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# Meetings and Sessions

## The High Council of Supreme Court Sessions Report

The High Council of Supreme Court held its regular session on March 24, 2020, presided over by Sayed Yousuf Halim, the Chief Justice, and discussed the agenda items. The most important approvals and resolutions which have been adopted in the session are reported as below:



First, in order to take appropriate precautions and preventive measures against the Coronavirus Disease (Covid-19), the council directed the general administrative directorate of the Judiciary to comply with the ministry of public health guidelines instructed by the President's order and in addition to taking appropriate precautions, the general administrative directorate of the Judiciary was instructed to closely observe its implementation by the judicial and

administrative staff, too.

The high council of Supreme Court sessions reports of 1398 AHS were evaluated. The High Council held a total of 63 regular and special sessions last year in which the trial procedures of six judges accused of corruption were completed according to article 133 of the Constitution and disciplinary procedures were initiated against 67 judges due to the breach of their duties. Furthermore, the council took necessary decisions on conflict of territorial and subject-matter jurisdiction of courts, instruction demands from judicial and non-judicial authorities, extradition requests, suggestions for revision on final decision of courts and applications for change of venue in criminal and civil cases. A total of 296 rulings, 968 approvals and 482 judicial notes of the High Council of Supreme Court were issued to their relevant authorities for the implementation.

The instruction-demands obtained from Ministry of Interior Affairs, Independent Directorate of Local Governance, General Directorate of State Lawsuits and Bagram Appellate Court regarding parole conditions, status of legal documents existence for the inheritance letters tax delivery, Red Cross properties to be considered governmental or non-governmental and ambiguity in criminalizing banditry (banditism) in Penal Code were reviewed and necessary instructions based on statutes of law were given accordingly.

Considering the reports of Judicial Inspection

Directorate, 9 judges from Maidan Wardak, Laghman and Kunduz Appellate Courts faced disciplinary procedures.

With the consideration of requirement Inspection reports, (9) judges from the appeal courts of Maidan Wardak, Laghman and Kunduz provinces who did observed the legal directions; In related implementations, the necessary disciplinary penalties have been imposed on to them.

Later, a number of requests for appeals in the decisions of the three courts, transformation of the court in criminal and civil cases, and inherent issues of the judges has been solved and in every case, the necessary decision has been taken and also at the request of the General Attorney office, a number of (60) criminal cases was handed over to the appeal courts of Nimroz, Herat, Badakhshan, Helmand, Badghis, Nangarhar, Khost, Paktika, Sarpol and Faryab Provinces.

**The activities report on achievements of the Judiciary in ۲۰۱۹ financial year was presented in the framework of reporting to the nation program.**

With the implementation of Islamic republic of Afghanistan's President order the activities and achievements of the Supreme Court in the framework of the reporting program to the nation on 2, march, 2020 presented by Mr. Javid Rashidi, the head of general administrative directorate of the Judiciary While the heads of the central offices of the supreme court,



the head of the Kabul Provincial appeal court and the Judiciary were present, and some heads of the courts were presented at the government media center in the presence of the media. In this

ceremony, first Mr. Rashidi expressed the position of the judiciary in the lights of the country constitution and then by presenting information about the level of formation of the Supreme Court in 1398, the principle formation of the judiciary, the principle formation of employees and administrative staff he also presented a key report on the number of female judges and staff in the judiciary.

Based on this report, the supreme high council has hold 79 ordinary and extraordinary hearings about issues raised in 954 approved, 495 notes and 280 judicial appointments has been issued, and also four judges sentenced on accusation of corruption and two judges were dismissed considering the inspection and investigative reports. 138 judges after the proofed their violations, the necessary disciplinary penalties have been imposed on them. Similarly, in the level of primary and appeals courts of the Supreme Court in total of 106045 cases has been solved, including 916 cases related to the implementation of primary and appeal courts of corruption, and 282 confiscation cases related to governmental property and 2838 cases related to violence against women is at the level of primary and appeal courts .

Also, since the establishment of special tribunals on cases of confiscation of governmental property,

in the last two years and six months the Supreme Court public rights division has solved 461 cases in appellate level ,277 rulings have been issued in favor of the government and the return of 414113 jerib of confiscation land has been ruled in favor of the government.

Also, in the reporting ceremony regarding the cases under the jurisdiction of the special courts of ministers, it was stated that one of the eight cases solved by issued the verdict and it has been closed and the remaining seven cases have been returned to its authority by issuing judicial orders to fill the defection and gaps, and right now there is no case is pending in this court.

Similarly, the reports related activities in the section of drafting of a laws , relevant regulations and requirements , how to report on work and court activities relevant regulations activities related to the coordinating committee of Justice and Judicial institutions, under the chairmanship of chief of Justice, the process of reforming the administrative departments of the judiciary in financial year In two stages, 235 administrative positions have been competed online and the process is continued. capacity building programs have been developed for judges 78 programs with the participation of 1555 judges and for administrative staff with the implementation of 174 programs 2756 employees have been trained.

