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Meetings and Sessions

Chief Justice of the Supreme Court Attends the International Conference of Chief Justices of the World

On November 7, 2020, H.E. Sayed Yousuf Halim, Chief Justice of the Supreme Court, attended the 21st International Conference of Chief Justices of the World which was held online in India from November 6 to 9, 2020, with the participation of chief justices, heads of judiciary, and lawyers from across the world.



The conference participants were divided in eight thematic groups and discussed global governance: a post-COVID imperative, reforms of the global governance structure, global citizenship education, a new definition of security: from military security to health, employment and social security, tackling race, religion and gender prejudices, environment protection and climate justice, creation of a world parliament assembly for UN

accountability and Legitimacy, and the role of the judiciary in building a more secure and equitable world. The Chief Justice of the Islamic Republic of Afghanistan delivered his speech on race, religion and gender prejudices in the 4th thematic group. The Chief Justice explained gender-equality, religious and peaceful coexistence with other nations, unity of religions, and tackling race and gender prejudices from an Islamic perspective and added that there are more opportunities in the world than ever before for religions and human harmony, and all the followers of the religions and sects need to come together because blasphemy, racism and gender prejudices are old-fashioned phenomena which have no benefit and logic. They are not recognized in international law and this international conference is considered as a good means for the development of these lofty and humanitarian goals.

The conference was concluded with the closing remarks of Dr. Jagdish Gandhi, the Founder Manager of the City Montessori School of India.

The Chief Justice of the Supreme Court Meets with the UNDP Senior Deputy Resident Representative

H.E. Sayed Yousuf Halim, the Chief Justice of the Supreme Court, met with Ms. Surayo Buzurukova, the UNDP Senior Deputy Resident Representative on November 23, 2020.



In this meeting, Ms. Buzurukova explained the areas of the UNDP's cooperation by stressing the importance of justice and rule of law in a society, and added that the Law and Order Trust Fund for Afghanistan (LOTFA) which is a Multi-Partner Trust Fund consisting of twenty international donors, is one of the largest programs of the UNDP in Afghanistan covering the areas of justice, anti-corruption and security. There is a technical committee in each field, from which the Justice Committee is headed by the Supreme Court and funded by one of the international donors. Ms. Buzurukova hoped that the first session of the Justice and Judicial Committee would be held soon and asked the Chief Justice's opinion regarding the committee's time

frame and scope of work.

Then, the Chief Justice of the Supreme Court appreciated the UNDP's efforts, specially in supporting the Justice and Judicial Committee, and expressed his opinions on its scope of work, adding that the Afghanistan's Judiciary has an action plan with several indicators in order to ensure judicial and administrative reform, and hopes that with the cooperation of LOTFA in the Justice and Judicial Committee and the further assistance of United Nations Development Program, the action plan is implemented and the problems of judicial agencies are solved. Both parties also exchanged views on other issues of mutual interest.

The High Council of the Supreme Court Sessions Report

The High Council of the Supreme Court held its regular sessions on November 3, 10, 17 and 24, 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 general principles and rules of fair trials in criminal cases including the presumption of innocence, equality before the law, nullum crimen, nulla poena sine lege principle, the competent court, non-recognition of crime and punishment outside of penal code, personal liability of crime and punishment, ignorance of provisions of the law, observance of the principle of human dignity, and prohibition of double jeopardy were discussed in accordance with articles 5-15 of the Penal Code, and justice and judicial agencies were directed to better implement the above-mentioned principles.
- ❖ Legal excused and mitigating circumstances which results in pardon, mitigation of punishment or acquittal, were discussed and all the courts were instructed that observing the legal excuses and mitigating circumstances

must be in accordance with the provisions of articles 212 and 213 of the Penal Code. Furthermore, the courts are obliged to mention the excuses in their verdicts.

