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Meetings and Sessions

Chief Justice of the Supreme Court meets the head of UNAMA Rule of Law Unit

Sayed Yousuf Halim, Chief Justice of the Supreme Court met Ms. Romana Schweiger, the head of rule of law Unit of UNAMA, via video conference on May 30, 2020.



In this meeting, Ms. Romana Schweiger hoped that the Afghan people would be safe from the deadly coronavirus. She expressed her condolences to the victims of the virus and appreciated the opportunity to meet H.E. Chief Justice of the Supreme Court.

Ms. Schweiger later stated that she was aware of the Supreme Court High Council resolution on initiating legal proceedings in the courts and using online technology to hold court hearings on time, and was interested in being informed about further measures, especially the measures intended to prevent the spread of coronavirus disease (Covid-19) and other programs regarding court activities resumption.

Later on, Chief Justice added that the Supreme Court has arranged its work schedule in coordination with the attorney general's office work schedule, as they are interrelated in terms of work, according to which the directors and high-ranking officials are obliged to attend their duties on a daily basis but other judicial staff, professional or administrative, are obliged to attend their duties on even and odd days, from 7:00 AM till 1:00 PM, which is in accordance with the new procedure proposed by the Ministry of Labor and Social Affairs to the government.

Supreme Court has also conformed to the public health recommendations regarding the clients and their petitions are being accepted at the reception desk for further processing without having close physical contact with them and relevant authorities have been instructed to solve their problems.

Regarding the online trial initiative, H.E. Chief Justice stated that Supreme Court is determined to plan and prepare the legal basis for online trials, therefore, general directorate of research and studies was

instructed to prepare the amendment draft in contact with the relevant departments and take steps for its legal process, and until then, the Supreme Court will discuss a comprehensive guide to online trials at the next session of the Supreme Court High Council; with its approval, the next steps will be taken, but the important thing is the technical equipment for online trials, which should be provided by the UNAMA Office to the Supreme Court, attorney general's office, and national prison administration.

Furthermore, H.E. Chief Justice also added that the judicial proceedings in the primary Anti-Corruption Court have begun, and this court is supposed to take the necessary measures, especially the use of open space to conduct court hearings.

However, due to the resumption of court activities, in order to ensure the safety of judges and administrative staff, there is an urgent need for disinfectants, masks and other necessary materials, which requires that due to the insufficiency of the normal budget, UNAMA should cooperate with the judiciary in this area.

During the meeting, the head of the UNAMA Rule of Law Unit said that she had spoken with the UNDP and GIZ about the preparation of technical equipment for the online trial, so that they enter into this partnership. With the approval of the comprehensive guide for online trials, the issue will be pursued seriously. In order to provide disinfectants and other requirements to fight against coronavirus, M. Schweiger requested a list

of requirements, for which General Administrative Directorate of the Judiciary was instructed to prepare the list.

The High Council of Supreme Court Sessions Report

The High Council of Supreme Court held its regular sessions on May 12 and 19, 2020, presided over by H.E. 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:



- ❖ General Administrative Directorate of the Judiciary was instructed to follow up the implementation of High Council for Rule of Law and Anti-Corruption's recent approvals related to the Judiciary and in accordance with the 6th

session approval of the above-mentioned Council, he was also instructed to finalize the high priority programs of the Supreme Court in 1399 and 1400 A.H.S and send them to their respective authorities before the deadlines.

- ❖ Considering the previous approval of the High Council to approve the online trials' procedure until the law is amended, the comprehensive guide to online or remote trial and the use of this system in judicial sessions, which was prepared by the general directorate of research and studies, was discussed due to the critical crisis situation. For further enrichment, the remaining discussion of this issue was postponed to the next session and the general directorate of research and studies was also instructed to prepare the desired amendments for further processing.
- ❖ All criminal and civil courts of the country were instructed to receive the new files which are sent from the justice departments after the recent special decrees of the Islamic Republic of Afghanistan's President, conforming to the public health guidelines in accordance with a certain timetable, and place it in administrative processing and judicial proceeding.

