

Table of Contents

❖ Meetings and Sessions	2
❖ Chief Justice of the Supreme Court Meets the Head of Rule of Law Unit of UNAMA	2
❖ The High Council of Supreme Court Sessions Reports..	5
❖ Acting General Administrative Directorate of the Judiciary participated in the UNDP meeting, which was held to evaluate the situation of the justice and judicial organizations, via video conference	9
❖ Report of Judicial Activities of Central and Provincial courts on violence against women and sexual assault In 2019.....	13
❖ News & Events:	20
❖ COUNTER - CORRUPTIONS.....	23
❖ COUNTER Narcotics and Intoxicants.....	33

Meetings and Sessions

Chief Justice of the Supreme Court Meets the Head of Rule of Law Unit of UNAMA

On April 13, 2020, Sayed Yousuf Halim, Chief Justice of the Supreme Court had a teleconference with Ms. Romana Schweiger, Head of Rule of Law Unit of UNAMA in Kabul, as per her request, in the presence of judge Jawed Rashidi, acting general administrative directorate of the judiciary to discuss issues related to the implementation of Special Decree of H.E. the President regarding pardon and commutation of the prisoners' sentences and postponement of investigation and reprieve from sentence due to the spread of coronavirus pandemic.



Chief Justice of the Supreme Court explained that the President's decree is emphasized on two parts, the first of which is related to pardon and commutation of prisoners'

sentences, the authority of implementing this part of the decree is given to the commissions under the chairmanship of the deputy governors, according to which about 95% of the decree have been implemented and the prisoners and those under confinement who satisfied the conditions of the decree have been released due to coronavirus pandemic, however, the second part of the decree is related to the postponement of investigation and reprieve from the punishment of the accused and convicts in which the cases haven't been finalized or they have been finalized but the convicts are subject to the obstacles set forth in article 350 of the Criminal Procedure Code. In this part, the postponement or reprieve suggestion is made by the provincial prosecution office, under the instruction of Attorney General's Office, to the Heads of Courts. In this regard, the high council of supreme Court, by postponing the sentence enforcement mentioned in article 330 of the Criminal Procedure Code, delegated authority to the central and provincial Courts of Appeal to take appropriate actions regarding suggestion letters of the prosecutor's office and take prompt steps to implement the decree.

During the conference, Ms. Schweiger expressed her concern about people's problems regarding the suspension of courts' activities. Chief Justice responded that it is a global issue and all countries in the world are facing problems today due to the widespread of the coronavirus, and of course, Afghanistan is no exception, but fortunately, the courts are active and providing judicial services in most of the provinces and their relationship with the center is ensured in various ways. Ms. Schweiger also asked about the measures taken by the Judiciary to combat the

coronavirus about which H.E. Chief Justice provided information stating that despite the budget restrictions, efforts have been made to cover the minimum needs by using the emergency funds, but if the situation persists, we may face more problems.

Ms. Romana Schweiger stated that they will study the possibilities of cooperation with the Judiciary and also consider the possibilities of assistance to the Supreme Court in a session scheduled to be held on Tuesday via Skype in the presence of Supreme Court's representative. Acting General Administrative Director of the Judiciary was assigned as the Supreme Court's representative in the meeting.

The High Council of Supreme Court Sessions Reports

The High Council of Supreme Court held its regular sessions on March 31, April 14 and 21, 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 sessions are reported as below:



- ❖ The report of central and provincial courts activities regarding violence against women and sexual assault cases were evaluated. According to the reports, in 1398 AHS (late March 2018 till late March 2019 A.D.) a total of 1161 cases of violence against women including 1508 accused and 235 cases of sexual assault including 309 accused were adjudicated by Elimination of Violence against Women Courts and other divisions of central and provincial courts, by which the perpetrators were sentenced to capital punishment, continued, long, medium, short imprisonment, and cash fine and some of the accused were acquitted due to lack of sufficient evidence. Most of these cases were related to Kabul, Herat, Kandahar, Balkh, Daikundi, Kunduz, Faryab,

Badakhshan, Jawzjan, Bamyan, Baghlan and Badghis provinces and dozens of other cases under the work in the country's courts on the accusation of committing the above-mentioned cases.

- ❖ In order to expedite the implementation of the special order No. 1 of the President about pardon of prisoners with the aim of preventing the coronavirus disease and to take court decisions of general attorney administration office regarding the postponement of the investigation and delaying to enforce imprisonment of the beneficiaries of the above decree with provisions of articles 106-332 and 333 of the criminal procedure code, due to emergency conditions and the cessation of formal procedures mentioned in the law and the stopped of formal procedures contained in the mentioned law, competence has given to the heads of the appellate and special courts to make a quick and appropriate decision against suggestion received by the general attorney office.
- ❖ In connection with the previous approval of the high council, the heads of appeal courts performance regarding the purpose of the suggestions of prosecutors, based on postponement of the investigation and the delaying of enforcing the verdicts of the courts and bail the accused and the convicts in order to prevent the spread of corona disease, according to article 3 paragraph 4 article 5 of the special decree No. 1 from the Presidential, it has been evaluated, and provided information about the healthy process of court proceedings and expedite the implementation of the decree and strictly guided to the heads of appellate

courts, with the suggestions of the prosecutor's office, In the performance of bail, they should implement the necessary tasks.