- ❖ The suspension of sentence was discussed, and based on articles 221 – 236 of the Penal Code which states the concept of suspension of sentence, suspension of cash fine, conditions for suspension of sentence, reduction of the suspension period before the completion of the punishment and all other relevant issues, it was emphasized that the courts shall order the suspension of sentence in compliance with the law and the reason for suspension must be stated in their verdicts.
- ❖ By emphasizing on the prohibition of taking statements by coercion or enticement pursuant to article 22 of the Criminal Procedure Code, it was stated that in no case shall the police, prosecutors and courts induce the suspect or accused to confess through misconduct, duress, torture, threat, intimidation, or other illegal means, as the statements taken this way are not admissible.
- ❖ The Council strongly condemned the terrorist attack on Kabul University by the enemies of peace and stability which resulted in large number of civilian casualties, and wished paradise for the deceased and great patience for their bereaved families.
- ❖ Based on the proposal of the Military Crimes Division, the amendment to article 9 of the annex no. 1 to the Penal Code regarding the criminalization of security forces' negligence was approved and it was referred to the Ministry of Justice.
- ❖ The occasional inspection reports about the judicial misconduct of judges were reviewed and disciplinary procedures were initiated against one of the former judges of Bagrami Primary Court. In addition, the misconduct of

the Surkh-e-Parsa Primary Court judge of Parwan Province merited trial, thus, his statement was heard and pursuant to article 91, paragraph 3 of the Law on Organization and Jurisdiction of the Judiciary, his suspension was approved and in order to investigate further on the case, it was instructed to propose his interim removal from office to the President's Office. Moreover, disciplinary procedures were initiated against eleven judges of Farah and Kapisa provinces after identifying their misconduct.

- ❖ Concerning the instruction-demand of the General Directorate of Government Cases about the legal problems related to their rulings issued in accordance with the amendment to the article 8 paragraph 5 of the Law on Government Cases regarding the lands being state-owned when no valid documents of ownership are provided, necessary instructions were given in accordance with the Law on Managing Land Affairs and other applicable laws. Furthermore, with regard to the instruction-demand of the Special Court of Ministers about trial in absentia not being mentioned in the Law on Organization and Jurisdiction of the Special Courts, it was stated that trial in absentia is a general principle and when it is not mentioned in the special law, the general rules set forth in articles 200-209 and 219 of the Criminal Procedure Code are still applicable.
- ❖ Regarding the instruction-demand of Kabul Appellate Court about the release on bail of a corruption suspect due to illness and the instruction-demand of Pension General Directorate on whether the Law on Rights and Privileges of the Next of Kin of Martyrs and Missing Persons is applicable on them and also about the ambiguity of the amendment to article 4 of the Law on

Rights and Privileges of the Next of Kin of Martyrs and Missing Persons, necessary instructions were given in accordance with applicable laws.

- ❖ The instruction-demands of Nangarhar and Badakhshan Appellate Courts and the Ministry of Interior Affairs about the usurpation of land and state-owned lands cases, subject-matter jurisdiction and precedent regarding the appointment of guardians for children, and differentiating between removal from office and dismissal from duty were reviewed, and necessary instructions were provided in compliance with applicable laws accordingly.
- ❖ The revised curriculum of the Judicial Training Course was approved and at the request of the Attorney General's Office regarding the extradition of nine foreign nationals who are in Afghanistan's prisons awaiting trial, it was instructed that a proposal should be prepared in accordance with the Extradition of the Accused and Convicts Law and Regulation.
- ❖ In the presence of the Deputy Minister of Justice, the Government Cases General Directorate's prosecutors, the relevant institution's representatives and case parties, 21 revision applications of the Government Cases General Directorate and criminal convicts in cases of the usurpation of state-owned lands, fraud, torture, murder, rape and crime against chastity were reviewed and necessary decisions were taken in compliance with the conditions set forth in article 482 of the Civil Procedure Code and article 34 of the Law on Organization and Jurisdiction of the Judiciary. In addition, 20 motions for change of revenue were approved and the authority to try 111 criminal cases was delegated to the Appellate Courts of Kabul, Kapisa, Paktia, Khost, Paktika, Kunduz, Farah, Samangan, Sar-e-Pul, Ghazni, Takhar, Baghlan, Kunar

and Balkh provinces.

- ❖ Concerning the judicial misconduct of judges, disciplinary procedures were initiated against six judges of Parwan Appellate Court in accordance with the Judicial Misconduct Regulation, whose misconducts were identified by inspecting their performance. Moreover, some of the personal affairs issues of judges were also reviewed and appropriate decisions were adopted respectively.