- ❖ Condolences and sympathy for the martyrdom of Mohammad Waseem Kashaaf, administrative director of the Supreme Court, Ahmad Arshad, registration of documents and deeds subdirector of the second district of Herat Appellate Court, Bahador "Ismail Khel", general manager of ERAW division of Kabul Appellate Court, and for the death of Shams al-Haq Haqmal, head of the tax court, wishing paradise for the martyrs and deceased and patience for their families,
- ❖ According to the instruction-demand from special anti-corruption secretariat regarding the publication of all decisions of the Anti-Corruption Courts, in accordance with the internal laws, amendment draft of adding a new paragraph as paragraph (5) of Article 183 of the Penal Code, was approved, which states: “(5) The court’s verdict in corruption cases are to be published through mass media. The relevant court is obliged to mention the publication of verdict in its ruling alongside the main punishment of the crime.” and instructed the general administrative directorate of the judiciary to send the above-mentioned amendment draft to the institute of legislative affairs and scientific

research of the Ministry of Justice for further processing.

- ❖ During the session, some instruction-demands which were received from Criminal Division of the Supreme Court regarding the lack of signatures of the head of some Courts in the verdict, Office of Consular Affairs of the Ministry of Foreign Affairs regarding the presence or absence of witnesses while preparing the relevant deeds in the consulates and the instruction-demand of the general directorate of research and studies of the Supreme Court about the dispute of competence in a criminal case, some of the issues of the judicial cadre of judges and judicial violations have also been processed and the necessary decisions have been taken about them.
- ❖ According to the reports of the general directorate of judicial inspection regarding violation of duties of some judges of the Appellate Courts of Kandahar, Parwan and Panjshir Provinces, disciplinary procedures were initiated against 16 judges of the above-mentioned courts.
- ❖ At the request of the attorney general's office, 85

criminal cases have been handed over to the Appellate Courts of Kabul, Ghor, Paktia, Baghlan, Farah, Paktika, Nimroz, Kapisa, Khost, Badakhshan and Uruzgan, Ghazni, Faryab, Kunduz, Zabul, Laghman and Balkh. Processing some of the personal affairs issues of the judges and some criminal cases based on criminal procedure code was also part of the agenda, for which, appropriate decisions have been taken.

- ❖ At the presence of Dr. Gholam Haidar Allama deputy judicial prosecution of the attorney general office, some requests for reconsideration regarding the crimes of fraud, embezzlement and kidnapping, in the light of the provisions of Article 282 of criminal procedure code it was processed and the necessary decisions were taken.

Acting General Administrative Director of the Judiciary meets the head of Justice Sector Support Program office, JSSP, via video conference

On May 2, 2020, Judge Jawed Rashidi, Acting General Administrative Director of the Judiciary, met with Mr. Imiri the Head of JSSP, and Mr. Josh an official of the JSSP, via video conference, he also talked about issues related to the case management system, during the meeting, the head of Justice Sector Support Program spoke about the progress regarding the second phase of the system, it will begin in the department of the Supreme Court case management system, and on beginning practical mechanisms of this process, he provided information and exchanged views.



During the meeting, the regulation draft on case management system, which is under the work of the esteemed Law Committee of the cabinet, was also discussed, and it was hoped that this draft would be approved and implemented as soon as possible. Also, during the meeting, the head of JSSP in Afghanistan promised to prepare the office for the fulfillment of the requirements of the units of the case management system in the relevant office in Kabul. He added that as soon as possible the equipment and supplies that have been prepared, will be officially handed over to the Supreme Court. After that, efforts will be made to meet the needs of case management system in provinces as well.

Both parties discussed over different aspects of the system and hoped that the system would be even more equipped so that it could provide accurate statistics and the National Statistics and Information authority along with the Ministry of Communications and Information Technology, who are responsible for technical assessment of the system and finalizing it, could accomplish their responsibilities and improve the systems efficiency than before.

Acting General Administrative Director of the Judiciary meets with UNAMA and GIZ officials via video conference.

On May 4, 2020, Judge Jawed Rashidi, Acting General Administrative Director of the Judiciary met with Romana Schweiger, head of the UNAMA's Rule of Law Unit in Kabul, and then he spoke with GIZ office officials via video conference at the meeting with head of UNAMA Rule of Law Unit, Ms. Romana Schweiger expressed her condolences from UNAMA about martyrdom of three judges including head of tax court, the Administrative Director of the Supreme Court and a judge of the Herat Court of Appeals, the first one died due to illness, and the others were martyred due to cowardly attacks of the enemies of peace and stability in the country.



Later on, both sides discussed about online trial system,

and the head of the UNAMA Rule of Law Unit informed about technical preparations and equipment in this field, and added that the UNAMA office will provide technical support and equipment for the online trial initiative, if it start practically and will share the experience of other countries, and how to use the capabilities of this method that have already been researched and studied in this field, to be given to the Supreme Court and enriching the document that is to be prepared in the field, and it will be effective.