The process of taking the judicial training course entrance exam for the thirty-first round 9520 applicants have registered online and their entrance exam have been taken from the national office of Concours, based on the highest score of 600 people, including 424 males and 176 females, have been shortlisted and subject to a written test and monitored by 17 national and international observers , anti-corruption activities involving during this year 65 persons including 2 judges, and 3 administrative employees and scribe, 2 defense lawyers and other person has been arrested by the name of taking commission during the case management system formed by the leadership board member, the rules of its operation have been settled and its technical problems will be evaluated by statistics office and the issues of completing of its transfer plan to the government of Afghanistan will be finalized by the central statistics office and the ministry of communications and information technology. Institutionalization of public judicial meetings, judicial Publications and judicial education for public awareness, providing information on normal and development budget of the Judiciary, status of buildings and infrastructure issues and explanations about the action plan of the judiciary related to the indicators of capacity building, administrative reform, combating corruption, public



awareness, transparency and accountability, and reviewing laws and regulations related to the judiciary have been implemented regularly, unfortunately due to lack of budget, the activities not done in the description of civil and commercial laws and infrastructure issues of the judiciary comprehensive information provided to the nation, later at the end of the report, the medias asked various questions and the necessary and comprehensive response was provided by the head of the general administrative directorate of the Judiciary and the director general of the Judicial Inspectorate in each cases.

## Capacity building workshop in economic and financial affairs of justice and judicial staff for judges and prosecutors

On 2, March, 2020 a fifteen-day's workshop for the judges, prosecutors and employees of the justice and judicial departments, in order to improve the capacity of financial and economic affairs, the work shop has been held officially in the judicial education department of Supreme court.



At the beginning of the ceremony, Dr. Abdullah Atai, chief of judicial training the technical member of the mentioned department, Farid Ahmad Nouri, Professional member of the technical and development advisor to the private sector Khalil al-Rahman Burhani the chief executive of hurakat

noor administrative Alum Heidari, the head of department of economic development at Da Afghanistan bank, and a number of judges and prosecutors have been participated, the meeting began with the recitation of Holy Quran, Then head of judicial education, Abdullah Atai welcomed the participants and presented comprehensive information on the objectives of the meeting and the importance of the workshop, he added that such as meetings play a good role in improving the capacity building of judges and prosecutors, following this, the professional member of that department provided a brief statement to the workshop the chief executive officer of the movement added that there was no shortage of laws and policies in Afghanistan, but unfortunately the Afghan businessmen and capitalists failed to implement it, referring to the office of the movement, he said that the office was established in 2008 with the financial support of the United Kingdom, which has so far funded a large number of such projects in the country at the director of the department of economic development of Da Afghanistan bank he said, he committed to continuing his assistance in meeting facilities for such as workshops.

**Report of the activities accomplished by the  
directorate of capacity building and  
performance evaluation**

Planning activities in 1398 department of capacity building and performance evaluation, from the beginning of the year, according to the action plan of the judiciary, a five-year training plan, human resource management strategy, which includes five key indicators for predicting (78) training programs in the design and implementation phase, monitoring and ensuring the timely realization of the coherence of performance evaluation (445) of civil service employees of the center and provinces, participated to reform committees (160) announcement post, administrative references; proposal ,master programs, daily affairs, management, control, supervision and leadership of the office and ensuring the implementation of employee, under the hierarchy formulation of educational manuals introduction to educational programs based on needs assessment and exams were planned inside and outside of the country, and the following results were obtained.

١- Holding (170) training programs for judicial, administrative and service employees of the center and provinces which was beneficiaries reach to (3064) person.

- ۲- Preparation and arrangement of a comparative performance evaluation plan for (545) central and provincial staff and preparation of a face-to-face monitoring plan for (66) central staff.
- ۳- Presence supervision from the annual performance evaluation process of (66) central civil Service employees.
- ۴- Collecting, registering the database, duplicating and writing (281) of the work evaluation form and the recent work report of the staff of the center and provinces, as a result, their proposal and purpose were implemented step by step higher wages.
- ۵- Covering (563) persons of illiterate and less literate service personnel in literacy courses with the cooperation of central departments and the provincial appeal courts in coordination with the Ministry of education.
- ۶- Reflowing guidance of administrative correspondence accordance to the Supreme Court policy to the central departments and (34) of the province to coordinate the uniform procedures in accordance to the mentioned guidelines according to the Supreme Court authorities directions.
- ۷- Sending a sample work plan to (106) person

of civil service employees whose employed in a free competition in the central departments of the Supreme Court (general directorate of human resources, general directorate of finance and administration and the department of Policy and Planning).

۸- 8- Compilation of (7) new educational and development modules (15) educational modules that were developed in previous years.

۹- Analysis (985) of the effective form of educational programs in the field of work, the general results attached in the report.

۱۰- Analysis (374) effectiveness of literacy form which was the results attached to the report.

۱۱- Conducting meetings of the principals and managers of the department once a week, general meetings of the personnel of the capacity development department and evaluation of the performance once every two weeks and contingent meetings to hear the problems of the colleagues as necessary.

۱۲- (2704) written imported and exported documents and (1784) written documents has been included in the receipt book, about (1400) official e-mails have been exchanged with the

appeal court of the province and partner institutions.

۱۲- 13- checked and evaluated the academic records of (65) person, in the number of (61) qualified persons from the employees of the administrative departments of the Supreme Court and Provincial Centers to participate in the preliminary exam of master's and doctoral scholarships in 1398 and 1399, equivalent to 2019 and 2020 India (ICCR) they have been introduced to the Ministry of higher education.