- ❖ Later on, the performances report of the Supreme Court was discussed during 1398 according to the report, during the above-mentioned periods, the general criminal Courts, public security, crimes against internal and external security, performing violence cases and violations of children and military crimes the supreme court in a total of 11,250 cases, also in the civil and commercial sector, the civil and public courts and commercial courts of the Supreme Court have examined about three cases issued rulings In terms of legality, it has been studied in-depth, and they have made the right decision about them, likewise, at the meeting of the high council in accordance with the provisions of the criminal procedure law, Some criminal cases were investigated and in each case, the necessary decision has been taken.
- ❖ The formation plan of the judiciary in 1399, which was formulated in a proportionate, balanced and flexible manner according to the objective needs, concerning the effectiveness of the structures in order to provide better judicial services, it was approved in Principle and directed to the general administrative directorate of the Judiciary after the introduction of corrective theories and revision, the formation has sent to the authority for legal procedures.
- ❖ The procedure draft of stuffing and transforming of judges and administrative and professional staff of the judiciary, and the guidelines for the implementation of

collaterals in the courts have been considered, and these two plans were approved after the necessary amendments.

- ❖ Requests from the general's attorney office about sending of judicial delegations to the provinces, because of some criminal cases have been studied. As a result, (67) criminal case was handed over to the appeal courts of Kabul, Ghazni, Paktika, Ghor, Badakhshan, Takhar, Herat, Nangarhar, Kunar, Daikundi, Jawzjan, Faryab, Balkh, Kapisa, Samangan and Uruzgan provinces in continuation of agenda accordance with the provisions of the penal code, some criminal cases has proceeded and appropriate decisions have been taken.

**Acting General Administrative
Directorate of the Judiciary participated
in the UNDP meeting, which was held to
evaluate the situation of the justice and
judicial organizations, via video
conference**

On date 13 April, 2020 a meeting was held on the initiative of the United Nations Office (UNAMA-UNDP) in Kabul, Excellency Romana Schweiger, for UNAMA rule of law Atoll Goebtals, Kikokumola, Douglas Hansen, Catherine Cornet, Andrew Mouller, Inkitax, Satommy Kayko, Tomina Haile, Final Jamis, and Mohammad Nader Nader and Ibrahim Khil, officials from the above offices were present in Kabul, they were presented via video conference with the head of the general administrative directorate of the judiciary and other representatives of the judiciary.



In this meeting, Mr. Rashidi spoke about the challenges of the Coronavirus and preventive measures in the judiciary,

he added according to the decree, article 125 of the constitution, it should be arranged independently by the court and sent to the national assembly, parallel with the government's budget. And the judiciary has the competence to implement the budget, but unfortunately, the Supreme Court has not yet achieved this legal competence, therefore there are budgetary problems, but some precautionary measures have been taken with less expenditure, as well as taking such measures at the level of 34 appeal courts including preventing crowds of clients and litigants that should reach a minimum and sometimes it is not very important for judges to follow their duties they could follow their duties from homes by using the technology, It has been instructed, but it should be said that the health clinic of the Supreme Court has faced problems in terms of supplies and medical facilities, equipment and supplies necessary to prevent the spread of corona, which makes it possible for the cooperation to cooperate in all departments so it is necessary that the colleague organization do a comprehensive cooperation in this section, Mr. Rashidi also added that although according to the working procedure of the administrative reform commission and civil services, the working hours has been limited and specified, some provinces, including Kabul, are under the day commuting restrictions, in this regard, the Supreme Court high council for the purpose of implementing the decree No. 1 of the President's office delegated authority to the heads of the country's appellate courts to preventing the spread of corona, to the prosecutors proposals regarding the postponement of the investigation, to expedite the enforcement of bail approve it as soon as possible, and

expedite the implementation of the decree so that the prisoners released from prison immediately.

Likewise, Mr. Rashidi asked another question about how to proceed new criminal cases and access to the rights of the people, he said: yes, any case that is sent by the prosecutor's office and the relevant departments of the courts and is not subject to a special order, in order to proceed, the courts will try to resolve them through possible way. But what is important, is the existence of the accused in the court session, which must be transferred to the courts through the high administration of the prisons, however, the high administration of prisons is Currently busy to implement the order to prevent the corona virus, the process of transfers and convicts to court hearings has slowed down, another point is to reach the urgent and necessary tasks, but proceeding to civil litigation, commercial, the execution of collaterals, etc. problems that are not so serious has postponed until clarifying the situation and controlling the corona virus, likewise, Mr. Rashidi, in response to the question of what are the important issues with the priority of the judiciary in the current situation, he added that it would make it easier for the courts to comply with the special decree of the number one high-ranking official of the presidency, he added that it would make it easier for the courts to follow up the Special decree No 1 of the presidency, approved the prosecutors' proposals regarding the postponement of the investigation, delaying enforcement and bail, Also, the implementation of some collaterals, especially the collaterals of the martyrs of the country's defense and security forces, and keeping the administration system active, In order to carry out the assigned tasks to the

administration, it is one of the priorities of the judiciary by observing the measures and the necessary health precautions are implementing.

Report of Judicial Activities of Central and Provincial courts on violence against women and sexual assault In 2019

A: Cases of Violence against women:

According to the reports received in 1398, a total of 1161 cases of violence against women have been resolved through the primary and appeal courts of the center and provinces prosecuted on the charges of 1508 people by the courts of primary and appeals of the provincial and centers, as a result, 9 people were sentenced to execution, 124



people were sentenced to continued imprisonment, 104 people were sentenced to long prison terms, 186 people were sentenced to medium imprisonment, 468 people were sentenced to short imprisonment and 255 people were sentenced to cash fine and 333 of them due to the lack of

sufficient evidence were not found guilty and acquitted.