Mr. Rashidi added that the online trial system mechanism is appropriate and good, but this issue is related to all the competent bodies in the trial process, including discover and, investigation organizations, courts, the high administration of Prisons and Independent Bar Association, that everyone should put this process into practice and use it together, however, it should not be forgotten that this program, in terms of its legal status, has required the codification and modification of the relevant laws, It requires coordination of the relevant departments, and the budget challenges are also in the field. By solving these problems, we will be able to legally provide the facilities for the implementation of online trials, during the meeting, both sides expressed hope for such an opportunity to provide facilities for the litigants, also in the second video chat with the GIZ office officials, the issue of the office cooperation with the Supreme Court was discussed, he had cooperated with the explanatory

seminars on penal code in the country zones, this has been done only in Badakhshan province, and in other provinces, due to the spread of coronavirus disease (Covid-19), these activities have not implemented, and hoped that after the ending of this situation in coordination with the Supreme Court, the next steps will be taken.

Acting General Administrative Director of the Judiciary said, due to interest of the officials of this office, he added that with the aim of forming the judiciary in 1399, the establishment of courts for violence against women in all provinces of Afghanistan will be completed, but there is a challenge to complete the equipment and office supplies for these courts, and asked the esteemed office of GIZ to cooperate in this regard, also the mentioned office can also expand its cooperation with the department of judicial training of the Supreme Court. And in the field of creating a research and study center in employment judicial stage, and cooperation with other courts, and be a colleague, officials at the GIZ office said in a statement that they would discuss all of these issues with their central officials and the results would be announced later.

The Financial Committee of the Supreme Court Held its Session under the chairmanship of the Acting General Administrative Director of the Judiciary

On May 9, 2020, the financial committee session of the Supreme Court was held under the chairmanship of Judge Jawed Rashidi, Acting General Administrative Director of the Judiciary, with the participation of General Director of Finance and Administration, Finance Director and the branches of the general directorate of finance and administration.



According to agenda, the meeting was held on the budget of the judiciary in the fiscal year of 1399, and

the report of the budget permission and plan regarding the purpose of the budget of the Supreme Court in the center and provinces in code numbers of 21-220-222-224-225-and 250, and how decrease and changes has come by the Ministry of Finance in these codes and also the amount of expenses from this budget was heard.

Acting General Administrative Director of the Judiciary, after hearing this report and after conducting the necessary evaluation, he instructed the officials of the general directorate of finance and administrative, to speed up the use of budget within the limits of the law, and before the middle of the year is reviewed, the budget needs in the relevant chapters and codes should be stabilized and identified in the regular and development budget sections, and the budget needs of the judiciary should be prepared in the middle year reviewed of the Ministry of Finance, the meeting continues to address some of the problems, and challenges facing how to use the budget, and the necessary guidance has given to the general directorate of finance and administration.

Publications Directorate Activities Report during 1398(2019)

The activities and achievements of the Publications Directorate, which was carried out in accordance with the Terms of Reference, during 1398 A.H.S, are as follows:



1- Qaza Magazine:

Qaza Magazine, during 1398 A.H.S has been published with a circulation of 36,000 copies containing 15 legal articles, 56 jurisprudential articles, 16 civil law articles, 10 judicial articles and 20 criminal law articles, judicial circulars of the Supreme Court, summary reports of activities towards fight against corruption and drugs, the regulation on

managing the activities and performances of the general directorate of research and Studies, regulation on managing the activities and performances of the Directorate of Dar al-Ifta (Religious Verdicts Directorate), regulation on monitoring the implementation of absolute and finalized verdicts of the courts, regulation on court fees and the commercial procedure code amendment.

2- Mizan Gazette:

Mizan gazette has been published in 36 issues and has a circulation of one hundred and eighty thousand copies; their content includes reports related to the sessions of the Supreme Court High Council, meetings of chief of the Supreme Court, and the process of reporting from the courts by the Supreme Court High Council through video conference, evaluate the meeting of Supreme Council rule of law and combat against corruption, from the activities of the judiciary during 1397, the reflection of performances of the Supreme Court branches, report on the signing of memorandum of understanding, the progress reform of administrative positions from the Supreme Court, meetings report from high coordinating committee of the justice and judiciary under the chairmanship of chief of justice, the approvals of administrative council of the Supreme Court, circulars , decision meetings of the coordinating commissions, justice and judicial departments in the center and provinces,

reports on judicial workshops, criminal decisions of the courts, examples of judicial decisions of the courts, work reports of the courts, reflection of administrative and judicial meetings in the appellate courts, conducting public judicial meetings, , The activity of the hearing commissions of the appeals courts, the activities of complaints courts of appeals, reports of visits by heads of appeal courts, from deprivation of liberty areas and primary courts of the districts, tables related to the activity of the primary and appeal courts of center and provinces. In order to proceeding the issues of rape and violence against women and other judicial events.