The Chief Justice of the Supreme Court Hears the Central Directorates' Progress Reports and Future Plans

H.E. Sayed Yousuf Halim, the Chief Justice of the Supreme Court, heard the progress reports and future plans of the Supreme Court's central directorates in a special session on November 7, 2020.



In this session, the General Directors of Finance and Administration, Human Resources, Policy Planning, Foreign Relations and Dar ul-Ifta (Religious Verdicts Directorate) explained their responsibilities and reported on their progress, problems and challenges, future plans, and opportunities, giving a general description of the current situation.

After hearing the reports, the Chief Justice of the Supreme Court stated that the central directorates of the Supreme Court are obliged to provide the judiciary's administrative services and by formulating and preparing plans they have to use the opportunities to overcome the challenges and provide better services to the public.

The Chief Justice also provided the necessary guidance to the directors after reviewing the weak and strong points of their reports and asked them to perform their duties in a spirit of

cooperation, feeling responsibility towards the duties and abiding by the rules and regulations. They were instructed to develop the professional capacity of their directorates and pay close attention to the fight against corruption.

The Acting General Administrative Director of the Judiciary Meets with the UNODC and IDLO Officials

Justice Jawed Rashidi, the Acting General Administrative Director of the Judiciary met with the Head of Rule of Law Department of United Nations Office on Drugs and Crime (UNODC) and the Head of International Development Law Organization (IDLO) in his office on November 16, 2020.



In the first meeting which took place in the morning, the Head of UNODC's Rule of Law Department provided information about the relevant programs, specially the alternatives to imprisonment programs, stating that the project's purpose is to reduce the number of prisoners and it is considered as a priority not only in Afghanistan, but in the entire world that those who commit petty offences shouldn't be sentenced to imprisonment, instead the alternatives to imprisonment must be imposed on them so that they could serve their country for the better. In addition, he talked about their scope of work and added that he has already met with the Minister of Justice, Attorney General, Minister of

Interior Affairs and Judicial Training Director in this regard and has sought their opinions, too.

Both parties also exchanged views on other aspects of mutual cooperation.



In the second meeting which took place in the afternoon, the Acting General Administrative Director of the Judiciary met with the Head of International Development Law Organization (IDLO). The Head of IDLO stated that they are working on establishing a single training center for the training programs of the Supreme Court, Attorney General's Office, and Ministry of Justice. The Acting General Administrative Director of the Judiciary expressed the judiciary's position in this regard and added that the Judicial Training Directorate has been responsible to train young judges and other justice institutions also have such training centers.

In accordance with the Action Plan of the Judiciary, the Head of IDLO expressed their readiness to cooperate with the Supreme Court in developing the professional capacity of judges, assisting the Elimination of Violence Against Women (EVAW) Courts and motivating female judges to work in EVAW Courts in the provinces.

The Head of IDLO also talked about the professional skills development programs and their cooperation with the Judicial

Training Course which is about to begin next year.
Both parties also exchanged views on other issues of mutual interest.

The Case Management System Board of Directors Holds Session

The Case Management System Board of Directors held a session on november 26, 2020 presided over by Justice Jawed Rashidi, the Acting General Administrative Director of the Judiciary with the participation of deputy heads of relevant agencies in the meetings hall of the Supreme Court.



In the session, pursuant to the provisions of the Case Management System Regulation and according to the agenda, creating a special seal for the system, hearing the progress report of the supervisory board and technical committee, case management system transition plan, the procedures of the system committees, system budget, sending the second report of the case management system from the National Statistics and Information Authority, providing information to the Justice and Judicial Committee about the system, providing equipment, and progress of the case management system's second version were discussed and necessary decisions were taken.

Harakat Project Donates Technical Equipment to the Supreme Court

Based on the agreement between the Supreme Court and the Harakat Project on August 1, 2020, the Harakat Project recently donated 30 laptop computers, 30 printers and 22 pieces of technical equipment including security cameras, laptop and desktop computers and the Kabul Province Deeds Registry server.



In a gathering which was held for this occasion on November 18, 2020 in the conference hall of the supreme court, justice Jawed Rashidi, the Acting General Administrative Director of the Judiciary expressed his gratitude for the donation and provided instructions on the use of donated items in a constructive way. It is worth mentioning that some of the central directors of the Supreme Court and the Harakat Project Officials had also attended the gathering.