According to courts reports:

Kabul province Courts have been proceeding 345 cases

Herat Province Courts 163 cases

Courts of Daikundi Province 141 cases

Kunduz District Courts 75 cases

Faryab Province Courts 55 cases

Badakhshan province Courts 45 cases

Bamyan Province Courts 42 Cases

Balkh District Courts 34 cases

Baghlan province courts 31 cases

The courts of Badghis province has 16 cases at the top and The courts of Kandahar, Uruzgan, Khost, Jawzjan, Takhar, Kapisa, Panjshir, Samangan, Nimroz, Sarpol, Parwan, Paktika, Laghman, Helmand, Ghor, Maidan Wardak, Nangarhar, Ghazni, Zabul, Kunar, Paktia, Farah and Logar (27) are also under trial. The case of violence against women has been proceeding.

During the year (1398) equivalent to 2019, the Nuristan appeals Court did not have any case of violence against women.

The detailed tables of the above cases have been published separately in the continuation of this report.

B: Sexual assault cases.

According to the received reports, during 1398 equivalent to 2019, from primary and appeal courts of the center and provinces received 235 sexual assault cases received from justice organizations to the courts has been proceeded and the accused cases were 309 person and they sentenced to different punishment, 2 people were sentenced to capital punishment, 81 people were sentenced to continued

imprisonment, 97 to long imprisonment, 57 to medium imprisonment, 19 to short imprisonment, 5 to cash fine and 45 of them due to the lack of sufficient evidence were not found guilty and acquitted.

Considering the available statistics, the following courts are at the top in terms of proceeding to the above issues:

Kabul Province Courts 34 cases

Kandahar Province Courts 31 cases

Balkh Province Courts 28 cases

Takhar Province Courts 33 Cases

Jawzjan Province Courts 22 cases

Badghis province Courts 16 cases

Herat Province Courts 22 cases

Also, the appeal courts of Faryab, Bamyan, Panjshir, Baghlan, Maidan Wardak, Paktia, Daikundi, Parwan, Laghman, Helmand, Ghazni, Samangan, Kapisa, Kunduz, Sar-e-Pul, Nimroz, Badakhshan, Nangarhar, Nahr-e-Gord-e-Vali-e-Riyam districts are still under trial. Courts of appeal in Paktika, Khost, Zabol, Farah, Nuristan, Kunar, Uruzgan, Ghor, and Logar provinces have not had any resolved cases of sexual assault in the past year.

The detailed tables of sexual assault cases are attached and there are dozens of other cases related to violent crimes against women and sexual assault during trials in the country's primary and appellate courts.

[SPECIAL BULLETIN OF THE SUPREME COURT]

**Performances table of central and provincial courts
regarding the perpetrating of the violence cases against
women in 2019 with the separation of each province.**

No	Related court	Case	Accused	Execution	Life imprisonment	Long imprisonment	Medium imprisonment	Short imprisonment	Cash fine	acquitted
1	Kabul Province appeal Court	278	345	4	4	28	25	106	65	85
2	Herat Province appeal Court	150	163	0	0	7	29	97	1	28
3	Daikodi Province appeal Court	110	141	0	0	1	12	36	66	27
4	Kandos Province appeal Court	56	75	0	0	7	8	28	8	14
5	Faryab Province appeal Court	55	76	0	0	3	8	28	3	28
6	Badakhshan Province appeal Court	45	72	0	0	9	11	5	25	15
7	Bamyan Province appeal Court	41	72	0	0	1	2	32	10	24
8	Balkh Province appeal Court	34	41	0	0	2	6	25	4	1
9	Baghlan Province appeal Court	31	49	0	0	2	1	13	17	9
10	Badghis Province appeal Court	16	19	0	0	4	9	4	0	2
11	Kandahar Province appeal Court	11	13	0	0	2	2	6	0	2
12	Uruzgan Province appeal Court	1	1	0	0	0	1	0	0	0
13	Khost Province appeal Court	2	3	0	0	0	1	2	0	0
14	Jawzjan Province appeal Court	31	52	0	0	5	5	12	13	14
15	Takhar Province appeal Court	8	12	1	1	0	0	1	10	0
16	Kapisa Province appeal Court	12	14	0	0	2	0	3	5	3

[SPECIAL BULLETIN OF THE SUPREME COURT]

17	Panjshir Province appeal Court	7	7	0	0	0	2	1	0	4
18	Samangan Province appeal Court	24	28	0	0	1	5	1	8	6
19	Nimrose Province appeal Court	22	27	0	0	1	6	11	1	6
20	Sar-e-Pul Province appeal Court	37	55	0	0	4	5	22	2	22
21	Parwan Province appeal Court	33	41	3	3	2	7	10	2	6
22	Paktika Province appeal Court	12	18	1	1	1	7	0	0	7
23	Laghman Province appeal Court	16	17	0	0	4	1	6	0	2
24	Helmand Province appeal Court	19	31	0	0	1	15	5	1	8
25	Ghor Province appeal Court	17	23	0	0	4	6	0	8	0
26	Maidan Wardaf Province appeal Court	12	14	0	4	1	0	1	4	4
27	Nangarhar Province appeal Court	26	31	0	7	4	6	8	3	3
28	Ghazni Province appeal Court	19	25	0	2	1	0	14	2	6
29	Zabul Province appeal Court	16	19	0	7	2	4	0	0	6
30	Kunar Province appeal Court	8	8	0	1	1	2	0	3	1
31	Paktia Province appeal Court	6	7	0	1	1	0	2	1	2
32	Farah Province appeal Court	3	3	0	0	0	0	2	0	1
33	Logar Province appeal Court	3	6	0	1	0	0	2	2	1
Total		1161	1508	9	125	101	186	483	264	337

**Performances table of center and provinces courts regarding
the performing of sexual assault against women cases in 2019
with the separation of each province.**