3- News bulletin (Special Publication of the Judiciary): News bulletin (Special Publication of the Judiciary) being published in English language besides the Qaza Magazine and Mizan gazette with a circulation of 12,000 copies in a year, in order to raise the public and the relevant organizations' awareness regarding administrative reform, fight against corruption and drug-related crimes and publicizing the activities of the judiciary in the above-mentioned cases based on transparency. It has been officially sent to international institutions, the foreign embassies in Kabul and to the embassies of the Islamic Republic of Afghanistan in foreign countries.

4- Recording audio and video programs: The cultural sub-directorate of the Publication's Directorate, during the last year, has recorded High

Council of Supreme Court's sessions, video conferences between the Supreme Court and the Courts of Appeal, in participation of the head and members of the Supreme Court high council, Chief Justice of the Supreme Court meetings, and the public court hearings held at the level of the primary and appellate courts of Kabul province in presence of media and the people. It has been in charge of broadcasting the television and radio recording studios of the judiciary, and using these studios, twenty-four television interviews have been recorded and broadcast on national television within the framework of the program (Judicial Education), the plan has been a



pproved by the Supreme Court. Their topics include:

improving the capacity of administrative staff, the standards of fair trial and its place in national and international documents, violence against women in

terms of law and evaluation of its causes, Importance of maintaining the registration of protected documents and collaterals , marriage contract and its preparations, , the process of legalization in recent years in the country, gender's functions in the judiciary, cases and suspension cases, and enforcement of the sentence, the process of proceeding criminal and legal cases in Afghanistan, arrestment and detention, Conducting public hearings and its effects, compulsory marriage, activities of the courts to proceeding serious crimes of corruption, , legitimacy of crime and punishment and forced marriage. In addition, in addition to the above topics, 48 radio programs have been recorded and published, such as: escaping from home, the need to amend the drug law, the inheritance knowledge, imprisonment, the role of women in Islam, the importance of coordination meetings of justice and judicial organizations Proceedings in matters of personal status in the courts, torture, the importance of reasoning in judging, the status of family lawsuits, and how to judge cases, proceeding of cases in the final stage, the difference between human trafficking and kidnapping, necessity of establishing a national judicial academy biometrics, legal terminology, biometric, judicial performance monitoring system, combats against serious crimes of corruption , how the procedural and substantive structure of laws is formed, and covers victim and the plaintiff. Similarly, during the year 1398, in the framework of

the judicial education program, interviews have conducted under the titles of law, society from judgment to justice, corruption and drugs, and religious harm, legal, health and economy and their social, forced marriage from the point of view of jurisprudence and law, and its effects and consequences, separation and cancellation of engagement rape, the way of performances, the activities of the courts and statistics of various civil and criminal cases and collaterals and financial rights and women status in Islam, the above activities done by Judges of provincial courts of appeal and it has been broadcast on national provincial televisions.

5- Judicial Library



The judicial library accepts between 15-20 (daily) judicial and administrative staff for study and over the past year, 1,076 books have been studied by judicial staff out of the library according to the principles it was referred and received again, 1510 volumes of

books has been registered to the database, Also, in order to preserve and take care of the books, 500 titles of library books have been verified and the database review work continued to ensure the accuracy of the database operation.

6- Printing and publishing department

Department of publications, based on the guidance of chief of the Supreme Court during the year 1398, the subject of designing and publishing three titles of the book under the name (absolute and finalized verdicts of the courts report, the Supreme Court circulars related to the years 1394-1397 and the activities and achievements of the Supreme Court related to the years 1394-1397) and similarly the calendar of 1399 published in deferent size like desk and wall size published through printing house, and through general directorate of distribution, distributed to the relevant organizations, also the section of printing and publications during the year has designed and edited the Qaza Magazine, Mizan gazette, and Special Publication (News Bulletin), and has sent for printing, also, this department in accordance with the instructions of the central offices and other relevant offices of the Supreme Court, Insertion, judicial appointment Papers, central departments incoming and outgoing ticket for clients, etc. a total of 45,000 pages has printed and distributed, and 500 volumes of books of the Judiciary Library and 1000 volumes of indexes and data information of employees, and other orders of

the relevant departments have been prepared, also 65,200 photocopied sheets and 1,500 bags sewn in the photocopy section for the transferring of judicial journals, and 250 pieces of congratulatory cards for the new year, Eid and the anniversary of the country's independence have been prepared by this department.

