to dissatisfaction of assigned prosecutor the case was then referred to the Kabul province appeals court combating against administrative corruption, on 1398/11/7 the judicial hearing was held in the presences of both parties and the court unanimously, according to article (54) law on Organization and Jurisdiction of the Judiciary Branch of Afghanistan, the decision of primary court combating against administrative corruption, in the case of deception was approved, and In the case of embezzlement was void and the accused person in the case of deception,

according paragraph (1) article (438) penal code with observation of articles 213 and 214 mentioned code from the beginning of detention period is sentenced to imprisonment of three years enforced imprisonment, and in the case of embezzlement in the amount of sixteen thousand US\$ dollar, according to paragraph (4) article (392) and paragraph (2) article (398) Penal code observing articles (213) and (214) mentioned code sentenced to imprisonment of three years and six months enforced imprisonment and dismissal from the duty. Since, the two crimes were related to each other and according to verdict in article (73) Penal Code, the more severe punishment, exclusion from the profession, and dismissal from duty are the punishments applicable on accused person.

**B) Report and Judicial Activities of appellate court of combating Public Security Crimes of Nangarhar province**

**3) Report**

On 23 November 2019 to 19 February 2020 Nangarhar Province appellate courts for combating public security crimes heard around (9) criminal cases related to administrative corruption, in connection with these cases, 13 persons have been arrested on charges of misuse of power, taking bribe, Illegal extortion and deception and (1) person was acquitted due to lack of sufficient reasons and 12 persons have been convicted to various imprisonment as below.

- 1 month to 1-year imprisonment 5 person.
- 1 year to 5 years' imprisonment 1 person.
- Convicted to cash fine 6person.

Amount total cash fine of convicted 4012 US Dollars.

**Chart (3) shows the statistics of primary courts of combating public security crimes**

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	Cash penalty
1	Misuse of authority during the duty	۶	۷		۷		1		6	۴۰۱۲
2	Taking bribe	۱	۱		۱	۱		2		
3	Deception	۱	۳	1	۲	۲				
4	Illegal extortion	۱	۲		۲	۲				
TOTAL		9	13	1	12	5	1	2	6	۴۰۱۲

## **2. Summary of examples of appellate court of combating public security crimes Nangarhar province.**

**Verdict dated 1398/9/27 equivalent 18 December, 2019**

### **Conviction of Nangarhar investigative prosecutor of primary military prosecutor's office for the abuse of duty**

Case files on one accused after judicial decision of appeals court for military crimes in Nangarhar province from prosecutor general's office referred for investigative prosecutor to resolve defects and completing the investigation, during the investigation in case the prosecutor demands one television and a large refrigerator, the accuse has complained and has written to the directorate of control and care of attorney general office that one of the prosecutors of the military investigation, prosecutor office Nangarhar province has requested a refrigerator from me, the arrest plan have been prepared by directorate of control and care of

the prosecutor general office and Nangarhar security command and the prosecutor has been arrested by assigned delegation of directorate control and care of the prosecutor general office and Nangarhar security command while he was receiving the items and introduced him to the justice and judicial sectors. The case has been referred to the first district public security Nangarhar province's court. At the judicial session on 1398/8/4 equivalent 26 November 2019 the court unanimously accused the investigation prosecutor of military primary prosecutor office in the case of misuse of authority during the duty with direction of paragraphs (1-2) article (403) Penal code, sentenced to punishment of 110000 cash fine, exclusion from the profession, and dismissal from duty. But due to dissatisfaction of the accused the case has been referred to the appeal court of public security of Nangarhar province. Court at the hearing on 1398/9/27 equivalent 18 December 2019 unanimously based on reasons according to article 54 the law on Organization and Jurisdiction of the Judiciary Branch of Afghanistan, and paragraph (1) article (267) criminal procedure code has confirmed the decision of the Primary Court.