No	Related court	Case	Accused	Execution	Life imprisonment	Long imprisonment	Medium imprisonment	Short imprisonment	Cash fine	acquitted
1	Kabul Province appeal Court	34	48	0	20	12	2	0	0	14
2	Badghis Province appeal Court	11	16	0	2	6	4	4	0	0
3	Faryab Province appeal Court	2	4	0	2	1	1	0	0	0
4	Bamyan Province appeal Court	7	8	0	1	5	1	0	1	0
5	Panjshir Province appeal Court	3	3	0	0	0	0	0	0	0
6	Baghlan Province appeal Court	1	1	0	0	1	0	0	0	0
7	Maidan Wardaf Province appeal Court	3	3	0	0	3	0	0	0	0
8	Paktia Province appeal Court	2	3	0	0	0	0	0	0	3
9	Daikundi Province appeal Court	5	10	0	3	4	1	1	1	0
10	Parwan Province appeal Court	7	9	0	1	1	0	0	0	7
11	Laghman Province appeal Court	1	2	0	2	0	0	0	0	0
12	Helmand Province appeal Court	3	4	0	1	2	0	1	0	0
13	Ghazni Province appeal Court	3	3	0	2	1	0	0	0	0
14	Samangan Province appeal Court	11	11	0	1	7	3	0	0	0
15	Kandahar Province appeal Court	19	31	0	2	22	5	0	0	2
16	Kapisa Province appeal Court	3	3	0	0	2	1	0	0	0

[SPECIAL BULLETIN OF THE SUPREME COURT]

17	Kunduz Province appeal Court	20	23	2	11	5	3	1	0	1
18	Balkh Province appeal Court	21	28	0	3	9	5	5	0	6
19	Herat Province appeal Court	17	22	0	5	6	9	2	0	0
20	Takhar Province appeal Court	27	33	0	12	3	12	3	0	3
21	Sarpol Province appeal Court	1	2	0	0	1	1	0	0	0
22	Nimroz Province appeal Court	1	1	0	0	0	0	0	0	1
23	Badakhshan Province appeal Court	11	14	0	6	1	3	0	3	1
24	Nangarhar Province appeal Court	1	5	0	3	0	1	0	0	1
25	Jawzjan Province appeal Court	21	22	0	4	5	5	2	0	6
Total		235	309	2	81	97	57	19	5	45

News & Events:

On 10 March 2020 meeting was held under supervision of Judge Merajuddin Hamedi, the Chief of Kabul Province appeals court with the participation of Amin Bunk a citizen of Turkey and an international consultant for the automation of deeds, Gholam Hossein, Rahmani, head of the Ministry of Urban Development and Lands, Farid Ahmad ,Azizi, head of urban planning and land in the capital, and Seyed Shokor Shah, director of the Kabul saving data of Appeals, were present at the court of appeals headquarters in the meeting on the process of transferring the deeds documents from the courts and directorate of registries of the documents and collaterals to the Ministry of Urban development and Lands like gradually and the measures that should be taken in this section were discussed and the appellate court promised more cooperation.

On 13 April 2020 meeting for achieving the approval number (40) quickly on date 1 April 2019 meeting at the Supreme court high council under the chairmanship of Gholam Sakhi "Habib", the head of the Faryab Province appeal court was held with the presence of the head of the appellate prosecutors office and guided to the head to adjust its performance according to the above-mentioned decree and head of the court is obliged to observe and implement the above-mentioned decree, and the meeting ended with a prayer.

On 31 March 2020 meeting under the chairmanship of Gholam Sakhi Habib, head of the Faryab province court of

appeal, for the purpose of explaining and understanding the decree No. 1 dated 7/1/1399, of the presidency, by telephone guidance, the Supreme Court's decision all the heads of the central primary and district were informed that a copy of the decree and the support letter distributed and that the heads of the primary courts were asked to cooperate with the prosecutor's office.

On 7 April 2020 judge Mohammad Ismail Yaghoubi, head of the Kunduz Criminal Court and head of the Kunduz Court of Appeals, met with Abdul Hadi Qarlaq, head of the Irrigation and livestock department, and a group of their staff. Head of Irrigation and Livestock on the sidelines of their visit. He mentioned the amount of disinfectant materials that the Ministry of Agriculture, Irrigation, and Livestock has allocated to the government departments and provinces head of the court expressed his gratitude for the cooperation of the Ministry of agriculture he thanked and appreciated the prevention of the spread of the coronavirus, and all appeals courts in that province were sprayed the disinfectants.

On 7 April 2020 judge Shams al-Rahman Raees Khil head of Herat appellate court , Seyed Abdul Wahid "Qatali", the governor of the province in presence of deputy head of appeal court, the head of city court and some department heads met in his office. The governor Emphasizing on respect for the independence of the judiciary and preventing any interference in the professional affairs of this institution, the governor called for more seriousness of judges in ensuring justice and the rule of law and head of the court congratulated the new governor, the head of the court expressed his gratitude for the functions of the former

governor and called for the cooperation of the new governor in the field of justice and the most coordination with the justice and judicial organizations, head of the court also assured seriousness of the judges on justice and fight against corruption that the judiciary will not refrain from any attempt to ensure justice and fight against corruption with full independence.

On 12 April 2020 Judge Shams-ur-Rehman Raees Khil head of Herat appellate court, in a face-to-face meeting with officials, called the people's cooperation in ensuring justice and transparency of the law important in the process of proceeding the cases. He added that the courts in the province are trying to not refrain from any attempt in dealing with the problems of the clients and proceed the cases. During a telephone call with district court officials, head of the court, who met with a group of district courts client, called for serious attention to be taken to address the people's problems.

COUNTER - CORRUPTIONS

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

1- Reports

From 20 March to 19 April 2020 Kabul province primary anti-corruption courts heard (4) criminal cases related to corruption crimes. In connection with these cases, 7 persons in accusation of abuse of power and deception have been arrested and 7 persons were sentenced to different punishments of imprisonment as follow.