The Awareness Program on the Establishment of the Elimination of Violence Against Women (EVAW) Courts Is Conducted in Ghor and Herat Provinces

Pursuant to letter no. 250 dated October 19, 2020, Hamed Omar, the Plan and Reports Unification Subdirector and Najibullah “Ahmadzai”, the Supervision of Programs Expert of the Policy Planning Directorate departed for Herat on October 20, 2020, and the awareness program on the establishment of the Elimination of Violence Against Women (EVAW) Courts was conducted on October 22, 2020, in the meetings hall of Herat Appellate Court under the chairmanship of Justice Mohammad Sharif “Fani”, the Head of Herat Appellate Court, with the participation of Justice Ghulam Rasool Mansour, the Head of Ghor Appellate Court, representatives of the Civil Society, Women’s Affairs Directorate, Independent Bar Association, and the Hajj and Religious Affairs Directorates of Herat and Ghor, which was financially supported by the United Nations Development Program (UNDP).

The meeting began with the recitation of the verses of the Holy Quran, then it was inaugurated with the speech of the Head of Herat Appellate court. After that, Justice Abdul Latif Mateen, the Criminal Division Head of Herat Primary Court, Justice Mohammad Azeem Alemi, the Acting EVAW Division Head of Herat Appellate Court, Nezamuddin Habibi, the Subdirector of the Hajj and Religious Affairs Directorate of Ghor province, Mohammad Hassan Hakimi, the Civil Society Representative of Ghor province, Suraya Pakzad, the Founder and CEO of the Voice of Women Organization (VWO), and Nesar Ahmad Ismailzada, the Prosecutor of Herat Appellate Prosecution Office, gave their speeches according to the agenda respectively. Finally, the presentation of the program was delivered by the Plan and Reports Unification Subdirector of the Policy Planning Directorate and the meeting concluded with the closing remarks of the Head of Ghor Appellate Court.

Training Activities Report of the Judicial Training Directorate of the Supreme Court

The Judicial Training Directorate of the Supreme Court prepared the 1399 AHS (2020 – 2021 AD) annual plan for conducting in-service training programs for judges. In this plan, 53 in-service training programs were planned. Based on the plan, the Judicial Training Directorate conducted a total of 25 training programs in commercial law, criminal law, civil law and other related topics in Kabul and other provinces from the beginning of 1399 AHS (March 20, 2020 AD).

According to the aforementioned plan, the Judicial Training Directorate, in cooperation with international organizations, has recently conducted five training programs in three workshops in Kabul, Badakhshan and Bamyán provinces. The details of the programs are as below:

No.	Title	No. of Programs	Venue	No. of Participants
1	Constitutional Law	1	Kabul	30
2	Penal Code	7	Online	125
3	Commercial Law	5	Kabul, Badakhshan, Bamyán, Herat	144
4	Finance and Economy	7	Kabul (for Kunduz, Paktia, Nangarhar, Herat, Kandahar, Balkh and Bamyán zones)	207
5	Civil Law	5	Kabul (including Parwan, Panjshir and Kapisa), Badakhshan, Bamyán, Herat	144

- The Judicial Training Directorate held the training program under the title of “Crimes of Corruption” in cooperation with the IDLO in the Judicial Training Directorate compound on October 24, 2020.

In this program, the main topics of corruption crimes were presented by Abdul Waheed Tawhidi, the Judicial Training Directorate Professor, in which 18 judges of Parwan, Kapisa, Panjshir and Kabul courts attended. The program concluded with the distribution of certificates to

the participants on October 27, 2020.