6- In the distribution section of publications:

Managing the distribution of all judicial publications, including 36,000 copies of Qaza Magazine, 108,000 copies of Mizan gazette, 12,000 copies of news bulletins, 1,400 copies of various laws, 3,000 volumes of report book, and final decisions of the courts. 3000 volumes of the Supreme Court's uniforms related to the years 1394-1397, 1500 volumes of the books of the activities and achievements of the Supreme Court during the years 1394-1397, 500 titles of the description of the penal code in 2000 volumes, 200 volumes of the penal code, 40 volumes document books and approvals, criminal proceedings and income trials, 1,200 volumes of official journals, 1,200 volumes of Justice Magazine, and 2,500 copies of desktop and wall calendar, and after packaging, have been sent to the courts and relevant organizations.

News & Events

From February 21 to March 16, 2020, Ms. Monira Baharaki, the Head of primary Counter Narcotics Court had an official trip to the United States. the purpose of the trip was to exchange experiences in order to ensure transparency, internal control over the investigation, prosecution, judicial proceeding and implementation of decisions.

On April 16, 2020 Judge Shams al-Rahman Rayees Khail, Head of Herat Court of Appeals met with Sayed Abdul Wahid "Qatali", the governor of the province, in the presence of heads of Appellate prosecutor office, the criminal prosecutor office against internal and external security, justice and independent defense attorneys association, head of the court mentioned the problems of commuting of the judicial and judicial organization to their duties during the quarantine days, and he added that due to the problems and proceeding the cases of the accused, according to the decree of the high position of the presidency, a number of employees of the justice and judicial organization whose presence in the office is necessary, face to difficulties in commuting to their duties at the city level, the justice and judiciary organizations wants the governor to cooperate with them in this issues, the

governor of the province, emphasize the independence justice and judiciary organizations, he promised to solve the problems.

On April 23 ,2020 Judge Mufti Mohammad Wazir, chief of Court of Appeal of Badghis province, with Presence of judges and heads of city primary and appeals courts met with Shir Aqa Alokozay During the meeting, Alokozai, the security chief and head of security command, While welcoming the guests, he praised the sacrifices made by the security and defense forces of the country in order to preserve the independence of the territorial integrity and praised their sacrifices and he said security as a real source of happiness, courage and sacrifice. Then head of security command while expressing his appreciation for the principled and fair performances of the courts, promised any kind of cooperation like in the past in principle written, he promised that the security forces would work day and night to ensure the security of the people, especially judges and judicial, administrative and government officials, and they will try as good as possible.

On April 23 ,2020 Judge Munir al-Din "Munir head of Sar-e-Pul province Court of Appeals, met with state accountant of that province to discuss some of the revenue issues and problems of that department in terms of tax evasion, during the meeting, the state accountant discussed the issue of taxpayers' escape from paying taxes, in accordance with Article 20 of the

tax affairs law, as well as the solutions for receiving taxes from taxpayers in accordance with the Ministry of Finance's procedures and applicable laws.

On 26, January 2020 Judge Gholam Sakhi Habib, general director Court of Appeal of Faryab Province, met with Senator Dr. Gol Ahmad in his office, the senator expressed his satisfaction with the activities and functions of the judicial and administrative staff of the Court of Appeals, adding that we are the representative of the people in the community. Praise is to God, He said that the process of trial is fair and without any shortcomings and transparent in all areas, and thanked the head of the Court of Appeals.

On 4 May 2020 Judge Samargol Omar, head of Laghman Province Court of Appeals, met with Mohammad Asif Nang, the governor of that province, the meeting was focused on the current security threats posed by motorcycles, which the governor promised to take serious action. - Samargol "Omari", the head of the Court of Appeals, attended the introductory session of the Chief of the Appellate Prosecutor's Office of that province, congratulated to the Chief Prosecutor of the Court, who wish him to be more successful in his affairs, and at the meeting held on this occasion, he called the prosecutor office an office that has a direct relationship with the courts and its role is important in the affairs of the courts.