- One years to five-year imprisonment for one person.
- Convicted to Cash Crimes 6 persons.

Total convicted cash fine punishments of convicted is amount to (2623) US dollars.



[SPECIAL BULLETIN OF THE SUPREME COURT]

Chart (1) illustrates the number of convicted of the Kabul Province Anti-Corruption Court in in the month of April 2020

No	Type of case	Number of case	Judicial decision						Cash penalty	
			The number of imprisonment validity							
			No of accused	Acquitted	One month to one year imprisonment	1-5 years imprisonment	5 - 15 years imprisonment			
1	Misuse of authority	3	6		6	4		6	1623	
2	Deception	1	1		1		1		1000	
	Total	4	7		7	6	1	6	2623	

Also, the mentioned court, during this time have issued judicial opinions on (2) 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 in the month of April 2020

No	Type of case	Number of case	Number of accused	Reason for ruling	Related reference
				Legal gaps and Defects	
1	Misuse of authority	1	3	1	Prosecutor's Office
2	Deception	1	3	1	Prosecutor's Office
Total		2	6	2	

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

Verdict dated 23 March 2020,

Conviction of the director of the Mir Bacha Kot court in Kabul province for deception

According to a letter from Kabul Provincial Court of Appeal, which is the original written title of the Kabul

Provincial police criminal Investigation department and a copy of which is the title of the judicial care department mentioned from deception of the letter, and follow up someone who unofficially wrote the letter without an envelope, or a transaction in the court receipt book, or the clerk has received, or use it, and also the written letter of Kabul Provincial Court of Appeals, which is titled to Kabul Provincial land authority, It has been reported that the letter has written on deception, also, Kabul Province court of Appeals wrote a letter to the Bagrami District primary court and a copy of the title of judicial care. It has been reported that the written document No 6923 on 20/9/1398 is fake and so the written number 11376 dated 4/10/1398 of the Kabul Province court of appeals is the title of the judicial care department, and during that written review of the number 1426 dated 10/15/1397, which was issued from the address of the second deputy head of the Meshrano Jirga of the national council has issued a letter titled to the Ministry of Urban development and land it has been mentioned that the head of the Ministry of Urban Development and land has rejected the issuance of the written rulings as well as the signatures in his name and one person was arrested by the officials of the Supreme Court's judicial care department to committing deception, the case was referred to Kabul province primary court for proceeding of corruption related crimes. Court hearing dated 1398/1/4 equivalent 23 March 2020, in the presence of both parties unanimously accused, director of the Mir Bacha Kot court in the case of written deception 6923 dated 20/9/1398, according to article 437 of the penal code from the beginning of detention period sentenced to imprisonment of one years and six months

enforced imprisonment, and according to Article 182 of the penal code, the court issued a verdict the confiscation amount of (1000) US dollars.

Verdict dated 22 March 2020

One of the sellers of mobile phones mentioned in his petition to the directorate of national security in the first district of Kabul, I am busy selling mobile phones. The police of the first district obstructed my work and activities in the area, and one of the first district officials demanded a bribe of 5,000 Afghanis from me, to let the activity commence, the general directorate of national security took action to document the scene, and the amount of (5,000) Afghanis operative money, has been marked and it was given to the colleague, and the colleague gave the above amount to the police officer Satmann on 12/8/1398 in the first district in the presence of assigned delegates from relevant departments and he has been arrested, The case has been referred to the primary court of anti- corruption of Kabul province on 1399/1/3 equivalent 22 March, the judicial hearing was held in the presence of both parties accused the third deputy of third Delghi of the first block of first Toli ,first security district of Kabul city in the case of abuse of duties as a public service officer, according to Article 403 of the Penal code, with the provisions Articles 213 and 215 of the above-mentioned law, he has been sentenced to pay cash fine of (65,000) Afghani exclusion from the profession and dismissal of duty.

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

Verdict dated 24 March 2020

Convicted Herat municipal employees for taking bribe

Employees of the national security directorate of Herat province, based on intelligence and operative information, stated that one of the employees of Herat municipality, in order to prevent the construction of their buildings, to prevent the construction of unplanned buildings, the tools and equipment of a number of unmapped buildings impounded, and in exchange for permission to work again they wanted bribes from citizens in the seventh district of Herat city, he demanded amount of (35,000) Afghanis bribe from one of the residents in exchange for allowing him to continue working, And while receiving the mentioned amount, he was arrested by the security forces and introduced him to the justice and judicial organizations. The case has been referred to the primary court of anti-corruption of Herat province on 1386/11/22 equivalent 11 February 2008, the judicial hearing was held the accused sentenced to one year imprisonment in the case of misused authority of duty and another one sentenced to six years and six months imprisonment and cash fine of 20,000 Afghanis and dismissal from duty, four other accused persons according to Article 279 of the penal code, everyone were sentenced to one year and six months imprisonment and cash fine of 3,000 Afghanis according to Article 209 criminal procedure law, and also the former mayor of Herat due to the creation of the commission to prevent the unmapped construction of buildings, it is considered to be prosecuted later, the Herat court of Appeals refused the

decision of primary court regarding the error in enforcing and interpreting the law, every one sentenced to six years and six months imprisonment based on illegal extortion of 35,000 Afghanis, in the case of prosecution of the former mayor of Herat and other persons involved in the establishment of the commission, confirmed the decision of the primary court, later, the case has been transferred to the general security court of the Supreme Court, and during the court decision, the decision of the Court of Appeals for Administrative Corruption of Herat Province modified and the accused were sentenced enforcement imprisonment to one year and six months, In the case of the former mayor of Herat the court's decision has been approved. And the former mayor of Herat was among the officials mentioned in sub – paragraph 1, paragraph 50 Article 2 the social welfare regulation law of high-ranking officials, the case has been referred to the special court for serious Crimes of administrative corruption The court in the judicial session dated 1399/1/5 in presence of both parties unanimously accused former mayor of Herat province in the case of Misuse of authority during the duty due to lack of compelling reasons according to Article (5) penal code and Articles (5 and 235) of criminal procedure law he was acquitted.