- The Judicial Training Directorate, in cooperation with Adalat Project (Checchi), conducted an in-service training workshop in Faizabad city of Badakhshan Province on October 17, 2020. In this workshop, two training programs entitled “Property and Property-Related Disputes Resolution” and “Commercial Arbitration” which were presented simultaneously by Abdul Wahid “Hamed” and Mohammad Yaseen “Mutawakkel”, the Judicial Training Directorate Professors. Twenty judges of Badakhshan and Takhar courts attended the programs which concluded on October 22, 2020.
- The Judicial Training Directorate also conducted another training workshop, in cooperation with Adalat Project (Checchi), in Bamyan province on October 17, 2020. In this workshop, two training programs entitled “Deeds” and “Commercial Contracts” were presented by Merajuddin “Saraji” and Nasir Ahmad “Delawar”, the Judicial Training Directorate Professors, in which ten judges of Daikundi province and nine judges of Bamyan province participated. The workshop ended on October 21, 2020.
- According to the abovementioned plan, a training program was held in the Judicial Training Directorate under the title of “Crimes Against Persons, Property and Chastity” on November 7, 2020, in which 18 judges of Paktia, Paktika, Logar and Khost provinces attended. The program concluded on November 12, 2020.

The Basic Skills of Court Administration Training Program Is Held

As part of the training programs of the Capacity Building and Performance Evaluation Directorate, the basic skills of court administration training program was held on November 1-3, 2020, with the financial support of Adalat Project (Checchi) in Balkh province, in which 20 administrative staff members of the Primary and Appellate Courts of Jawzjan, Sar-e-Pul and Balkh provinces.

The program was focused on fundamental principles of the court administration's basic skills, administrative correspondence guidelines, objectives of administrative correspondence guidelines, general principles of administrative correspondence, types of administrative correspondence, procedural conditions, substantive conditions, writing petition, letter, proposal, inquiry, sender and recipient, incoming and outgoing letters' registry, minutes, record book, receipt book, petition book, application for appeal and its deadline, criminal and civil cases' folders, record book of court proceedings, distribution book, submission book of judges, quarterly reporting form of civil and criminal proceedings, session minutes, session elements, organization of sessions, duties of the session's secretary and types of session.

At the end, the participants expressed their gratitude to the Capacity Building and Performance Evaluation Directorate for conducting such programs and the program was considered important and constructive which concluded with the distribution of certificates to the participants.

News and Events

- On November 11, 2020, Najibullah “Akbari”, the Judicial Training Director, met with the General Director and Head of IDLO Trainings.

In this meeting, the security of the Judicial Training Directorate was discussed, thus, the opinion of the technical and evaluation board was shared with the IDLO and the IDLO promised to cooperate in this regard. Furthermore, after introducing the TPDC program, the initiation of online programs was discussed and both parties supported online programs in exceptional cases when an organized online system is established and face-to-face sessions are unlikely.

- On October 10, 2020, Justice Abdul Qayum “Kamaly”, the Head of Badakhshan Appellate Court met with Jahedullah Payam and Noorulhaq Noor, the JSSP officials, in his office.

In this meeting, the importance of database, registration of the primary and appellate courts’ performance and activities, monthly, quarterly and annual reporting to the Policy Planning Directorate of the Supreme Court, comparing the registered cases with the courts’ books of record to ensure transparency, access to cases when necessary, the JSSP officials’ cooperation and guidance for the CMS staff and the CMS staff’s close attention to their duties so that no case is left unregistered, were discussed.

- On October 3, 2020, Justice Mohammad Ajmal “Arabzai”, the Head of Badghis Appellate Court met with Abdullah Ahmadi, the Head of Provincial Elections Commission and Habibullah Akhtarzoi, the Head of Electoral Complaints Commission of the province.

First, the Head of Provincial Commission congratulated the Head of the Court on his appointment and wished him success in his duties. After being welcomed, the Head of the Court added that he will try his best to treat all case parties well in accordance with the judicial code of conduct, moreover, the Supreme Court has directed the courts to have good relations and work in a spirit of cooperation and consultation with all local government agencies while preserving the judiciary's independence as the cooperation of all colleagues is needed in order to achieve the better administration of justice, ensuring the dignity of the judiciary and providing better services to the public.

- On September 29, 2020, Ghulam Jelani "Sarwari", the Head of Logar Appellate Court, met with Mohammad Ajmal "Shapoor", the governor of the province in his office.

The Head of the Court welcomed the Governor and promised to have a meaningful relationship with all the directors and other officials headed by the Governor. Regarding the security of judges and staff members of the justice and judicial institutions, both parties also promised to cooperate in ensuring the security of their commute and residence by the security forces. Other issues of mutual interest were discussed and necessary guidance was given to the relevant authorities.