۱۴- After a telephone interview with (6) judges of the criminal section for identification and knowledge of their English language proficiency, two people introduced to the Civil Service Institute of the independent administrative reform commission to participate in Criminal Justice-Focus On Investigation, Prosecuting, Adjudication and International Cooperation.-Japan, training program.

۱۵- Introduced and coordinated the participation one of female employee from the Balkh appeal Court to the training program entitled (International training program on project and Risk management) from India to civil service institute

independent administrative reform and Civil service commission.

၁၆- Introduced two judges to participate in the training program (Leadership in Governance Court), Singapore, to the civil service institute of the independent administrative reform and civil Service commission.

၁၇- Introduced 12 judges from commercial section department to a training program entitled Implementing bankruptcy law in India.

၁၈- Introduced 4 judges to a training program entitled judicial exchange program on arbitration - in Malaysia in the primary stage.

၁၉- Introduced two employees to the training program entitled (Executive certificate for strategic management corruption program) to the Civil Service Institute of the independent Administrative reform and civil Service commission.

၂၀- Introduced two employees to the training program entitled managing gender issue in complex societies to the Civil Service Institute of the Independent Administrative Reform and Civil Service Commission.

၂၁- Preparation and arrangement of the approximate expenditures of administrative



corruption education programs accordance with the indicators of the Judiciary's action plan for 1399 and send it to the policy and planning department for the purpose of obtaining its adaptive budget.

۲۲- Preparation and coordination in concluding a memorandum of cooperation between the Judiciary and the University of Kardan and Introduction (1) employees of the Supreme Court so far offered a 30% discount on bachelor's degree in the faculty of law.

۲۳- Conducted coordination meetings with foreign institutions (J.S.S.P, CHEICHI, UNDP) to funded planned training programs.

۲۴- Conducting meetings, sending opinions, structure and following up on the issue of creating and strengthening the human resource information management system (HRIMS) with general financial and administrative departments, policy and planning and easy service management according to the educational needs of the department.

۲۵- Submit of (281) evaluation forms of the annual performance of employees of the center and Providences to the document store for

attachment in the document collection data office of the evaluated employees.

۲۶- Presence monitoring of evaluation performance of six months of the new employees.

۲۷- Establishment of the second equipped training center for capacity building with the financial cooperation of the Afghan Justice Sector Support Institute at the Supreme Court headquarters.

۲۸- Participation in various committees to reached the aim (7000) applications to (162) post with the cooperation of the general directorate of human resources and the department of employment and document collection data department at all stages (Long List, short List and written and written exams) in the first stage.

۲۹- Participated in various committees in order to reach (7173) requests to (72) post online through the cooperation of the general directorate of human resources and recruitment and document collection department (Long List and short List) in the second stage, the test will be taken in the year of 1399.

۳۰- Provided proposal, contract letter text of

financial documents (30) master's scholarship to Kabul University.

۳۱- Monitored the work continuation according to the plan, the necessary guidelines for saving the documents and records of the office in the form of files in relevant sections.

**The management and supervision training program was held in appeal courts of Kandahar and Helmand provinces.**

On 9 -11 February 2020 the management and supervision training Program was held at Kandahar appeal court of with the financial support of Afghanistan justice Sector (JSSP), which the administrative staff of Kandahar appeal courts were participated the program focused on the basic principles of management, manager and management, management practices, the manager basic tasks, management levels, the manager skills, management methods, definition of supervision, differences in monitoring and evaluation, monitoring of adaptive planning, how to monitor and evaluate, which was presented by the instructor of the capacity building and performance evaluation department, the participants evaluated the training program as important and positive, and the program ended with the distribution of certificates to the participants.

### **The evaluation session of the judicial control and surveillance directorate was held**

On 24 March 2020 the judicial control and surveillance directorate's evaluation session was held and talked on administrative and operative issues to implement the action plan of the Supreme Court for the purpose of intensify fight against bribery and corruption in the judiciary courts level during the first month of this year at the head of the judicial care office headquarters.

The meeting began with the recitation verses of holy Quran after that a comprehensive discussion took place on agenda and over the past month, a number of court officials have been arrested on suspicion of embezzlement and abuse, and their cases have been referred to the prosecutor office. Also, those staffs who had made tireless efforts in carrying out their duties it was also expressed gratitude to those who had made tireless efforts in carrying out their duties subsequently, the work report of the staffs in various fields of work was heard and the gaps and shortcomings indentified Necessary decisions took place and mentioned to the employees to pay attention on their serious duties and responsibilities the meeting ended with a prayer of goodwill.

### **Training seminar report of the in-service judges of judicial training directorate**

On 22 - 26 February 2020 the seminar of special part of the penal code (crimes against persons, property and chastity) the IDLO project was set up a training for 24 in-serving judges for Kunduz and Baghlan provinces, In judicial education headquarters center, and business law and civil law seminar was held for 29 in – servant judges of Nangarhar, Laghman, Kunar and Nuristan provinces from 10 – 15 / 12/ 1398 equivalent to 29 February, 5 March in Qasr-e-Safsid hotel in Nangarhar province, also, the seminar on trade law and civil law (family law) was held on 17 – 22 equivalent to 9- 12 March 2020 for 29 in- serving judges in Balkh, Faryab, Samangan, Jawzjan and Sar-e-Pul provinces in the hotel of Ghazanfar tower in Balkh province by the support of ADALAT Project.

