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Meetings and Sessions

The High Council of Supreme Court Sessions Report

The High Council of Supreme Court held its regular sessions on June 2, 9 and 23, 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:



❖ The activity report of the General Directorate of judicial Inspection was heard. Last year, ordinary inspections and (99) occasional inspections were carried out in all

courts of the country, and based on the results of the inspection, (5) cases were considered to be tried in trials and (139) cases are considered disciplinary, and (8) judges have been honored on behalf of the General Directorate of Judicial Inspection. In addition, judicial inspectors have provided necessary advices and guidance to judicial and administrative officials in (530) cases.

❖ Comprehensive guidelines were approved for conducting remote trial sessions (online) in the current Covid-19 crisis, according to the approval of the previous session, in criminal cases for the time being, with the interpretation and explanation of the provisions related to virtual presence of both parties, in accordance with the provisions of the applicable laws on the investigation trials page, which were prepared by the General Directorate of Research and Studies and the delegation of relevant departments, until fundamental solution of legal basis is provided

through amendment of the law which has already been proposed; so that it is initiated by providing technical facilities.

❖ Condolences and sympathy for the death of Mohammad Siddiq Muslim, head of General Directorate of Dar al-Ifta (Religious Verdicts Directorate) and the death of judge Atiqullah Yaqubzada, a member of Appellate Court of Kabul as a result of their illnesses they joined eternity, their death was considered a loss and it has been wished that almighty Allah grants paradise for the deaths, condolences and sympathies is asked from almighty Allah to their families and relatives.

❖ The instruction-demands from commercial division of the Supreme Court, directorate of consulate affairs of Ministry of Foreign Affairs and the Ministry of National Defense, about acceptance of reconsideration suggestions of minors in the appellate and final phases without

considering the deadline and how to enter the name of a woman who has killed her husband in the inheritance deed, were studied in depth and necessary instructions were given based on the provisions of applicable laws.

❖ Regarding the Instruction-demands of Kabul Appeal Court about the validity and invalidity of an official deed (Sharia deed) prepared by a court without having territorial jurisdiction, also the issue of returning the fee of an ownership document to the customer when its implementation is suspended due to some considerations, in the light of the provisions of the enforced laws, necessary instructions have been provided for them.

❖ In response to the instruction-demand of the General Criminal Division of the Supreme Court about a retribution verdict which has been approved by one of the criminal divisions of an appellate court without having subject matter

jurisdiction, and the instruction-demand of Bagram appellate court about banditry not described in the Panel Code, necessary instructions were given in the light of provisions of the law.

❖ Based on the reports of the General Directorate of Judicial Inspection and scrutiny opinions regarding misconduct of some judges, which was specified by ordinary and occasional inspections, disciplinary procedures were initiated against 21 judges of Kabul, Kandahar, Logar, Paktia and Sar-e-Pul provinces in accordance with the regulation of judicial misconduct.

❖ Based on suggestion of the Attorney General's Office regarding the extradition of three convicts to their countries of origin, as well as the issue of modifying the sentence of a convict who has already been sentenced in another country and is currently spending his

period of imprisonment in Afghanistan, required legal decisions were taken.

❖ Five requests for reconsideration and some court changing requests of civil and criminal cases and a personal affairs issue of a judge was discussed. Furthermore, at the request of Attorney General's Office, (181) criminal cases were handed over to the appellate courts of Kabul, Balkh, Herat, Nangarhar, Badghis, Nimroz, Kunar, Paktika, Laghman, Sar-e-Pul, Samangan, Helmand, Takhar, Baghlan, Faryab, Badakhshan, Ghazni, Kunduz, Kandahar and Khost.

❖ In the sessions, some of the final cases have been proceeded and appropriate decisions were taken in accordance with the provisions of Criminal Procedure Code.

Judicial Training Directorate of the Supreme Court Activity Report of 1398 (2019)

During 1398, the Judicial Training program, which includes judicial training course and in-service short-term training courses, has been prepared and conducted in the following order:

1- Judicial Training Course section:

- Registration of (9520) applicants for the 31st round of judicial training course, including:
 - (7700) men
 - 1820 women
 - (4967) graduates from Sharia faculties
 - (4193) graduates from law faculties
 - (360) graduates from religious schools

2- Taking the 31st Round of Judicial Training Course Written Test:

- Preparing the 31st round of judicial training course written test procedure with the cooperation of the professors of the Judicial Training Directorate.
- Introducing (17) supervisors from different departments.