On 3 May 2020, Judge Mohammad Mozair, chief justice Court of Appeal of Badghis Province, met with Dr. Abdul Ghafoor ,Malekzai , the governor of that province. Head of the court, while emphasizing the harmony and good administrative relations between government institutions, suggested to the governor the need for a conkas for the purpose of using the data collection for the Court of Appeals. Fortunately, due to the efforts of the head of the court regarding the necessity of the need for the proposed device, it was accepted as soon as possible and the mentioned box was donated to the court of appeal.

On 8 May 2020 ,Judge Samargol Omari , head of Laghman province court of appeals, met with Habibullah Jalili , head of the province appeals prosecutor office, in his office.

In this meeting, both parties discussed on various interesting topics,

and regarding the implementation of decrees No. (1) 1/7/1399 and (15) 8/2/1399 from the high position of the presidency and how to performances the cases that have research gaps and sent to the attorney general's Office for the purpose of completion and also in relation to the relationship between the prosecutor office and the court, both of which are working to ensure justice, was a detailed and comprehensive discussion, and the need for continued comprehensive, and legal cooperation was emphasized.

On 12 May 2020 Judge Seyyed Abdul Qayyum Kamali , head of Nimroz Province Court of Appeals, met with the head and colleagues of the voice of women institute in his office. The purpose of this meeting was to increase cooperation and listen to the problems of that department, and also to see the women prisoners who had been transferred from prison to that department according to the decree No. (15) dated 8/2/1399, and the problems and demands, they listened and head of the court promised the necessary cooperation.

On 5/13/98, Judge Abdul Samad son of Abdul Rasool, Chief of Khorram and Sarbagh district Court of Appeal of Samangan Province, who was abducted by a group of armed opposition groups from the Khorram and Barbagh district, was taken prisoner by the armed opposition, on date 27/2/1399 he was rescued from the captivity of his opponents and joined the security forces of Chahardareh district. The Kunduz Court of Appeals, on behalf of the Supreme Court leader, congratulated all members of the family of Judge on their release from the captivity of the opposition group.

On 13 May 2020 the leadership of Kunduz Court of Appeals, Judge Noorullah Habib, Head of the primary Court of Kalbad district of the Court of Appeal, according to the proposal number (2190) dated 12/22/1398 the Supreme Court and decree No.(300)

date 3/2/1399 high position of the presidency he has retired during the meeting, the good morals, piety, knowledge and judicial experience of head of the primary court of Kalbad district was appreciated and their good performance was reminded. In other matters of life, he wanted further success for him from the almighty God.

COUNTER – CORRUPTION

- **Verdict Summary Samples issued by the primary Public Security Court of Herat province
Verdict dated April 12, 2020
Conviction of Herat Province subdirector of Traffic Incidents on Charges of Bribery**



One person in a motorcycle on the road with a pedestrian has a traffic accident, the accident was investigated by the local traffic police, and the motorcycle was stopped in the traffic department, and the accident was minor and the victim was forgiveness him, the case has been resolved through traffic department, then, the owner of the motorcycle wants to take his motorcycle from the accident department. The member of the board demands a bribe from the owner

of the motorcycle in exchange for handing over the motorcycle, later the owner of motorcycle was complained to the Herat Police security command, apparently, one of the officials of the traffic accident directorate was demanded a bribe of money against work which I have with him, according to a regular plan, the representative of the military primary prosecutor office, the amount of 3,000 Afghanis, was identified and made available to the owner of the motorcycle. The mentioned amount was paid to the officer of traffic directorate accident management, then the assigned delegation took action and arrested the accused person with the amount of 3,000 Afghanis that has already marked obtained from the accused, and the accused introduced to the justice and judicial organization, the case has been referred to the primary public Security criminal Court of Herat province, Court in the session dated 1/24/1399 in presence of both parties unanimously, the accused in charge of traffic management incidents of Herat police security command regarding the charge of taking 3,000 Afghanis in bribes according to part (1) of paragraph (1) of Article (371) of the Penal Code and paragraph (1) of Article (385) of the mentioned code sentenced to three months enforcement imprisonment and payment of 3,000 Afghanis, the equivalent to bribery.

COUNTER NARCOTICS AND INTOXICANTS

A: Reports on judicial performances of primary court of counter narcotics justice center

1. Report

Primary court of counter narcotics justice center from 20 April to 20 may 2020 has resolved around 85 different types of cases related to drugs. Regarding to these cases around (134) persons in accusation of smuggling and carrying drugs were arrested and out of these, 7 of them were acquitted because of lack of enough evidences and 127 of them went under trial and were convicted into different imprisonment of punishments.