## News & Events

On 29 February 2020 Coordination meeting of justice and judicial organizations of Kabul province was held at the headquarters of the appeals court, under the chairmanship of Judge Merajuddin ,Hamed, chief of appeal court with the participation of the deputy governor, the six section stakeholders officials, directorate of data information, head of the municipality property , head of urban planning and land and capital zone .

The meeting began with the recitation of holy Quran, then discussed on obstacles and problems of the work in public utility projects such as the mystical project, the Bibi Mehro road project, the Logar cable road project, the Paduleh desert project, the ring road on both sides of the Kabul river and other projects, which its work in priority for the relevant departments of the province, were discussed, and which administrative their work in not going as good as It was marked and the necessary decisions have been taken and guidance was given to the relevant departments to prevent the negligence and not sending unnecessary messages and emphasized to accelerated of implementation of performance .

On 10, February 2020 Judge Mufti Mohammad

Wazir, head of the Badghis province appeal court He met with Seyed Javad state accountant and Abdul Khaleq "Jakfar, the small tax payer of that province in his office.

In this meeting, they discussed and exchanged their views about the issues of taxation and collection of the courts revenues to collect it on time the head of the court stated that in reviewing the provisions of the country applicable laws and approvals of co-ordination and timely enforcement of the courts regarding tax cases and persons prohibited from leaving, taxpayers who have not paid their dues in legal terms it will followed up by the competent court, the court will took action as soon as possible according with the provisions of the law and state accountant appreciated coordination of the courts with the relevant department and solve the related causes on time about financial affairs and the appreciate letter referred to the chief of the court for the excellent service aims to reach on specific financial goals.

On 10 ,February 2020 Judge Mohammad Wazir, head of Badghis appeal court met in his office with Seyed Rahim Mosleh the chief national security Abu Bakr Khan and Ghulam Yahya Khan, deputies of the national security directorate, at first head of national security added the connection between security of the courts and added that the security forces are responsible for ensuring the security of



the judges of the courts, they have to covered the security of judges and courts in terms of operative and physical security, afterwards chief of the court expressed his gratitude for the cooperation chief of national security said that the appeal court had full coordination with all government departments, especially with military and judicial security officials, with good intentions, good relations and mutual respect in the separation of tasks and competencies in the Justice and Judicial meetings committee and try to solve the problems fundamentally and legally of the justice and judicial departments.

On 2, February 2020 Judge Gholam Sakhi Habib chief of Faryab province appeal Court met with chief and staff of the department of urban development and land affairs.

In this meeting, they talked about the responsibility transfer protocol, arranging the registration and issuance of the deed (definitive sale and allowable sale) the opinion was exchanged between the Supreme Court and the Ministry of urban development and Lands administrative the head of urban planning demanded the exits copy scan of collaterals documents from the document store and chief of the court after receiving the official request from the department of urban development promised to cooperate in this field after receiving the guidance from the Supreme

Court.

From date 13 June -17 March 2020 As a result of efforts of Capacity building department and evaluation performance in Coordination with the ministry of education Islamic Republic of Afghanistan memorandum of understanding, literacy course for illiterate and less literate service staff of Kabul province appeal court and supreme court was held in training center of capacity building department and the participants have been introduced to the ministry of education to continue the next process and know the level of their education and preparation of certificates introduced them to the ministry of education.

According to the direction of paragraph 2, article 5, Procedure of the committee to combat violence against women and children, the committee for combating harassment of Women and Children of Baghlan province appeals court under the chairmanship of Abdul Khalil ,Akbari, the editor directorate of appeals court with the membership of Narges ,Sadat, has held a meeting with the administrative officer of the reservoir directorate and Abdul Zahir ,Sharifi, the director of editorial offices of Pul-e-Khumri city court and he held his first meeting on the provisions of the procedure and how it will be implemented in the workplace, with the considering the ethical principles and good management of leadership the appeal court

did not find any case of harassment of women and children in the province courts, Mutual respect, respect for rights and good relations between male and female employees and the situation is completely satisfactory.

On 14, March 2020 Judge Fazl al-Hadi ,Fazel, the head of the Kunduz Province appeals court , planted 200 ornamental saplings in a series of activities in cooperation with the staff of the preservation and care Personnel department planted the trees in the courtyard of the appeal court for the freshness and greenery, chief of the court considered that saplings is effective in protecting the environment and preventing air pollution, and he considered it is one of the Islamic and religious aspects, and he directed the caretakers to take care of maintain and irrigate the planted sapling.

On 9, March 2020 Judge Gholam Sakhi Habib, chief of Faryab province appeal Court , Maulana Abdullah, chief of the city primary court , Judge Samira Nemati, chief primary court of violence against women, and Ahmad Khaled Amini, chief of appeal court violence against women, the women who were honored through the women's office of the Afghan women's office, received their appreciation letters during a meeting in appeal court hall by the chief of women's office for Afghan Women.