- On September 24, 2020, a reception was held for introducing the newly appointed Head of Paktia Appellate Court, Justice Habibullah "Munib", in the meeting hall of the Appellate Court, with the participation of Mohammad Halim Fedaei, the Governor, directors, influential people, scholars, judges and administrative staff.

First, the reception began with the recitation of the verses

of the Holy Quran, then the newly appointed Head of the Court emphasized on the importance of appointment and transfer and expressed his gratitude to the Governor and the Heads of Justice and Judicial Institutions.

- On September 29, 2020, Justice Ghulam Rasool Mansour, the Head of Ghor Appellate Court, introduced Justice Najibullah “Dawlati”, the newly appointed Head of City Primary Court, to the judges and administrative staff of the Appellate and Primary Courts. Furthermore, the Head of the Appellate Court also introduced Justice Sher Ali “Yazdan Panah”, the EVAW and Juvenile Delinquency Division member of the Appellate Court, Justice Abdul Nafe’, the Head of Tiora District Primary Court, and Justice Khalil Ahmad “Azizi”, the Head of Dolina District Primary Court to the staff and wished them success in their duties.
- On September 29, 2020, Justice Ataullah “Atif”, the Head of Uruzgan Appellate Court met with Abdul Samad Mamozai, the National Security Director of the Province, and Mohammad Shafiq Sahaar, the Chief of Provincial Police.

First, the National Security Director and the Police Chief congratulated the Head of the Court and promised to cooperate with the justice and judicial institutions in ensuring the security of judges and their offices. Then, the Head of the Court gave them instructions on apprehension, searches and crimes detection, and assured them that the courts, as always, will fight against corruption, injustice, and oppression.

- On October 29, 2020, the Head of Badghis Appellate Court met with Asma “Altaf”, the orders implementation prosecutor of the Appellate Prosecution Office, and talked about the presidential decrees not being

implemented in a timely manner, in which Ms. Altaf promised to take appropriate timely action in this regard.

- On October 28, 2020, Justice Mohammad Shoaib “Ibrahimi”, the Head of Balkh Appellate Court, in company with Justice Mirwais Azizi, the Criminal Division Head, and Paidagul “Tayyeb”, the Correspondence Director, visited the retaining wall of the Appellate Court which is under construction, located in Khalid bin Walid Project and provided necessary instructions to the supervising engineer in order to expedite the construction.
- On September 22, 2020, a reception was held to introduce Justice Jamaluddin, the newly appointed Head of Kapisa Appellate Court, with the participation of the Governor, directors and representatives of government agencies in the Appellate Court compound.

The reception began with the recitation of the verses of the holy Quran, then Dawood Shah “Hassan Zada”, the former Head of the Kapisa Appellate Court, explained his activities and achievements in the last three years. After that, the Governor, newly appointed head of the appellate court, Member of Parliament representing Kapisa, the Head of Provincial Council, Deputy Head of the Provincial Council, and the Independent Bar Association’s representative spoke at the reception, emphasizing on the administration of justice and law enforcement.

- On October 17, 2020, the Head of Laghman Appellate Court, Justice Mufti Mohammad Wazir, met with the Criminal Division Head of the Appellate Court in his office. Both parties emphasized the unity and exchange of views. They added that there is an ongoing fight against corruption which has had good results.

- On October 14, 2020, Justice Mohammad Ajmal “Arabzai”, the Head of Badghis Appellate Court met with Abdul Jabar “Raji”, the Head of Justice Directorate, Hameedullah “Asim”, the Subdirector of Legal Aid, and Saifuddin “Qaderi”, the Subdirector of Government Cases Directorate, in his office. The parties exchanged views on the cooperation and coordination among each other.
- On October 22, 2020, as part of the judicial educational programs of Uruzgan Appellate Court, Justice Hayatullah “Khalid”, the Civil and Public Rights Division Member of the Appellate Court, had an interview with the National Television of the Province.
In the interview, legal information was provided on filing a lawsuit, defense, preemption lawsuit, obligations lawsuit, civil cases, right and its elements.
- On October 21, 2020, Justice Mohammad Ajmal Arabzai, the Head of Badghis Appellate Court, met with Shah Mohammad Zaryab, the Head of the Prosecution Office for Crimes Against Internal and External Security, in his office.
First, the Head of the Prosecution Office congratulated the Head of the Court on his appointment, then the Head of the Court welcomed him, emphasized on the importance of prosecution offices in ensuring fair trials and the administration of justice and asked them to pay close attention to the cases.
- On October 28, 2020, Justice Mohammad Shoaib “Ibrahimi”, the Head of Balkh Appellate Court met with the Governor of the province.
First, the Head of the Court congratulated the Governor on his appointment and emphasized on the importance of appointment and transfer in organizations. He added that