- Taking the written exam of (6658) participants of 31st round of Judicial Training Course on 28/4/1398 by the National Examination Authority, according to the memorandum of understanding between the Supreme Court and the National Examination Authority in Kabul University compound, including (5363) men and (1295) women.
- Recognition of (600) people to pass the oral exam for (31st) round of judicial training course, including (424) men and (176) women from different provinces.
- Taking the exam of injured on 16/10/1398 from the number of (12) persons participants who were successful, including the number of (3) men, and the number of (9) were failed

3- Oral Examination section of (31st) judicial training course

- Preparing to take the 31st judicial oral exam
- Arranging the procedure of the oral exam with the cooperation of respected professors of

Judicial Training directorate.

- Preparing to start (31st) round of judicial stage.
- Arranging the judicial curriculum.

Online registration report table and taking the written and oral exam round of (31st) judicial training course

No	Donor source	Number of registrants and the successful 31 st round	Number of participants			Remarks
			Men	Women	Total	
1	Finance and Administration General Directorate	9520	7700	1820	9520	
2	General Administrative Directorate of the Judiciary in cooperation with the National Examinations Authority	6658	5363	1295	6658	
3	General Administrative Directorate of the Judiciary	600	424	176	600	

Capacity Building section of in-service/sitting judges

Report on training programs for in-service/sitting judges of the Judicial Training Directorate

No	Training program section	Donor source	Number of training programs	Number of participants			considerations
				Men	Women	Total	
1		International Development Law Organization	28	620	32	652	
2		Institute for Community Empowerment (SEO)	7	130	23	153	
3		United Nations Office on Drugs and Crime (UNODC)	1	9	1	10	
4		Max Planck Foundation	3	0	90	90	
5		ADALAT project – Checchi office	24	289	11	300	
6		Movements Office	1	21	5	26	
Total			64	1069	162	1231	

News & Events

On 8 June 2020 Judge Javid Rashidi, Acting General Administrative Director of the Judiciary, together with the head of the Policy and Planning directorate of the Supreme Court, participated in the meeting of the Justice and Judicial committee of the cabinet chaired by the Second vice president, he provided the necessary explanations for the reports of the judiciary, which was included in the agenda.

On June 11, 2020 judge Javid Rashidi, Acting General Administrative Director of the Judiciary, met with Mr. Arghun, deputy Administrative deputy Attorney General, in his office, while some of the attorney general office officials and heads of the Supreme Court were also present ,in this meeting, both parties discussed how to implement the beneficial retirement procedure, Procedures for the Rights and Privileges of Martyrs and Disabled in justice and judicial organizations, Joint plan to provide an incentive package to ensure the

presence of women in places, he also discussed issues related to the Case Management System, and coordinated their actions on relevant issues that are in fact among the common tasks of both institutions, and the necessary instructions has been given to the relevant departments to solve the problems in above cases.

On June 13, 2020 Publications Director and Acting Director of Policy Planning of the Supreme Court participated in the meeting of technical committee of the second vice president, and discussed how to arrange the reports of the judiciary on implementation of obligations of the national and international community, in accordance with a specific format, the next reports of these organizations should be prepared according to the procedure.

On 8 June 2020 Judge Abdul Qadir "Delawar, chief of Criminal Court and head of Court of Appeal of Badghis province met in his office, in the presence of judge Hayatullah Tayeb , the chief Treasurer with the chairman and members of the committee for reviewing and evaluating the documents of martyrs and the disabled of that province, with observance the distance and

wearing mask and gloves, at the beginning of the meeting, the chairman of the committee of chairmanship of the Court of Appeal expressed his gratitude and cooperation with the working committee for reviewing the documents of martyrs and the disabled, which consists of various government departments, including the court, then a series of existing problems were discussed regarding the records of a number of bail and work speed of the committee, as a result the head of the court provided legal guidance regarding the connection of information from the records of bail, reorganization, issuance of duplicates of documents and acceleration of works according to the decree of the President of Islamic Republic of Afghanistan and appropriate decisions have been taken.