On 14, March 2020 Judge Sammar ,Omari , chief of Laghman province appeal court met with Mohammad Asif Nang,, the province governor. During this meeting, both sides discussed various issues and exchanged views, such as ensuring the security of judges and courts, how to solve existing problems and challenges at the end of the province governor expressed his satisfaction with the performance of courts and promised any legal cooperation with the courts.

## COUNTER- CORRUPTION

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

#### ١- Reports

From 20, February to 19, March 2020 Kabul province primary anti-corruption courts heard (20) criminal cases related to corruption crimes' In connection with these cases, 39 persons in accusation of abuse of power, taking bribes, deception , embezzlement, treason, and Illegal



acquisition of weapons have been arrested the number (12) of them, due to the lack of sufficient evidences were not found guilty and acquitted and (27) person were sentenced to different punishments of imprisonment as fallow.

- One month to one-year imprisonment for 6 persons.
- One to five years' imprisonment for 5 persons.
- Five to 15 years' imprisonment for 1 persons.
- Convicted to Cash Crimes 15 persons.

Total convicted cash fine punishments of convicted is amount to (21754) US dollars.

Chart (1) shows the number of convicted of the  
Kabul Province primary Anti-Corruption crime  
Court in month of March 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	1-5 years imprisonment	5 - 15 years imprisonment	Convicted of cash crime	Cash penalty
1	Misuse of authority of duty	٦	١٢		١٢	١	١		١٠	7272
2	Embezzlement	١	٢		٢	٢				
3	Taking bribe	٧	٨	١	٧	١	٤	١	١	12859
4	Deception	٢	٧	١	٦	٢			٤	1623
5	Treason	٣	٨	٨						
6	Illegal acquisition of weapons	1	٢	٢						
Total		20	39	12	27	6	5	1	15	21754

Also the mentioned court during this time, they have issued judicial rulings on 7cases and submitted to the relevant authority for completion of investigation gaps and defects.

**Chart (2) describes the judicial rulings of the  
Kabul primary criminal court against  
corruption in the month of March 2020**

No	Type of case	Number of case	Number of accused	Reason for ruling	Related reference
				Legal gaps and Defects	
1	Misused authority of duty	۳	۱۳	۳	Prosecutor's Office
2	Electoral crimes	۱	۳	۱	Prosecutor's Office
3	Embezzlement	۲	۵	۲	Prosecutor's Office
4	Deception	۱	۴	۱	Prosecutor's Office
Total		7	25	7	

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

**Verdict dated 24, February 2020**

**Conviction of two investigation prosecutors of  
southwest zone in the cause of bribery,**

Base on a petition letter of one person to the chief of judicial control he was arrested by police almost two months ago on charges of armed robbery and five murders, later on introduced to the prosecutor office and he was under supervised in Kabul province supervision house and his related case was under investigation by general attorney office, and two prosecutors are demanding 10,000 US dollar from him, he added mean while I am a broad the country they have been accused me and the prosecutors told that we are a team. If you pay the money, we will prove

your innocence, the complainant after bargaining he has made an agreement with the prosecutors for (USD 6,000) after the negotiations, and made the recorded audio tape available to the assigned delegation to substantiate its claim, and according to the information received, after receiving the guidance of the competent authority, the amount of (6000) USD of the operative money of the department of control and care of the general attorney office marked, he was handed over to a colleague and the colleague went to the area, the accused person received the money at the same time, the assigned delegation took action and arrested the accused during the escaping, and he received \$ 6,000 and another \$ 100 counterfeit money from him, and the accused introduced to the Justice and judicial organizations, the case has been referred to the primary court of anti-corruption of Kabul province on 1398/12/5 equivalent 24 February the judicial hearing was held with the presence of both parties, and defense lawyer accused prosecutor for the south west zone Investigation in the case of taking bribe amount of 6000\$US dollar according subparagraph 5 paragraph 1 article 371, paragraph, paragraph 1, article 375 and paragraph 1 article 385 with the observing articles 211 and 213 panel code from the beginning of detention period is sentenced to imprisonment of



seven years and six month enforced imprisonment equivalent cash fine of taken bribery and dismissal from the duty, and the other investigation prosecutor of south west zone in the case of bribe mediation , the amount of six thousand US dollars according to sub- paragraph 5 paragraph1, article 372, article 373, paragraph 1, article 375, article 382 and paragraph 1 , article 385 in By observing articles 211 and 213 penal code panel code from the beginning of detention period is sentenced to imprisonment of four months enforced imprisonment equivalent cash fine of taken bribery and dismissal from the duty, and in the case of amount of 100 US dollars was forged according to sub- paragraph 1, paragraph 1 of article 286 and article 182 penal code, sentenced to imprisonment for four months and confiscation of counterfeit money and in the case of keeping unauthorized one pistol , according articles 536 and 545 panel code sentenced to thirty five thousand Afs and confiscation of mentioned weapon, also according paragraph 2 article 14 panel code the mentioned accused to indemnification amount of six thousand US dollar they have been sentenced to punishment , and there is no unity purpose in the above-mentioned crimes committed that brings these crimes together, according article 75 penal code, the fines imposed on each other can be applied

according convicted fines can be applicable one after the other on them.