**Verdict dated 15 January, 2020**

**Conviction of Surkh road district Crime Investigation Branch of Nangarhar province negligence in duty**

Base on petition, one of Nangarhar resident's stated that his four hereditary land, which had a registered record on Surkhrud district Primary Court, they took a decision regarding the accuracy of deed, one of the four pieces of land was Usurped by two people and Surkh road district police Commander directed criminal investigating officer to stop land usurpation, the

criminal investigating officer did not obey the direction of commander to stop the land usurpation, due to inobservance of command and orders, he was introduced to justice and judicial sectors. The case has been referred to primary court of public security crimes of Nangarhar province, court at the hearing on 1398/9/6 equivalent 27 November 2019 unanimously with the presence of both parties; the accused criminal investigating officer of Surkh road district in the case of disobedience and negligence in accordance with the direction of paragraph (1) article (407) Penal code convicted of (50000) Afghanis cash fine. Due to lack of satisfaction of accused the case has been referred to the appeal court of public security of Nangarhar province, the court at the hearing on 1398/10/25 equivalent 15 January 2020 with the presence of both parties in light of article 54 of the law on Organization and Jurisdiction of the Judiciary Branch of Afghanistan and paragraph (1) article (267) criminal procedure law confirmed the decision of the Primary Court.

## 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 From January 21 to February 19, 2020 for around 61 related different types of cases of drugs has judicially proceeded and required decision was taken. Regarding to these cases around (104) persons in accusation of smuggling and carrying drugs were arrested and out of these, 4 of them were acquitted because of lack of enough evidences and 100 of them went under trial and were convicted into different imprisonment of punishments.



- Imprisonment 1 year to 5 years 41 person.
- Imprisonment 5 years to 15 years 30person.
- Imprisonment 15 years to 20 years 16 person.
- Imprisonment 20 years to 30 years 8 person.



- Convicted to cash fine 5 person.

In connection to abovementioned trials the verdict has been issued to eliminate amount of (1509. 806) kg of drugs and 46.274 liter types of drug.

**Table (1): statistics of judicial performances of special primary court of intoxicants and narcotics**

SI number	Type of case	Number of case	Amount of items	Judicial Decision						
				Number of accused	Acquittal	Number of convicted	Number of enforced prisoners			
							imprisonment 1-5 years	5-15 years imprisonment	15-20 years imprisonment	20-30 years imprisonment
1	Methamphetamine	30	۱۱۲,۹۷۴	48	2	46	22	15	7	
2	Morphine	4	۶۳,۱۱۰	12	2	10	1		2	3
3	Heroin	19	۱۳۱۴,۷۱۷	31		31	12	6	7	4
4	Hashish	5		6		6	4	1		1
5	Opium	1	19	1		1	1		2	
6	Alcohol drinks	1	۱۴,۸LT	5		5	1			
7	Acid	1	۳۱,۴۷۶ LT	1		1				
Total		61	۱۸۰,۶۱۰,۹	104	4	100	39	22	16	8
										\$ ۱,۰۰۸,۰۰۰

## 2. Verdict Summary Samples of Anti-Narcotics Special Primary Court

**Verdict dated 9, February 2020**

**Thirteen years of imprisonment in accusation of smuggling in quantity of 4.732 kg Heroin**

Department of Border Control directorate of fight against drugs in Herat province's security commander with the coordination of Herat airport border police assigned prosecutors for the purpose of check and consolidation of drug traffickers in the form of abdominal. they started checking in Baggage area

during check and control one passenger, the main resident of Nangarhar province, who wanted to fly by Ariana airlines flight to India was carrying two bags with him, and it was searched at the result, drug has been found inside the bag and the accused was willing to cooperate and provided information about exact location and address of the owner of drugs. The assigned delegation entered the area and controlled the area at the result of searching a carton of paper with twelve hair color, two bottles of printer color containing drugs was found. In connection with the case the owner was also arrested. In presence of all, the total net weight of drugs obtained (4.732 kg) of heroin was weighed and stabilized, and the case has been referred to the special primary court of combating intoxicants and drugs. The court in the judicial session dated 1398/11/20 in presence of both parties unanimously, in the case of smuggling quantity of 4.732 kilogram of heroin beginning, from the date of detention according sub-paragraph (5) paragraph (1) article (302) Penal code sentenced to thirteen years and six month enforced imprisonment, and other accused In the case of the carrying of (4.26) kilograms of heroin according paragraph (5) sub- paragraph (1) article (302) in light of articles (213, 214 and 87) of Penal code sentenced to five years of imprisonment and also two sets of cellphones with its SIM card obtained from the accused, US \$ 300, 21918 Afghanis the flight ticket money, and 450 AFS cosmetics sales, according to article 32 of Anti-Narcotics Law has been confiscated and according article 19 mentioned law of the elimination of (4.732) kilograms heroin verdict has been issued.