On 8 June 2020 in order to obtain the views of the judiciary on how to implement the online trial system, judge Nisar Ahmad Malekzai General Director of Research and Studies of the Supreme Court conducted a meeting with the relevant departments via video conference, he called for their views on the issue to be used in

order to further enrichment the comprehensive guidelines for initiating the online trial process.

On 1 June 2020 Judge Samargol Omari, President of the Laghman Court of Appeals, met with Salam Jan Qalmiar, President of the Appellate Prosecutor in his office. In this meeting, while a number of prosecutors and judges were also present, various issues and interests discussed and exchanged, and discuss the implementation of the orders of the president office and the release of eligible prisoners, The recommendations made by the head of General Attorney Office representative to release the prisoners on bail and was emphasized to the court, and the head, head of the court emphasized the seriousness and implementation of the above-mentioned order which was presented to the court by the General Attorney Office.

According to the content of the special decree no. (1) dated 26 March 2020 of the President Office, and resolution no. (1) Dated 6/1/1399 of the government cabinet and decision no. (2) dated 25 March 2020 of the emergency committee in order to take precaution actions to

prevent the spread of the Covid-19 in places of deprivation of liberty, head of appellate prosecutor office and the military prosecutor office of Parwan province, have sent and submitted their separate proposals to the head of Appeal Courts regarding acceleration of the execution of the sentence and release of 48 detainees for the purpose of determining bail, that their release order has been sponsored until the risk of Covid-19 is eliminated, in their suggestions it has been determined and officially sent to the mentioned authorities.

On date 10 June 2020 judge Fazul Rehman, Fazli , head of Appellate Court of Badakhshan province, accompanied by a number of heads judges and head of correspondent office visited the appellate prosecutor office, while congratulating the new hired chief of appellate prosecutor office and the new hired chief of military prosecutor office he spoke regarding the strengthening of coordination between the justice and the judicial organizations, especially the prosecutor office and courts and he expressed their commitment to further strengthen coordination between the courts and

the prosecutor office, they do their best in order to gain more public trust in the performance of judicial institutions.

On date 11 June 2020 a meeting chaired by judge Shams-ur-Rehman Rais Khel, head of Herat appellate courts with the participation of the deputy of the appellate courts, chief of special courts, the head of appellate and urban courts in the conference hall of the court, with the aim of initiating serious measures to prevent further spread of the Covid-19 in the courts. Head of the court added that according to the procedure of the Ministry of Labor and Social Affairs, the administrative and judicial members of the appellate court are obliged to implement and observe it, he also asked the members of the courts that there should not be any administrative and judicial shortage and gaps on the enforcement and also to avoid wandering state with the clients in the court. Head of the court asked the clients to observe and consider health instructions, use masks and wearing gloves during the commuting to the court.

COUNTER CORRUPTION

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

1- Reports



From 21 May to 20 June 2020 Kabul anti-corruption primary court heard (8) criminal cases related to corruption crimes, in connection with these cases, 13 persons in accusation of abuse of power, taking bribes, illegal extortion, and mediation in bribery have been arrested and 1 of them due to the lack of sufficient evidences

were not found guilty and acquitted and 12 persons were sentenced to different punishments of imprisonment as follows:

- One month to one-year imprisonment for 1 person.
- Convicted to cash fine 8 persons.

Total amount of the above-mentioned convicts' cash fine is (5154) US dollars.

Chart (1) shows the number of convicted of the Kabul Anti-Corruption Primary Court in the month of June 2020

No	Type of case	Number of case	Judicial decision							
			No of accused	Acquitted	No of convicted	The number of imprisonment validity				Cash penalty
						to one year imprisonment	one month to 1-5 years imprisonment	5 - 15 years crime	Convicted of cash	
1	Misuse of authority	2	3		3				3	1623
2	Bribery	2	3		3	2			1	207
3	Illegal extortion	2	3	1	2	2				
4	Mediation in bribery	2	4		4				4	3324
Total		8	13	1	12	4			8	5154