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

**1) Report**

On 20, February to 19 March 2020 Kabul Province appellate courts against administration crimes heard around (7) criminal cases related to corruption, in connection with these cases, 10 persons have been arrested on charges of misuse of power, taking bribery, embezzlement, and deception , and one person due to the lack of sufficient evidences was not found guilty and acquitted and (9) person have been convicted to various imprisonment as below.

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

Amount total cash fine of convicted 3298 US Dollars.

**Chart (3) shows the statistics of appellate courts of combating corruption of Kabul province in the month of March 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	Cash penalty
1	Misuse of authority during the duty	۱	۱		۱				844
2	Taking bribe	۲	۰		۰	۳	۲		
3	Embezzlement	۲	۲	۱	۱	۱			
4	Taking bribe	۲	۲		۲		۲		2454
	TOTAL	۷	۱۰	۱	۹	۴	۴	۱	3298

Also in this period the court has issued judicial rulings on (4) 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 in the month of March 2020**

No	Type of cause	No/ case	No / accused	The cause of ruling	Related authority
				Legal gaps and Defects	
1	Embezzlement	۳	۱۲	۳	Prosecutor's Office
2	Treason	۱	۸	۱	Prosecutor's Office
Total		4	20	4	

## **2. Verdict Summary Samples issued by Kabul Anti-Corruption appellate court**

**Verdict date 25, February 2020**

### **Convicted of general director of market regulation in Kabul 11th district for bribery**

According to a source of operative information, the director of the 11th district market regulation has demanded 35,000 Afghanis bribes from cart owner to allow them in the 11th district to continue selling their wares after documenting the scene and plan, in the presence of assigned prosecutor and the directorate of security and tow assigned colleague to deliver the marked money to the directorate of marketing regulator who contacted with him and promised to the money outside the district area the assigned delegation have seen the process of delivered marked money to the directorate of marketing regulation inside the car taking the money, and while the car was moving, the assigned delegation took action and the accused threw out the money from the car windows the assigned delegation arrested him with the money and introduced him to the justice and judicial organizations, the case has been referred to the primary court of anti- corruption of Kabul province on 1398/9/4 equivalent 26 November 2020 the judicial hearing was held

with the presence of both parties, unanimously the accused General Manager of Market Regulation prosecutor, Allegedly, the defendant accused the general director of market regulation of district 11 of Kabul Municipality in the case of taking bribes amount of (35,000) thirty-five thousand Afghanis according to the rulings of sub-paragraph (1), paragraph (3), article (371), paragraph (2), article (375) and paragraph (1) article (385) penal code, with observing articles 213 and 215 of mentioned code sentenced to one year and one month enforced imprisonment and cash fine amount of taking bribe 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 1398/12/6 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 1 article 267 of criminal procedures court, the issued decision of primary court of anti-corruption court of Kabul province has been unanimously and the appellate court, in case of demanding thirty five thousand 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 for

one year and one month including detention and supervision days of enforced imprisonment and cash fine equal to demanded amount of bribe and removal from the duty.

**Verdict date 7, March 2020**

**Convicted the engineer of building control in the eighth district of Kabul**

A member of the Kabul city eighth district building control board blocked a building in the western part of the Hiwad Wall block that destroyed his previous release home and rebuilt it to the fourth floor, and wanted to further build his building however, the owner of the building requested the control manager of the building during a telephone call to did not disturb him in the construction of the building, the construction control manager does not accepted the owner's request and the building owner continues to work, until the control manager went to the area with several of his employees and destroys part of the seventh floor of the building. subsequently, another person identified himself as brother of the owner's and said that he was the owner of the building and had permitted to his brother the construction work and promised to met with the member of directorate of engineering in Paul pagh Aumomi and the owner of the building demands that he continue his work against payment of \$ 2000 US Dollar the district engineer accepted his request and want him to pay the

mentioned amount after that the owner of the building had a phone call said could not bring him the money and would bring the money the next day tomorrow in Paul pagh Aumomi while delivering the money he was arrested by the general directorate of national security officers and introduced to justice and judicial institutions court at the hearing dated 1398/10/17 equivalent to 7 January 2020 in presence of both parties unanimously the accused, member of directorate of control constriction district eight municipality of Kabul in case of taking bribe amount of 2000\$ US dollar according sub paragraph 5 paragraph 1 article 371 paragraph 2 article 375 and paragraph 1 article 385 panel code with the consider of articles 213 and 214 the mentioned code from the beginning detention days sentenced to two years and six month enforced imprisonment and dismissal from 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 of article 54 of Law on Organization and Jurisdiction of the Judiciary dated 1389/10/ 17, issued decision primary court of anti-corruption court of Kabul province.

## Counter Narcotics and Intoxicants

### 1: Report

Primary court of intoxicants and anti-narcotic from 20, February to 19, March 2020 around 94 of related different type of case of drugs has judicially proceeded and required decisions were taken. Regarding to these cases around 124 persons in accusation of smuggling and carrying drugs were arrested and out of these, 4 of them because of lack of enough evidences were acquitted and 120 of them because under trial and were convicted into different imprisonment of punishments.



- Imprisonment 1 year to 5 years 66 person
- Imprisonment 5 years to 15 years 34 person
- Imprisonment 15 years to 20 years 17



person

- Imprisonment 20 years to 30 years 3 person

In connection to abovementioned trials the verdict has been issued to eliminate amount of (43236,312) kg of drugs and 3200 liter types of drug.