- Imprisonment 1 year to 5 years 81 person.
- Imprisonment 5 years to 15 years 26 person.

- Imprisonment 15 years to 20 years 19 person.
- Imprisonment 20 years to 30 years 1 person.

In connection to abovementioned trials the verdict has been issued to eliminate (17616723) kg drugs of different types.

Chart (1) shows the statistics of judicial performances of primary court of counter narcotics justice center in the month of May 2020

No	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	Methamphetamine	33	769,611	40	2	38	26	3	3	
2	Heroin	22	3126.18	38		38	21	11	5	1
3	Morphine	2	17.8	5	1	4	1	3		
4	Hashish	11	5369	22	4	18	15	3		
5	Opium	8	2356,9	16		16	6		10	
6	Hashish Seed	4	5475.29	7		7	7			
7	Tablet K	1	2,5	1		1			1	
8	Chemicals	3	499.442	4		4	4			
9	Agreement on crime	1		1		1	1			
Total		85	17616.723	134	7	127	81	26	19	1

2. Verdict Summary Samples issued by the primary court of counter narcotics justice center

Verdict dated May 18, 2020

Nine years of imprisonment in accusation of smuggling 20 kg of Heroin

The sensitive Investigative Unit (SIU) reports that one of the main residents of Kharwar district of Logar province, who was one of the major drug traffickers, always transfers drug to Kabul and other provinces by his tenants and distributes it to drug dealers, as reported during a phone call, a trusted person informed that one person had handed over the amount of heroin to two of his tenants and was about to be transferred to Kabul, personnel from the sensitive research department went to the targeted place and the area came under their secret surveillance, and two tenants drug dealers were arrested with two plastic bag, and between the two bag, there were (20) packets of narcotics under the name of heroin, which has a total weight of (20) kilograms has been obtained, according to the description, the net weight of the seized drugs was(20) kg and the laboratory test results obtained positive heroin and the sample was confirmed, and the case has been referred to the special primary court of combating intoxicants and drugs. The court in the judicial session dated 1399/2/29 in presence of both parties unanimously, in the case of smuggling quantity of 20 kilogram of heroin beginning, according to the explicit paragraph (5) of

paragraph (1) of Article (302) of the penal code, with considering Articles 213 and 214 of the mentioned code, from the date of detention and monitoring days, each one sentenced to 9 years enforcement imprisonment, also two sets of cell phones with its SIM cards and amount of 6160 Afghani and amount of 1500 Pakistani Kaldar according article 32 Law on Anti-Narcotic and according to article 19 mentioned law issued verdict on confiscation of quantity of (20) kg of heroin.

Verdict dated 18 May 2020

Five years of imprisonment in accusation of smuggling (10,400) kg opium

Herat gates security team Anti-Narcotics directorate gates control team, in order to prevent drug trafficking and to arrest the drug traffickers and smugglers, according to the plan of different areas, the entrance and exit gates of Herat province they have increased the number of checkpoints at different times, according to the plan, a checkpoint was set up in the Kamari Kulagh area of Herat -Turghandi Highway in Herat's Enjeel district, during a check of a city taxi, arrived on the way from Turgandi Highway to the checkpoint and was stopped and searched, as a result, two medium packages of narcotics from inside the toolbox car under the name of opium and four packets of liquid opium were found inside the gate were seized, and in connection with the case, three people were arrested and introduced to the justice and judicial organizations,

the case has been referred to the primary special court of anti- narcotics, the court in their judicial session dated 1398/2/29 with presence of both parties unanimously decided that in case of trafficking the quantity of (10,400) kilograms' opium, type of drugs, according subparagraph 6 paragraph 1 article 304 of penal code by observing Articles 213 and 214 of the mentioned code from the beginning of detention sentenced to five- five years of enforced imprisonment and according article 32 anti- narcotic law, tow set cellphone with its SIM cards was confiscated and according to article (19) of the mentioned law the court has issued a verdict for elimination of seized drugs.

B: Reports of Judicial Performances of Special Appellate Court of Counter Narcotics Justice Center

1. Report

Appellate court of counter narcotics Justice Center from 20 April to 20 may 2020 has judged around 22 cases related to types of narcotics and issued judgments. In connection to these cases around 30 persons in accusation of smuggling and carrying drugs were arrested and they were sentenced to different period of imprisonment as follow:

- Imprisonment 1- 5 years 9 person.
- Imprisonment 5 – 15 years 11 person.
- Imprisonment 15 – 20 years 9 person.
- Imprisonment 20 – 30 years 1 person

Also, in relation to abovementioned cases amount of 9124,895 kilograms of drugs discovered and seized.