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

Chart (2) describes the judicial rulings of the Kabul anti-corruption Primary Court in the month of June 2020

No	Type of case	Number of case	Number of accused	Reason for ruling	Related reference
				Legal gaps and Defects	
1	Misuse of authority	4	20	4	Prosecutor's Office
2	bribery	1	1	1	Prosecutor's Office
3	Embezzlement	1	1	1	Prosecutor's Office
4	Restoration of prestige	1	2	1	Prosecutor's Office
Total		7	24	7	

2. Verdict Summary Samples issued by the Primary Anti-Corruption Court of Kabul Verdict dated 10, June 2020

Conviction of Bagrami District of Kabul Province Investigation Prosecutor on charges of bribery

One person had a petition to the control and surveillance directorate of attorney general office and has written that his father was a guarantor in a legal case which is under proceeding in Bagrami district, in the detention center of Kabul province, he is facing a serious

problem a person from the Bagrami district one of prosecutors from Bagrami district intervenes while he has no jurisdiction over my father's case, and he threatens and asks for money and says that if you do not pay, beside legal issue, criminal aspect will be encouraged in your case, nature of legal case will be changed into criminal case and will be sent from the district legal department to the prosecutor. After going through the steps and taking the guidance from control and surveillance directorate of the attorney general the assigned delegation consists of representatives from the control and surveillance directorate of attorney general and the directorate of national security 062 took action and the amount of \$ 400 of operational money in the presence of assigned delegation marked and gives to a colleague, after contacting the accused, the colleague came together and entered Ibn Sina's market, after the amount is given to him. The assigned delegation took action the accused person throws the operative money that had already been marked to basement of the market, the mentioned money was gained in the presence of accused in the

basement of the market and the money was matched with the copies, the accused has been arrested and introduced to justice and judicial organizations, the case was referred to Kabul province primary court for proceeding of corruption related crimes. Court hearing dated 10 June 2020 in the presence of both parties, the accused prosecutor of Bagrami district in the case of taking bribe amount of 400 US dollar, According to the provision of sub-paragraph 3 paragraph 1 article 371 paragraph 1 articles 375 and 385 penal code in compliance with articles 211 and 213 of the mentioned Code, including the days of detention and confiscation for a period of two years of imprisonment with observing of articles 211 and 213 of the mentioned code from the beginning of detention period is sentenced to imprisonment of two years enforced imprisonment, equivalent cash fine to the bribery, and dismissal from the duty.

**Verdict dated 10 June 2020,
Conviction of Ballistic department member of
the Criminalistics directorate of the Ministry
of Interior Affairs on charges of bribery**

A person wanted to renew the card of his two

weapons and refers to the professional member of the Ballistic department of the Criminal technic department, and according to the procedure, he wanted a ballistic examination of his weapons, an among the weapons after the technical examination in the form of applicant request verified the accurate functionality of the pistol, but regarding his machine gun (Kalashnikov weapon), he tells the applicant that serial number of your weapon has been scratched and cannot be read, and if you pay me two hundred US dollars or the equivalent in Afghani, I will confirm it, otherwise I will not approve renewal process of the weapon card, the victim reported the matter to the department of criminal investigation of the Ministry of Interior, after informing the officials of the Investigation Department for Combating Criminal Offenses, the action have been taken after arranging a regular plan and detective work, with close coordination of the victim, while the amount of sixteen thousand Afghanis the operational money and pre-marked was paid by the victim to the accused with the mentioned weapon documents, at the same time the

assigned delegations and prosecutor took action and the accused person was arrested in front of the entrance gate of the clients and in front of Sheikh Zayed Hospital, and the money is taken from inside the bag of the accused. The case has been referred to the primary court of anti-corruption of Kabul province on 1399/3/21 equivalent 10 June 2020 the judicial hearing was held in the presence of both parties, member of the Ballistic department of the technical criminal directorate of the Ministry of Interior in connection with taking bribe amount of 16000 AFs (sixteen thousand Afghanis) according to the explicit paragraph (2) article (371) and paragraph (2) of article (375) and paragraph (1) of article (385) of the penal code with observing of articles (213 and 215) of the mentioned code, from the beginning of detention period is sentenced to imprisonment of seven months imprisonment, equivalent to bribe cash fine, and dismissal from the duty in connection of bribery and about his accomplice, due to lack of sufficient reasons, according to article 235 panel code procedure and article 5 of penal code has been acquitted.