- **Verdict Summary Samples issued by the Special Appellate anti-corruption Court**

Verdict dated 25 March 2020

Conviction of former chief of planning and policy of the ministry of immigration and returnees for treason

In 2014, the Kingdom of Saudi Arabia, through its embassy in Kabul, donated two million US dollars to help the

internally displaced people for seven province of the country this money have been transferred from the Ministry of Finance to the financial and accounting of ministry of refugees and returnees, subsequently, the directorate Procurement of the Ministry's administrative department, in separate inquiries, priced seven items of food and non-food items, includes (flour, rice, oil, tea, gas balloon, tea pat and plastic bucket) which was to be distributed to the deserving families they have taken quotation from three companies, among the companies, the rate of one of the companies in the amount of (58254420) fifty-eight million and two hundred and fifty four thousand four hundred and twenty Afghanis was low, however, the Ministry's planning and policy department, in its proposed proposal, based on the new estimated rates, has estimated the value of the mentioned materials at one hundred million and seven hundred and seventy-seven hundred and twelve Afghanis. However, the Ministry's Planning and Policy Department, in its arranged proposal, based on the new estimated rates, has estimated the value of the mentioned materials at one hundred million and seven hundred and seventy-seven hundred thousand and eleven Afghanis, after that, the issues were announced again according to the volunteer method, and eight companies took the offers and then submitted their offers to the office. In the process of opening the offers eight companies due to the lack of guarantee, and failure to meet the conditions of the bet, etc, they rejected. The issues for the purpose of the next decision referred to the director of grants and the procurement committee, and the procurement board approved the evaluation and guides due to urgency of the process to the Special procurement

commission and the Ministry of Finance suggested buying it from a single source likewise, after submitting a proposal to the special procurement commission of the Ministry of finance and the approved of that position according to the decree (186) dated 5/17/1397 the procurement board of the ministry of refugees and returnees during separate inquiries about seven food and non-food required items from the three companies were requested, they wanted information from three companies among the three companies, the lowest rate was provided by Setareh Khalij Company (110822000), one hundred and ten million and eight hundred and twenty tow thousand Afghanis. Later, which was the rate provided by Setareh Khalij Company it was approved by the official of that ministry as a low rate, and the contract was signed at value of (110822000), one hundred and ten million and eight hundred and twenty two thousand Afghanis of credit, from 6/8/2014 to 20 days with the mentioned company, the contract was also approved by the special procurement commission, and based on that, Setareh Khalij Fars Company has implemented its share, and money has been deposited in its account, later, when the ministry of refugees and returnees finance and accounting affairs in 2014, It was evaluated and reviewed by a group of inspectors from the high administration of control and inspection, In the above-mentioned contract documents, a series of violations in the procurement process and how the materials distributed were identified with Setareh Khaleej Trading Company, and after getting some information about the case from that ministry, the case referred by the relevant prosecutor's office to the primary anti-corruption Court of Kabul province, the court mentioned some

reasons, the court identified that the type of crime is treason and the case has been referred to the primary court of administrative corruption of heavy crime, court in judicial hearing dated 1397/12/13 was held in presence of both parties and unanimously accused the party, in the case according paragraph (6) Article (212) criminal procedure law paragraph(2) Article (285) penal code and Articles (17) and (58) penal code and Article (237) criminal procedure law in accusation of misuse of duty sentenced every one to two years enforced imprisonment, and based on the information of Azizi Bank, the amount demanded by the prosecutor's office has been taken by the head of Setareh Khalij Company, and he Is considered prosecuted by the attorney general's office, But due to dissatisfaction of assigned prosecutor the case has been referred to appellate court of combating corruption, the court in the judicial session dated 1399/1/6 in presence of both parties unanimously, based on direction of Article (54) law on organization and jurisdiction of judiciary, issued decision (19) Dated 12/13/1397 primary court against heavy crimes of corruption about his physical punishment based error in implementation of the law defect and the accused according to the explicitness of paragraph (1) Article (270) penal code and Article (39) the mentioned law, Articles (17 and 58) penal code accordance with observance of Article (145) panel code, penalties 1, 7 and 12 of Article 2 of Article 213 and Article 214 of the penal code with the consideration of Article 237 of criminal procedure law in case of treason the amount (34725025,2) thirty-four million seven hundred and twenty-five thousand and twenty-five point two Afghanis, from the beginning of detention days sentenced

two years enforcement imprisonment. and in the case of refund equivalent to treason like guarantee from the prosecutor's office, based on information of Azizi Bank the amount of refused deposited into account of the chairman of Setareh Khalij Company and he received the mentioned amount, and in the case filed by the attorney general of the justice and judicial center against the head of the company charges were arranged and it was in the process referred to the court based on the decision, the above number in the field of appeal was confirmed.

COUNTER Narcotics and Intoxicants

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

1. Report



Primary court of intoxicants and anti-narcotic From 20 March to 19 April 2020 for around 16 related different types of cases of drugs has judicially proceeded and required decisions were taken. Regarding to these cases around (22) persons in accusation of smuggling and carrying drugs were arrested and out of these, 1 of them were acquitted because of lack of enough evidences and 21 of them went under trial and were convicted into different imprisonment of punishments as follow:

- Imprisonment 1 year to 5 years 11 person.