- Total cash fine convicted 2465 US dollar

The chart number (1) shows judicial performances of appellate court of counter Narcotics Justice Center in the month of May 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				Cash fine
							1-5 years imprisonment	5-15 years imprisonment	15-20 years imprisonment	20-30 years imprisonment	
1	Methamphetamine	11	30,64	13		13	2	4	7		389
2	Heroin	4	37,375	7		7	3	2	1	1	1038
3	Hashish	5	9054,18	8		8	4	4			389
4	Morphine	1	1,5	1		1		1			649
5	Chemical	1	1,200	1		1			1		
Total		22	9124,895	30		30	9	11	9	1	2465

2: Verdict Summary Samples issued by the Appellate Court of Counter Narcotics Justice Center Verdict dated 13 May 2020

Fifteen years of imprisonment in accusation of smuggling 2,056 kg Methamphetamine

According to secrete source, the commander of the special unit for the fight against drugs, based on that one person has hidden (3000) tablet k in unknown

place, and by using the opportunity want to sell it, the assigned officials took action and introduced one of their officers by secret sources to the smuggler, after a series of meetings with the drug seller and repeated conversations with him, the covered officer agrees to buy drugs, and the seller, who pretends to be a labor, after consulting with the original owner, directs them to bring the drugs, subsequently, the seller came toward the officer with a box, and when they saw the police they wanted to escape and they arrested by the police with two other accused, The case has been referred to the special primary court of proceeding the anti-narcotics, the court in its judicial session dated 1399/1/6 unanimously, in presence of both parties, in the case of carrying quantity of (2.056) kilograms of Methamphetamine from the beginning of detention days according sub- paragraph (5) paragraph (2) article (302) Penal code with the observation of article (59)) of anti-drug Law sentenced punishment to fifteen years tow month and fifteen days enforcement imprisonment, and according to Article (32) of the Anti-Narcotics Law, four sets of mobile phones with SIM cards and the amount of (760) Afghanis, (1000) Pakistani Kaldar according to Article (308) of the Penal code and one vehicle carrying the drugs was confiscated, and according to Article (19) of the mentioned law, issued verdict to eliminate the items. Due to lack of satisfaction of the accused, the case entered into appellate court of proceeding drug crimes and the court

in its judicial session dated 1399/2/24 with presence of both parties, based on article 54 of law on organization and jurisdiction of judiciary and paragraph (2) article (17) of Anti-drug and toxicant Law and paragraph (1) article 267 of criminal procedure law date 1399/1/6 confirmed decision of the primary court.

Verdict dated 12 May 2020

Ten years of imprisonment on charges of possessing 377 kg Hashish and 14 Kg of poppy

The officials of Nangarhar province special deputy intelligence service, according to previous reports, the home of one of the residents of Seyed Khel village in Khogyani district of Nangarhar province with the presence of representative of the appellate prosecutor office and with the presence of Anti-narcotics department of Nangarhar police command was inspected and searched, as a result of inspection, 377 kilograms of hashish and 14 kilograms of poppies were found in his house and the garden of his house which was the processing of drug, the accused person has been arrested, and the case has been referred to the primary special court of anti-narcotics. The court in their judicial session dated 1399/1/5 with presence of both parties unanimously decided that in case of keeping the quantity of 377 kilogram hashish from beginning, detention days according subparagraph 7 paragraph 1 article 303 of penal code sentenced to ten years imprisonment and in the case of keeping the quantity of 14 kilogram opium according to direction

of sub –(6) paragraph (1)article 303 penal code sentenced to ten years punishable imprisonment, and according to Article 73 of the mentioned code, severe punishment, and in the case of keeping amount of 377 kilograms of Hashish ten years imprisonment punishment enforced and applicable on him, according to Article 19 of the anti-drug and narcotics law, 377 kilograms of poopy and 14 kilograms of hashish have been confiscated. Due to lack of satisfaction of the accused, the case entered into appellate court of proceeding drug crimes and the court in its judicial session dated 1399/2/23 with presence of both parties unanimously, according to Article (267) of the Criminal Procedure Code and paragraph (2) of Article (17) of the anti-narcotics and drug law confirmed decision of the primary court