• **Report of Judicial Activities of Public Security primary Court of Herat province**

1- Reports

From 21 March to 19 May 2020 Herat primary court for proceeding of public security crimes heard (4) criminal cases related to corruption crimes. In connection with these cases, 7 persons in accusation of abuse of power, taking bribes, not applying of provisions of the law have been arrested and sentenced, they were sentenced to different punishments of imprisonment as fallow.

- One month to one-year imprisonment for 2 people.
- One month to one-year to imprisonment for `1 person.
- Convicted to cash fine 4 persons.

Total convicted cash fine punishments of convicted is amount to (582) US dollars.

Chart (1) shows the number of convicted of public security primary court of Herat Province

No	Type of case	Number of case	Judicial decision							
			No of accused	Acquitted	No of convicted	The number of imprisonment validity				
						One month to one year	1-5 years imprisonment	5 - 15 years imprisonment	Convicted of cash fine	Cash penalty
1	Misuse of authority	2	3		3		1	1	1	77
2	Bribery	1	1		1	2	1			38
3	Violation of provisions of law	1	3		3	2			3	467
Total		4	7		7		2	1	4	582

Verdict Summary Samples issued by the Public Security primary Court of Herat province

Verdict Dated 11, May 2020

Conviction of a member of the criminal directorate of the fifth police district of Herat Police on charges of misuse of authority

According to the petition, one of the residents of Herat province to the head of national security directorate, stated that five days ago, I was arrested in the area of Alam market located on Eidgah road without any reason by the officials

of the fifth police district, and I was detained in a room, meanwhile, a person who introduced himself as the detective incharge deputy of that area came to me and said, If I help you, how much money will you give me, and I said take me out of this room and give me the phone to call my family, The detective took me out of the room and gave me the phone and took 2,000 Afghanis for giving me the phone and said how much would you pay if I arranged a guarantee letter the amount of operative marked money in the presence of the prosecutor's representative, will be available to the person. And the money has been taken from a colleague by the detective, the accused was introduced to the justice and judicial organizations and the case has been referred to Herat province public security crimes primary court. Court hearing dated 11 May, 2020 unanimously based on reasons the accused member of the criminal directorate of the fifth police district in connection of misuse of authority of duty according to direction article (403) panel code sentenced to imprisonment of one year and one month enforced imprisonment, and dismissal from the duty.

Report and Judicial Activities of Kabul anti-corruption appellate court

1) Report

On 21 May to 20 June 2020 Kabul province appellate courts against administration crimes heard around (3) criminal cases related to administration corruption, in connection with these cases, 3 persons have been arrested in accusation of misuse of power, and deception. And (2) persons were acquitted due to lack of sufficient evidence and 1 person have been convicted to various imprisonment as below.

- Convicted to cash fine 1 persons.

Total Amount of cash fine: 844 US Dollars

Chart (4) shows the statistics of Kabul Anti-Corruption Appellate Court in the month of June 2020

No	Type of case	Number of case	Judicial decision							
			Number of accused	Acquitted	No of convicted	The number of imprisonment validity				
						One month to one year imprisonment	1-5 years imprisonment	5 - 15 years imprisonment	Convicted of cash crime	Cash penalty
1	Misuse of authority	1	1		1					1
2	Deception	2	2	2						
TOTAL		3	3	2	1					1

Also in this period the court has issued judicial rulings on (2) cases and sent them to the relevant authority to complete investigative gaps and to find the deficiencies.