- Imprisonment 5 years to 15 years 10person.

In connection to abovementioned trials the verdict has been issued to eliminate amount of (355,82.) kg types of drug.

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

Sl num ber	Type of case	Numbe r of case	Amoun t of items	Judicial Decision				
				Numbe r of accuse d	Acquitt al	Numbe r of convict ed	Number of enforced prisoners	
							1-5 years impriso nment	5-15 years impriso nment
1	Ampheta mine	5	4,596	5	1	4	3	1
2	Heroin	7	16,368	9		9	7	2
3	Opium	1	76,800	1		1	1	
4	Hashish	2	256	4		4		4
5	Tablet K	1	2,056	3		3		3
Total		16	355.82	22	1	22	11	10

2. Summary of issued provision of primary special court of intoxicants and drugs

Verdict dated 24 March 2020

Twelve years of imprisonment in accusation of smuggling in quantity of (165) gr Methamphetamine, (530) gram Heroin and (32) liters of raisins

Officials of the Anti-Narcotics and drug administration of Badghis Police Command one house was searched in Baghak village, and as a result, 165 grams of methamphetamine, 530 grams of heroin and 32 liters of fermented raisins were found and the accused stated during the case, he has taken the drugs and fermented raisins from one of the people who also provided the exact address and details of his face, the assigned officials stabilized and

identified the location of the person in one of the baths in the city and he has been arrested, as a result (88) grams of methamphetamine and the amount of (44) grams of heroin with a digital scale has been discovered. And the case has been referred to the special primary court of combating intoxicants and drugs. The court in the judicial session dated 1399/1 /5 in the accused in the case of smuggling quantity of (165) gram Methamphetamine according to sub-paragraph (5) paragraph (2) Article (303) of the penal code Imprisonment for ten years, ten months and five days, and in the case of trafficking in the quantity of (530) grams of heroin according sub -paragraph (4) paragraph (1) Article (302) of the penal code for ten years imprisonment, and in the case of smuggling, the amount of (32) liters of fermented raisin according to paragraph (2) Article (686) of the penal code, with observance of Articles 47 and 53, the penal code sentenced to three months' imprisonment, In the case of keeping quantity of (88) grams of methamphetamine according sub-paragraph (4) paragraph (2) Article (303) of the penal code, imprisonment for ten years, and case of keeping quantity of (44) grams of heroin, according to sub- paragraph (2) paragraph (1) Article (302) of the penal code, he has been sentenced to imprisonment for four years, with observance of Article (73) the penal code, the punishment for the most severe punishment of smuggling 165 grams of methamphetamine, which imprisoned for ten years and two months and five days enforceable and applicable on him, and regarding the issues of supply and sale of drugs to other people according guidance of Article (311) penal code sentenced two years imprisonment with observance of article (75) Penal code a

total of 12 years, two months and five days enforcement imprisonment from the beginning of supervision and detention days, one after the other, it is applicable and enforceable on him, also according Article (32) Anti-Drug and narcotics law three set mobile with it SIM card the amount of (5,000) Afghanis was obtained, and the two small digital scales obtained to confiscated according article (19) the mentioned law issued verdict on confiscation of quantity of (88) gram of heroin and (44) gram of methamphetamine.

Verdict dated 24 March 2020

Ten years of imprisonment in accusation of keeping in quantity of (377) kilograms Hashish (14) kilograms Poppy

According to previous information the deputy special force of Nangarhar province, the home of a resident of Seyed Khel village in Khogyani district of Nangarhar province was inspected in presence of the representative of the appellate prosecutor's office and the representative of the Anti-Narcotics department of the Nangarhar police command, as a result of the inspection, 377 kilograms of Hashish and 14 kilograms of poppies were found in his house, and in the garden of his house which was drugs process factory, and in connection with the case, the accused was introduced to the justice and judicial organization the case has entered to the special primary court of intoxicants and narcotics, the court in the judicial session dated 1399/1 /5 in presence of both parties unanimously, in the case of keeping quantity of 377 kilogram hashish beginning from date of detention according sub – paragraph 7 paragraph 1 article 305 the

penal code sentenced enforcement imprisonment to ten years, and according to Article 73 of the mentioned code severe penalty for keeping quantity of 377 kilogram hashish ten year imprisonment applicable and enforced on him. And also according Article 19 of anti-drug and narcotics law of the elimination of (377) kilograms hashish and quantity of 14 kilogram poppies verdict has been issued.

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

1. Report

Appellate court of anti-narcotic From 20 March to 19 April 2020 have judged around 24 cases related to types of narcotics and issued judgments. In connection to these cases around 31 persons in accusation of smuggling and carrying drugs were arrested. Out of which 1 person was acquitted because of lack of sufficient evidences and 30 of them were sentenced to different period of imprisonment as follow:

- Imprisonment 1- 5 years 12 person.
- Imprisonment 5 – 15 years 15 person.
- Imprisonment 15 – 20 years 3 person.