**Chart number (1) statistics of judicial performances of special primary court of intoxicants and narcotics in the month March 2020**

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	Amphetamine	۳۳	۱۲۱۱,۰۲۰	۴۳	2	۴۱	۲۱	۱۲	۸	
2	Morphine	۰	۶۱,۴	۷	1	۶		2	۱	۳
3	Heroin	۲۶	۴۹۸,۶۸۱	۳۱	1	۳۰	۲۳	۰	۲	
4	Hashish	۱۱	۱۱۱۷۰,۴۸	۱۸		۱۸	۹	۹		
5	Opium	۹	۱۲۴۱,۰۳۷	۱۰		۱۰	۴		6	
6	Chemicals	۰	27924,94	۸		۸	۰	۳		
7	Tablet K	۲	۲۵۰ دانگ ۲۴۹,۰۳۷ gr	۳		۳		3		
8	Hashish seed	۲	۱۱۲۸	۳		۳	۳			
9	Alcohol drinks	۱	۱۳۲۰۰ Lt	۱		۱	۱			
Total		۹۴	۴۳۲۳۶,۳۱۲	۱۲۴	۴	۱۲۰	۶۶	۳۴	۱۷	3

**2.Verdict Summary Samples issued by primary special court of intoxicants and drugs**

**Verdict dated 25, February 2020**

**Eleven years of imprisonment in accusation of keeping quantity of (155) grams Mat Amphetamine**

Base on secrete sources information, the Herat anti-narcotics directorate that one of the drug dealers and sellers in the area has been selling narcotics on a mobile basis. the source uses operative tactics to communicate with sellers and demanded drugs, the second time, the source has contacted with the drug seller and he was supposed to sell him (100) grams of glass in exchange for 3,000 Afghanis, the process was reported to department then the officials assigned to arrest them, and tow accused person have been arrested ,from their pockets, the amount of (155) grams of methamphetamine founded, 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 1398/12/6 in presence of both parties unanimously the of two another accused in the case of trafficking drugs quantity of (155) gram Mat Amphetamine according sub paragraph (5)

paragraph (2) article (303) panel code from the beginning detention days every one of them were sentenced to ten years and one month enforced imprisonment and in the accusation of sale of drugs to addicts according article (311) the mentioned code days every one of them were sentenced to one year and six month enforced imprisonment based on provision of article 75 of penal code period of 11 years (7 months, 25 days) punishments are applicable and enforceable on him and one set mobile with its SIM cards according to article 32 of Anti-Narcotics Law the confiscation and according to article 19 the mentioned law about seized amount of 155 grams Mat Amphetamine court has issued a verdict for elimination the seized items

**Verdict dated 8, March 2020**

**Sixteen years of imprisonment in accusation of trafficking quantity of (9,875) Kilo grams Mat Amphetamine**

Based on the previous information that a multi-person network of drug traffickers, their leader is in Pul-e-Charkhi prison in Kabul they were involved in drug trafficking, base on information that the above network smuggled some drugs from Helmand province with special tactics inside to Kabul city and hid them in a residential house. Sensitive investigation in order to arrest the drug with its suspects, the issues has been on operative

and investigation stage , they were infiltrate inside the network at first, the brother of the person in prison imprisoned a small amount of the drug type of glass referred like sample for the colleague, and then the colleague provided the available sample of drug to the sensitive investigation department after analyzing and evaluating the issues, the department concludes that the purchase process should be started in order to catch the drug and its perpetrators, according to the plan, an agreement reached between the colleague and assigned officer and the network of drug traffickers, to deal ten packets of drugs type of glass, according to the plan, during the sale of drug, they were arrested by assigned officer with 9,875 kilograms of The case has been referred to the primary special court of anti- narcotics, the court in their judicial session dated 1398/12/18 with presence of both parties three person of accused unanimously in case of smuggling quantity of 9.875 kilogram methamphetamine from the beginning of detention and supervising days according sub – paragraph (5) paragraph (2) article (303) and compliance with article (61) penal code every one of them were sentenced to sixteen years enforced imprisonment and in the accusation of keeping half gram heroin according sub- paragraph (1) paragraph (1) article (302) penal code sentenced four month imprisonment

also in the case of keeping three thousand counterfeit money according article 286 penal code has been sentenced to six months' imprisonment, according to article 75 penal code in a total sentenced to sixteen years and six month enforced imprisonment applicable one after the other applicable and enforceable on them, also the court issued a verdict to confiscation of mobiles with its SIM cards and 200 US dollar and 4500 Afgani also based on article 32 Law on Anti-Narcotic issued verdict on confiscation amount of 9/875 kilograms obtained mat amphetamine and amount of 3000 counterfeit money issued verdict to confiscated.

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

### **1. Report**

Appellate court of anti-narcotic from 20, February to 19, March 2020 around 58 cases related to types of narcotic judicially were proceeded and the court decision. In connection to this these cases around 86 persons in accusation of smuggling and carry drugs were arrested out this 7 person of them because of lack of sufficient evidences acquitted and 79 of them were sentenced to different period imprisonment.