enhancing working relationship and improving coordination of the courts with local authorities headed by the Governor are his priorities and asked for the Governor's cooperation in many areas, especially in the fight against corruption. The Governor praised the reforms in the judiciary and applauded the good relations of the courts with local authorities. By emphasizing on the preservation of the judiciary's independence, he assured not to interfere himself or other local authorities in the court affairs and promised to cooperate in the fight against corruption and other relevant areas.

Fight Against Corruption

Judicial Performance Report of the Anti-Corruption Primary Court

1. Report

The Anti-Corruption Primary Court heard a total of 23 criminal cases related to corruption from October 22, 2020 to November 20, 2020. A total of 66 persons were arrested on charges of abuse of authority, bribery, embezzlement, and forgery, from which 24 of them were acquitted due to lack of evidence and 42 of them were tried and have received the following prison sentences:

- Three months to one year's imprisonment: 12 persons;
- One year to five years' imprisonment: 12 persons;
- Cash fine: 18 persons.



The total amount of fine is \$73517.

Chart Number (1) Shows the Number of Offenders Convicted by the Anti-Corruption Primary Court from October 22, 2020 to November 20, 2020

No	Type of case	Number of case	Judicial decision						
			No of accused	Acquitted	No of convicts	The number of imprisonment validity			
						Three months to one year imprisonment	1-5 years imprisonment	5 - 15 years imprisonment	Convicted of cash fine Cash penalty
1	Abuse of Authority	10	35	19	16	5			11 5025
2	Bribery	10	21	3	18	6	6		6 68492
3	Embezzlement	2	9	1	8	1	6		1
4	Forgery	1	1	1					
Total		23	66	24	42	12	12		18 73517

Furthermore, the court has issued rulings on 6 cases and has sent them to the relevant authority in order to rectify the defects in investigation.

Chart Number (2) Shows the Judicial Rulings Issued by the Anti-Corruption Primary Court from October 22, 2020, to November 20, 2020

No	Type of case	Number of cases	Number of the accused	Reason for ruling	Relevant Authority
				Legal gaps and Defects	
1	Abuse of authority	2	8	2	Prosecutor's Office
2	Embezzlement and Forgery	4	24	4	Prosecutor's Office
Total		6	32	6	

2. Summary Verdict Samples Issued by the Kabul Anti-Corruption Primary Court

Verdict Dated November 1, 2020

Conviction of a Money Changer on Charges of Complicity in

Bribery

According to the report of a trusted source to the Anti-Corruption Directorate, one of the residents of the 12th District of Kabul city confided \$25000 to a currency exchange office in order to use it as bribe for being appointed as the Paktia Police Chief. Under the direction of the Anti-Corruption Directorate, detective work was initiated against the accused and after finding out the relevant documents and aforementioned sum of money, he was arrested together with the money changer in the 2nd District of Kabul city and the case was submitted to the Kabul Anti-Corruption Primary Court. In the court hearing dated November 1, 2020, in the presence of both parties; both the accused were unanimously sentenced to one year and six months' imprisonment each, including the detention period, a fine of the equivalent amount of the bribe and the confiscation of the abovementioned amount on charges of bribery and complicity in bribery in accordance with articles 372 paragraph 1(6), 384 and 385 of the Penal Code and in compliance with articles 58, 213 and 214 of the Penal Code.