**Verdict dated 29, January 2020**

**six years of imprisonment in accusation of smuggling quantity of (3.980) Heroin and one kg MethAmphetamine**

Base on phone information, Department of Information and Investigation Directorate of combating against narcotics in Herat province a Truck in transit carried a certain quantity of heroin hidden on it and the driver wanted to carry it to Iran. The vehicle was located in Islam Qula border custom area. the anti-narcotics directorate personnel have been assigned zero ground of border, which was later reported truck has been in the queue according to the information provided by the Information and Investigation Department. With the help of border police border the car was specified and stopped at customs entrance door, subsequently the vehicle has been transferred to the directorate of combating against drug and at the presence of delegation searching and as a result seven – pack of heroin, three crystal packages and half a liter of chemicals under the name of methamphetamine have been discovered, the accused person has been arrested and introduced to justice and judicial sectors. The case has been referred to the special primary court of proceeding the anti-narcotics, the court in its judicial session dated 1398/11/9 unanimously, in presence of both parties, in the case of carrying quantity of (3.980) kilograms of heroin from the beginning of detention days according sub- paragraph (3) paragraph (1) article (302) Penal code and in light of article (61) of anti-drug Law sentenced to six years and Three months of imprisonment. In addition, in case of smuggling of 1 kg of MethAmphetammine in light of Sub-Paragraph 5

Paragraph 2 Article 302 of penal code and in light of article 61 of Anti-Narcotics Law, sentenced to Six Years and two month and 25 days so imprisonment. According to article 73 Penal code the more severe sentence of six years and three months' imprisonment is applicable on him. Also two sets of cellphones with its SIM cards according article 32 Law on Anti- Narcotic and according to article 19 mentioned law issued verdict on confiscation of quantity of (3.980) kg of heroin and (1) kg of methamphetamine.

**B) Report of the judicial performances of Anti-Narcotics Special Appellate Court**

**1. Report**

Appellate court of anti-narcotic from January 21 to February 19, 2020 have judged around 73 cases related to types of narcotics and issued judgements. In connection to these cases around 99 persons in accusation of smuggling and carrying drugs were arrested. Out of which 3 persons were acquitted because of lack of sufficient evidences and 96 of them were sentenced to different period of imprisonment as follow:

- Imprisonment 1- 5 years 29 person.
  - Imprisonment 5 – 15 years 34 person.
  - Imprisonment 15 – 20 years 27 person.
  - Imprisonment 20 – 30 years 20 person
  - Convicted cash fine 3 people.
- Also in relation to abovementioned cases amount of 3273.225 kilograms of drugs discovered and 355 liter seized.
- Total cash fine convicted 4650 US dollar

**Table (1): illustrates judicial performance of special appellate court of anti- narcotic**

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	Cash fine
1	MethAmphetamine	۳۲	۴۴,۶۰۲	۴۴	2	۴۲	۱۷	۱۹	۶		2014
2	Opium	۱۰	۱۲۹۲.۰	۱۰	۱	۱۴	۱		۱۳		۹۰۹
3	Hashish	۰	۹۲۰	۷		۷	۲	۰			
4	Morphine	۳	۰۲,۶۰	۳		۳			۳		
5	Heroin	۱۸	۹۰۸,۲۷۳	۲۱		۲۱	۳	۱۰	5	3	1338
6	Tablet K	۱	gr۲۰	۲		۲	۲				
7	Cooperation with the traffickers	۳		۶		۶	۳				۳۸۹
8	Alcohol drinks	۱	LT۳۰۰	۱		۱	۱				
Total		73	۳۲۷۳.۲۲	99	3	96	29	34	27	3	۴۶۰.