Chart (5) shows the judicial rulings of Kabul Anti-Corruption Appellate Court for the month of June 2020

No	Type of cause	No/ case	No / accused	The cause of ruling	Related authority
				Legal gaps and Defects	
1	Misuse of authority	1	1	1	Prosecutor's Office
2	Treason	1	7	1	Prosecutor's Office
Total		2	8	2	Prosecutor's Office

**2. Verdict Summary Samples issued by Kabul Anti-Corruption Appellate Court
Verdict dated 1 June, 2020**

Conviction of Commander of the second block of Kabul 1st police district on charges of misuse of authority

A person wanted to relocate his handy own sale cart on the road between Pamir Cinema and the Maiwand Hospital, However, the commander of the first block of the second block of the first police district, police prevented him and

demanded a bribe of 20,000 Afghanis in exchange for permission of his hand cart, and later agreed in eight thousand Afghanis, The seller was not able to pay the money, inevitably on 19/9/1398, complained to the police directorate of the first district and demanded to arrest the mentioned officer, the directorate took action on 12/12/2019 in the presence of the representative of the Attorney General Office while receiving the amount of (8,000) Afghanis he was arrested by the assigned delegation and introduced to the justice and judicial organizations the case has been referred to the primary court of anti- corruption of Kabul province on 1398/11/1 equivalent 22 December 2019 the a judicial hearing was held both parties were present and unanimously the court convicted commander of the first brigade, headquarter of the 1st police district of Kabul city in connection of misuse of authority during the duty according article 403 penal code with the observation of articles 2013 and 2015 the mentioned code has been sentenced to (65,000) sixty-five thousand Afghanis cash fine ,and dismissal from the duty, but due lack of

satisfaction of the accused the case entered into appellate court of combating administration corruption of Kabul, the court in its judicial session dated 1398/11/1 unanimously based on article 54 of law on organization and jurisdiction of judiciary power confirmed decision of the primary court.

COUNTER NARCOTICS AND INTOXICANTS

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



Report. 1

Primary court of counter narcotics justice center from 21 May to 20 June 2020 around 41 of related different type of case of drugs has judicially proceeded and required decisions were taken. Regarding to these cases around 62 persons in accusation of smuggling and carrying drugs were arrested and were convicted into different imprisonment of punishments.

- Imprisonment 1 year to 5 years 42 persons.
- Imprisonment 5 years to 15 years 14 persons.
- Imprisonment 15 years to 20 years 5 persons.
- Imprisonment 20 years to 30 years 1 person.

In connection to the above-mentioned trials, the verdict has been issued to eliminate (6464.306) kg of drugs

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

Sl number	Type of case	Number of case	Amount of items	Judicial Decision						
				Number of accused	Acquittal	Number of convicted	Number of enforced prisoners			
							1-5 years imprisonment	5-15 years imprisonment	15-20 years imprisonment	20-30 years imprisonment
1	methamphetamine	18	1721,68	24		24	14	6	3	1
2	Heroin	4	761,946	4		4	3	1		
3	Morphine	1	2	1		1		1		
4	Hashish	11	2133,84	22		22	20	2		
5	Opium	5	173,24	6		6	4		2	
6	Hashish seed	1	1700	1		1	1			
7	Chemical	1	1,600	4		4		4		
Total		41	6464,306	62		62	42	14	5	1

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

Verdict dated 9 June 2020

Five years of imprisonment on charges of keeping 295 Kg Hashish

During an operation in the village of Pacha Khan Qala-e-Wazikhah, chief of Wazikhah police of Paktia province seized 295 kilograms of hashish from a house, including all the amount of material (7) kilograms transferred to the center and the rest of it fired in the place and in connection with the case, the accused arrested and detained. During the initial investigation, the accused admitted to obtaining drugs from his home (270) kilograms of hashish had been discovered by the authorities. In total the officials have eliminated a large amount and transferred (7) kilograms, the accuse introduced to justice and judicial organizations, and the case has been referred to the special primary court of combating intoxicants and drugs. The court in the judicial session dated 1399/3 /20 in the

presence of both parties unanimously the accused in connection of keeping amount of 295 Kg hashish according to the explicit sub - paragraph (7) of paragraph (1) article (305) of the penal code with observance of articles (213 and 214) of the mentioned code sentenced to five years enforcement imprisonment, also according to article (19) of the anti-intoxicants and narcotics law the amount of 82.6 kg of hashish is considered to be eradicated . Of course, the rest of the material has already been eradicated and verdict was issued too.

Verdict dated 6 June 2020

Five years of imprisonment on charges of smuggling 9 Kg Methamphetamine.