Also in relation to abovementioned cases amount of 8419.334 kilograms type of drugs issued verdict to eliminated

- Total cash fine convicted 2206 US dollar

[SPECIAL BULLETIN OF THE SUPREME COURT]

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

Sl number	Type of case	Number of case	Amount of items	Judicial Decision					Cash fine
				Acquittal	Number of accused	Number of convicted	1-5 years imprisonment	5-15 years imprisonment	
1	MethAmp hetamine	9	10,987	13	1	12	4	6	2 779
2	Heroin	6	26,347	8		8	3	5	259
3	Opium	3	337	3		3		2	1 649
4	Morphine	1	6	1		1		1	
5	Hashish	1	115	1		1	1		
6	Chemicals	3	7924	4		4	3	1	519
7	Cooperation with the traffickers	1			1	1	1		
Total		24	8419,334		1	30	12	15	3 2206

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

Verdict dated 24 March 2020

Twelve years of imprisonment in accusation of smuggling the quantity of 3 kg Heroin 18 kg Hashish 3 kilogram Tabahine and Narcotine

As a result of the information provided by the Information and research department to the Nangarhar police command anti-narcotics department. One person with a vehicle type of suracha Toyota, the drugs has already embedded on it, had

entered the city of Jalalabad from Chaparhar district of Nangarhar province and wants to transfer materials to Markoi Bazaar in Ghani Khel district. The assigned officials on the way to the public road in the Samarkheil area of the 9th security district of Jalalabad city, they built a check point to control the vehicles, the vehicle of including information arrived in the check point and it has been stopped and inspected by the officers, and the drugs was embedded skillfully inside the gas balloon, it was discovered and obtained, the driver with his vehicle has been transferred to the anti-narcotics department and as a result of laboratory testing, the quantity of (3) kg of heroin and the rest of its species were extracted, tabernacle, narcotine and papaverine, also, the quantity of (18) kilograms of Hashish obtained inside the gas balloon of the mentioned vehicles. He was introduced to the justice and the judicial organizations. The court in the judicial session dated 1398/11/29 in presence of both parties unanimously, in the case of smuggling quantity of 3 kilogram of heroin according to sub- paragraph (5), paragraph (1) of Article (302) with consideration of Articles (213 and 214) penal code beginning, from the date of 27/9/1398 supervision and detention days sentenced to five years imprisonment, and in the case of begin to transfer of heroin type drugs according to sub - paragraph (2) paragraph (1) Article (302) of the mentioned code for one year imprisonment, and in the case of transfer quantity of (18) kg of Hashish according to sub-paragraph (6) paragraph (1) Article (305) with observance of Articles (213 and 214), the above-mentioned code for five years imprisonment, so that the most severe punishment ,five years of imprisonment, according to

Article (73) penal code, applicable on him. Also, according to Article (308) of the penal code, a vehicle type of Siracheh and a mobile set with its SIM cards which was a linkage communication with traffickers According to Article (32) of the Anti-Narcotics Law, it shall be confiscated and according to Article (19) of the above-mentioned law, the above-mentioned decision has been taken to eliminate the narcotics obtained. But due to dissatisfaction of assigned prosecutor the case has been referred to the special court of combating intoxicants and drugs, The court in the judicial session dated 1399/1 /5 in presence of both parties unanimously, based on Article (267) of the criminal procedure law, and paragraph (2) of Article (17) the anti-narcotics and drug law, the decision dated 11/29/1398 of the primary court in the case of punishment quantity of (3) kilograms of heroin and (18) kilograms of Hashish has been substantially modified. Appellate court accused, in the case transfer of the quantity of (3) kg of heroin according to subparagraph (5) paragraph (1) Article (302) of the penal code imprisonment for twelve years, and in transferring the quantity of (18) kg of Hashish according to sub - paragraph (6) of paragraph (1) of Article (305) of the mentioned code sentenced punishment to seven years imprisonment, and violated the decision of the above-mentioned court in the case of (3) kg and Nicotine, in appellate the accused in the case of transferred (3) kilograms of Tabein and Narcotine according sub- paragraph (5) of paragraph (1) of Article (306) penal code sentenced to imprisonment of four years, according to Article (73) of the penal code, the most severe of the above-mentioned penalties which include imprisonment for twelve years applicable on him, and the

above-mentioned decision has been approved to confiscated the items based on Article (32) of the anti-narcotics and drug enforcement law and Article (308) of the penal code.

Verdict dated 25 March 2020

Sixteen years of imprisonment in accusation of smuggling the quantity of 160 kg opium and 115 kg Hashish.

According to the telephone call of information research department, the anti-narcotics directorate personnel of Samangan province police command built a check point in the area, during the checking and searching stopped a vehicle type of Tunisian base on information carried to the security command and was searched in presence of assigned delegation, as a result, from the roof of the mentioned car, the quantity of (14) packages of drugs under the name of opium with net weight of (160) kg and the number of (13) packages of drugs under the name of Hashish with net weight of (115,500) kg is discovered and obtained, the driver of the car was arrested in connection with the case and introduced to the justice and judicial organization, the case has been referred to the special court of combating intoxicants and drugs, The court in the judicial session dated 1398/12 /13 in presence of both parties unanimously, the accused in connection with the case of transferring the quantity of (160) kilograms of opium, according to sub - paragraph (6) paragraph (1) of Article (304)the penal code, to sixteen years imprisonment and in the transfer quantity of (115,500) kg Hashish according to sub - paragraph (7) paragraph (1) Article (305) of the mentioned code sentenced to ten Imprisonment according Article (73) of the mentioned code to enforced the most

severe punishment for which specifies to sixteen years of imprisonment, and according paragraph (1) Article (308) of the mentioned code and Article (32) of the Anti-Narcotics and drug law the court issued verdict to confiscate Townace-type of vehicle and two mobile with its SIM cards, and according Article (19) of the mentioned law issued verdict to eliminate the drugs. But due to dissatisfaction of the accused, the case has been referred to the special appeal court of combating intoxicants and drugs, The court in the judicial session dated 1399/1 /6 in presence of both parties unanimously, based on Article (54) law on Organization and Jurisdiction of the Judiciary, paragraph (2) Article (17) of Anti-Narcotics and drugs Law and paragraph (1) Article (267) of the criminal procedure law on date 13/12/1398 confirmed the decision of the primary court of anti - intoxicants and drugs.