## **2: Verdict Summary Samples of Anti-Narcotics Special Appellate Court**

**Verdict dated 27, January 2020**

### **Sixteen years of imprisonment in accusation of smuggling the quantity of 20 kg opium**

Base on prior information of colleague on drug dealing under the name of opium, by a resident of Mazar-e-Sharif, directorate of anti- narcotic personnel of Balkh province, with the participant of appeal prosecutor representative of Balkh province took action, first, three of their colleague act as purchasers with a corolla vehicle and moved to the target location, the colleague vehicle was followed and finally stopped behind the door of accused house. The permission of homeowner was also obtained; the phone contact has been provided with the colleague when two accused person brought

the opium to our colleagues. The assigned delegation took action and have arrested while they were dealing drugs under the name of opium, and as result of laboratory test it has been confirmed that it is opium, in consideration of registry form it has been weighed and confirmed the 20 kilograms' opium. The case has been referred to the primary special court of anti- narcotics, the court in their judicial session dated 1398/10/2 with presence of both parties unanimously decided that in case of Trafficking the quantity of 20 kilograms' opium, type of drugs, according subparagraph 6 paragraph 1 article 304 of penal code from the beginning of detention sentenced to sixteen- sixteen years of enforced imprisonment and according article 32 anti- narcotic law, one set cellphone with its SIM cards was confiscated and according to article (19) of the mentioned law the court has issued a verdict for elimination of seized items, 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 1398/11/17 unanimously, based on article 54 of law on organization and jurisdiction of judiciary Branch of Afghanistan and article 267 of criminal procedure law confirmed decision of the primary court.

**Verdict dated 28, January 2020**

**Sixteen years of imprisonment in accusation of carrying quantity of 10 kilograms Methamphetamine and (28) kg of opium**

Based to prior information, Nimroz security police department of anti-narcotics personal, that one of retired officers of protection headquarters of Kamal khan dam, has carried drugs by a vehicle without a plate number from Maldaran village city of Zaranj to Chahar Berjak district Nimroz province. Which the

security officers took action and a checkpoint was built in the public road, the vehicle was identified and recognized, and stopped—while moving from Maldaran village to Chahar Burjak district—during the checking and searching and as a result of that (10) kg methamphetamine and (28) kg opium with gun type of Kalashnikov, with handheld stand was embedded. Related to the case, the accused person has been arrested, and the case has been referred to the primary special court of anti- narcotics. The court in their judicial session dated 1398/9/25 with presence of both parties unanimously decided that in case of carrying the quantity of 10 kilogram methamphetamine according subparagraph 5 paragraph 2 article 303 of penal code to sixteen years imprisonment and in the case of carrying the quantity of 28 kilogram opium according to direction of sub –(6) paragraph (1)article 303 penal code to sixteen years sentenced punishment with in light of article (73) of penal code the more severe is due to carrying quantity of (10) kilogram Methamphetamine and thus, applicable on him. In the case of driving without plate number carrying drug according to article (560) penal code in the amount of 20000 Afghanis cash punishment with observation of article (75) penal code punishment of sixteen years imprisonment and 20000 Afghanis cash punishment are subsequently applicable on him; also according to article (32) on Anti- Narcotic law one set cellphone with its SIM card and amount of (840) Afghanis earned from sales of fruit and puffs packet which was the way of hide the crime and amounts of (28) kilograms of opium and (10) kilograms of methamphetamine obtained in accordance with article (19) Seized and the drugs shall be extinguished. Due to lack of satisfaction

of the accused, the case entered into appellate court of proceeding drug crimes and the court in its judicial session dated 1398/11/8 with presence of both parties, based on article 54 of law on organization and jurisdiction of judiciary power and sub – paragraph (2) article (17) of Anti-drug and toxicant Law and paragraph (1) article 267 of criminal procedure law confirmed decision of the primary court.