Nangarhar police headquarter and staff of anti-intoxicant and drug department, based on the information of the department of information and investigations directorate (IIU), that a quantity of narcotics was embedded in a vehicle based and will be transferred to Pakistan through Torkham border the mentioned officials took action after confirmation and identification the vehicle was stopped in Torkham border and physically was checked, as a result of physical

check, 9 kg of methamphetamine was discovered and received from inside an air balloon that had been skillfully embedded, in connection with the case two accused persons were arrested and introduced to the justice and judicial organizations, the primary court of intoxicants and drugs in the judicial session dated 1399/3/17 in presence of both parties unanimously the of two accused persons in the case of trafficking drugs quantity of 9 kilo gram Matt amphetamine from the beginning of detention days according to sub-subparagraph 5 paragraph 2 article 303 of penal code with consideration of articles 213 and 214 from the beginning detention days every one of them were sentenced to five – five years enforced imprisonment, also three sets of mobile phones with its SIM cards and 30,000 Afghanis in cash confiscated from the accused according to article 32 of the anti-narcotics and drugs Law has been confiscated, and according to article 19 of the mentioned law an order of eradication of 9 kilograms of methamphetamine issued too.

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

Justice Center

1. Report

Appellate court of anti-narcotic from 21 May to 20 June 2020 around 27 cases related to types of narcotic judicially were proceeded and decision was issued. In connection to this these cases around 42 persons in accusation of smuggling and carrying drugs were arrested out of these 2 person of them because of lack of sufficient evidences acquitted and 40 of them were sentenced to different period imprisonment

- Imprisonment 1- 5 years 4 person.
- Imprisonment 5 – 15 years 13 person.
- Imprisonment 15 – 20 years 21 person.
- Imprisonment 20 – 30 years 2 person

- Also in relation to abovementioned cases judgement was issued regarding amount of 2911.172 kilograms of drugs issued to be perished.
- Total cash fine of the convicted: 1557 US dollar .

The chart number (2) shows judicial performances of Special Appellate Court of Counter Narcotics Justice Center month of June

Serial No	Type of case	Number of case	Amount of item	Judicial Decision							
				Number of accused	Acquittal	Cash fine	Number convicted	Number of prisoners of enforced imprisonment			
								1 – 5 years imprisonment	5 – 15 years imprisonment	15 – 20 years imprisonment	20 – 30 years imprisonment
1	Amp heta mine	15	52,172	19	1	649	18	2	11	5	
2	Hero in	2	44.5	3			3			2	1
3	Mor phin e	3	427.5	5	1	649	4			3	1
4	Opiu m	6	2245	13		259	13	2		11	
5	Hash ish	1	142	2			2		2		
Total		27	2911,172	42	2	1557	40	4	13	21	2

2: Verdict Summary Samples issued by the Appellate Court of Counter Narcotics Justice Center

Verdict dated 7 June 2020

Sixteen years of imprisonment on charges of smuggling 16,500 kilograms Heroin

Based on information from the General Department of Information and Research (IIU) to the anti-narcotics department of Baghlan headquarter of police, a quantity of drugs under the name of heroin was planted by someone in a bus type of 404 in Badakhshan province and they want to carry it to Kabul via Pul-e-Khumri city, officers of the anti-narcotics department of Baghlan headquarter police, on 19/11/1398, who wanted to cross the city of Pul-e-Khumri to Kabul province, at the east side of the city was identified and searched as a result, from the upper part of the gearbox, (30) packages of drugs, the total weight of which is (16,500 kg) type of heroin discovered and obtained from the mentioned vehicle in connection to this case, two person were arrested and introduced to justice and judicial organizations. The case has been referred to the primary special court of

anti- narcotics, the court in their judicial session dated 1399/2/13 with presence of both parties unanimously was decided that in case of carrying quantity of 16.500 kilogram heroin type of drugs, according subparagraph 5 paragraph 1 article 302 panel code with consideration of articles 213 and 214 of penal code from the beginning of detention date 1198/11/19 sentenced to sixteen and six months enforced imprisonment, and in the case of handing over a vehicle without a license plate to a driver according to article (560) of the penal code in the amount of twenty thousand Afghanis in according to article (75) of the penal code sentenced to punishment, in case of driving a bus without a license plate, according to article (560) of the penal code, with observing article (70) law on organization and jurisdiction of judiciary power sentenced to 20,000 Afghanis cash fine, and according to article (32) of the anti-narcotics law, a mobile phone with its SIM card and the amount of (14000) Afghanis related to the accused according to article (308) of the penal code, a bus (404) of passengers without a license plate has to be confiscated and according to