- Imprisonment 1- 5 years 19 person
- Imprisonment 5 – 15 years 31 person
- Imprisonment 15 – 20 years 20 person

- Imprisonment 20 – 30 years 9 person

Also in relation to abovementioned cases amount of 1518,881 kilograms of drugs discovered and 51,476 liter seized.

Total cash fine convicted 3440 US dollar

**The chart number (1) illustrates judicial performance of special appellate court of anti-narcotic in the month of March 2020**

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	Ampheta mine	۲۴	۱۲,۰۰۰	۳۰	۳	۷۱۴	۲۲	۳۱	۰۱	۴	
2	Opium	۶	۳۲۹	۶			۶			۶	
3	Hashish	۳	۸۱۷	۰		۲۰۹	۰		۴		۱
4	Morphin e	۶	۷۷,۱۲۴	۱۸	۲	۷۷۹	۱۶		۶	۶	۴
5	Heroin Chemical item	۱۷	۲۸۳,۲۰۲	۲۰	۲	۱۶۸	۱۸	۰	۰	۴	۴
6		۲	LT۰۱,۴۷۶	2			2	1	1		
Total		58	1518,881	86	7	3440	79	19	31	20	9

**2: Summary of issued verdict of special appellate court of combating intoxicants and drugs**

**Verdict dated 16, March 2020**

**Ten years of imprisonment in accusation of trafficking quantity of ( 1,500)Kilo grams**

## Heroin

Base on a colleague, a man in a vehicle car type of Zarange a quantity of drugs hidden on it, and it i was moving from Arghandab district to Kandahar city, directorate of discovering of third district officials of Kandahar city in Kotal Baba area identified the car and stopped as a result of physical checked of inside the mentioned car, the amount of (2.36) kg of material under the name of heroin, which was skillfully embedded, was discovered and confiscated, and the accused arrested with his criminal partner, 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 1.500 kilogram heroin type of drugs, based on confession according to paragraph (5) sub - paragraph (1) article (302) penal code from the date of arrestment sentenced to ten year and six month imprisonment punishment and in the amount of (2.36) kilograms of parestamol and caffeine under the name of heroin according to sub - paragraph (5) paragraph (1) article (302) with observation of article (50 and 52) of the mentioned penal code has been sentenced to one year imprisonment , according to article (73) the above-mentioned penal code, the most severe punishment, which is imprisonment for ten years

and six months was specified, and the accused his criminal partner in connection with the case of transferring the amount of (1,500) kg heroin based on confession according to sub - paragraph (5) paragraph(1) article (302) with the observation of article (87) and (213 and 214) mentioned penal code, validity from the date of arrestment for a period of five years sentenced imprisonment, and the transferring of amount (2.36) kg of parastamol and caffeine for the purpose of heroin according sub paragraph (5) paragraph (1) article (302 with the observance of article (50 and 52) the mentioned code sentenced to one year imprisonment according to article (73) the mentioned penal code, the most severe punishment, which is imprisonment for five years, has been specified, and the case of driving without plate number and license according paragraph (1) article (506) with observation of article (78) penal code sentenced to 20000 twenty thousand Afghani cash fine, and according sub – paragraph (1) article 308 the mentioned code and article (32) of anti-narcotics law the issued a verdict for confiscation of one vehicle type of Zarange and two set mobiles with its SIM cards, and according article (19) the mentioned law court issued a verdict for elimination obtained drug. 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 1398/12/26 unanimously based on article 267 of criminal procedure law and paragraph (2) article (17) Anti-Narcotics law confirmed the decision of the primary court.

**Verdict dated 18, March 2020**

**Sixteen years of imprisonment in accusation of trafficking quantity of ( 66)Kilo grams opium (4,700)kilogram Morphine, Acidic anhydride, and (78) kg Hashish .**

According to a telephone report, a Hindu vehicle was driven by a resident of Salarzi village, Balkh district, Balkh province; directorate of anti-narcotics department stopped the vehicle type of Hino as a result of checking amount of, 66 kilograms of opium, 78 kilograms hashish 7,400 kilograms morphine, which was skillfully embedded informant of the car body discovered and confiscated the accused introduced to the justice and judicial organization, the case has been referred to the primary special court of anti-narcotics, the court in their judicial session dated 1398/12/3 with presence of both parties unanimously was decided that in case of carrying quantity of 66 kilogram opium type of drugs, According to sub - paragraph (6) , paragraph (1) article (304) penal code for the term of sixteen years imprisonment, in the amount of (4,700) kg

of morphine according to sub -paragraph (5) paragraph (1) article (302) the mentioned code sixteen years imprisonment and in the amount of (31.0476) liters of acidic anhydride according to sub -paragraph (5) paragraph (1) article (303) the mentioned code imprisonment for sixteen years and in the amount of (78) kilogram hashish according to sub- paragraph (7) paragraph 1 article (305) the mentioned code sentenced imprisonment ten years, according to article (73) the mentioned code , sentenced enforced imprisonment for sixteen years in the case of amount of (66) kilograms of opium and also according article 32 the law on combating intoxicants and drug, issued verdict on confiscation of 2 set mobiles with its SIM cards and 2000, also a decision has made to eliminate the drugs, 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 1398/12/28 unanimously in the presence of both parties based on article 54 of criminal procedure law and paragraph (2) article (17) Anti-Narcotics law confirmed the decision of the primary.