article (19) of the anti-narcotics law, has issued a verdict for confiscation of the seized items. But, due to lack of satisfaction of the accused the case has been referred to the special appellate court of proceeding the anti-narcotics, the court in its judicial session dated 1399/3/18 in presence of both parties according to article 267 of criminal procedures law and paragraph (2) of article (17) law on combating narcotics and intoxicants on dated 13/2/1399 confirmed decision of the primary court.

Verdict dated 9 June 2020

Sixteen years of imprisonment on charges of smuggling 22 kg of opium, (5.50) kg of morphine and (7.500) kg of prestamol, caffeine and narcotin

Based on telephonic information and direction of the General department of Information and Investigation that a person wants to transfer a quantity of narcotics from Dehmags village of Argo district of Badakhshan province via a vehicle to Vahdat city of Argo district, the narcotics department officials of Argo district headquarter police for the purpose of identification and arresting the smuggler a checkpoint has been set up in the area of Shah Mary village, the vehicle car type of Suracha arrived at the scene of the checkpoint and was stopped by the officers and transferred to the police headquarters of the mentioned district, as a result, the amount of (7,500) kilograms of narcotics type (6MAM) of paracetamol, caffeine and narcotin has been recognized and discovered from the mentioned car, also based on prior Information and investigation department

regarding the existence of another amount of narcotics in the house of accused, the house of the accused has also been searched, as a result of searching (5.50) kg of morphine and (22) kg of opium were obtained from inside the yard. The case has been referred to the primary special court of anti- narcotics, the court in their judicial session dated 1399/2/21 with presence of both parties unanimously was decided that in case of carrying quantity of 22 kilogram opium type of drugs according paragraph 6 paragraph 304 panel code from the beginning of detention sentenced to sixteen years imprisonment,

In the case of smuggling, the amount of (5.50) kilograms of morphine according to sub-paragraph (5) of paragraph (1) of article (302) of the penal code shall be imprisoned for fourteen years and six months, and in the case of trafficking the amount of (7.500) kilograms of drugs under the name of heroin according to sub-paragraph (5) Paragraph (1) of article (302) with considering articles (50 and 52) of the panel code for (five) years of imprisonment, so that the most severe punishment according

article (73) of the mentioned code, in the case of smuggling (22) kilograms of opium (sixteen) years of imprisonment is applicable and enforceable, and in the case of the other accused in relation to the case of transferring the amount of (7,500) kilograms of heroin according to subparagraph (5) of paragraph (1) of article (302) with observing of article (50) and 52) the mentioned code from the beginning of detention has been sentenced to three years of enforcement imprisonment from the days of detention and confiscation, in connection with the transfer and trafficking of (ten) kilograms of heroin due to lack of sufficient reasons according to article (5) of the mentioned code, the issued verdict acquitted, and a vehicle type of Suracha carrying drugs according to article (308) of the penal code and two sets of mobile connection device with traffickers according to article (32) of the Anti-Narcotics Law, confiscated and the obtained drugs according to article (19) of the mentioned law it has to be eradicated.

But, due to lack of satisfaction of the accused the case has been referred to the special appellate court of proceeding the anti-narcotics, the court

in its judicial session dated 1399/3/20 in presence of both parties according to article 267 of criminal procedures and paragraph 2 article 17 combating intoxicants and drugs law, on dated 1399/2/21 the decision of primary court confirmed, In the other case, adjust the verdict of the primary court and appealed the accused in the case of transferring the amount of (7,500) kilograms of caffeine, narcotics, etc. sentenced five years imprisonment and in the case of acquitted the accused in the case of (ten) kilograms of heroin according to article (235) of the criminal procedure law, appealing process was confirmed, according article (32) of the anti-narcotics law and article (308)penal code the court has issued a verdict for confiscation of all seized items.