Verdict Dated November 16, 2020

Conviction of the Sixth Zone Officer of the National Security's 041 Directorate on Charges of Bribery

The Afghan High School Principal who was arrested on charges of membership in opposition groups by the National Security Directorate officers in 2016, for which he was sentenced to five years' imprisonment and confiscation of firearms by the court of last resort. The return of the goods to the accused, seized by the officers which were unrelated to the crime, was ordered by the court. Pursuant to the order issued, some of the goods were returned and a board was assigned by the National Security Directorate in order to return the vehicle and \$102000 of the accused. The board returned the money to the accused but according to the information provided by the National Security's 041 Directorate, the vehicle was handed over to the National

Security's Technical Directorate by letter no. 5527 dated September 15, 2020. The accused petitioned the General Directorate of Attorney for Control and Surveillance stating that the officer of the National Security's 041 Directorate has asked him \$10000 to return his vehicle back. Based on the petition, the authorities prepared a plan and after marking the bills, the requested amount (\$10000) was provided to the petitioner and the National Security Directorate's officer received the money in Qazi Plaza located in the 9th District of Kabul. In the meantime, the assigned board arrested the officer and the money was found in his pocket, therefore, the case was submitted to the Kabul Anti-Corruption Primary Court. In the court hearing dated November 16, 2020, in the presence of both parties and the defense attorney, the 6th Zone Officer of the National Security's 041 Directorate was unanimously sentenced to three years' imprisonment from the beginning of the detention period, a fine of the equivalent amount of the bribe, and dismissal from duty on charges of bribery in accordance with article 371, paragraph 1(5), article 375 paragraph 2 and article 385 paragraph 1 of the Penal Code and considering articles 213 and 214 of the mentioned code.

Judicial Performance Report of the Anti-Corruption Appellate Court

1. Report

The Anti-Corruption Appellate Court heard a total of 8 criminal cases related to corruption from October 22, 2020, to November 20, 2020. A total of 12 persons have been arrested on the charges of abuse of authority, complicity in bribery, forgery, and treachery from which two of them were acquitted due to lack of evidence and 10 of them were tried and sentenced as below:

- Three months to one year's imprisonment: 2 persons;
- One year to five years' imprisonment: 2 persons;

- Fine penalty: 6 persons.

The total amount of fine is \$5519.

Chart Number (3) Shows the Kabul Anti-Corruption Appellate Court Performance from October 22, 2020, to November 20, 2020

No	Type of case	Number of cases	Judicial decision (Verdict)							
			No of accused	Acquitted	No of convicts	Prison Sentences				
						Three months to one year's imprisonment	1-5 years' imprisonment	5 - 15 years imprisonment	Convicted to cash fine	Cash penalty
1	Abuse of authority	4	5		5	1	2		2	\$1883
2	Forgery	2	5	1	4				4	\$3636
3	Complicity in Bribery	1	1		1	1				
4	Treachery	1	1	1						
Total		8	12	2	10	2	2		6	\$5519

Furthermore, the court has issued writs on 3 cases and has sent them to the relevant authorities in order to rectify the defects in investigation.

Chart Number (4) Shows the Writs Issued by the Anti-Corruption Appellate Court from October 22, 2020, to November 20, 2020

No	Type of case	Number of cases	Number of the accused	Reason for ruling	Relevant Authority
				Legal gaps and Defects	
1	Abuse of authority	2	3	2	Prosecution Office
2	Theft and Forgery	1	4	1	Prosecution Office
Total		3	7	3	

2. Summary Verdict Samples Issued by the Anti-Corruption Appellate Court

Verdict Dated November 10, 2020

Conviction of Two Officers of the 4th District Kabul Police on Charges of Abuse of Authority

The Kabul Kaihan's Logistics Manager petitioned the Internal Security General Department of Kabul Police stating that a few days ago, stating that a few days ago, he and his colleagues went to the 4th District of Kabul City for selling thermometers when two officers of the 4th District Police forcibly took one of his colleagues to the Kolola Poshta cemetery by abusing their authority and after beating him up, they recorded his video under coercion, in which he confesses that he has committed adultery. By taking his cellphone together with \$1000 and 7000 AFS from his pocket, they released him. Later, they called him and asked for \$3000 and threatened him that if he doesn't pay the requested amount, they will share the video on the social media. After due consideration, the case was submitted to the Kabul Anti-Corruption Primary Court. In the court hearing dated August 16, 2020, in the presence of both parties, both officers of the 4th District Kabul Police were sentenced to six months' imprisonment each, from the beginning of the detention period, removal from office and dismissal from duty on charges of abuse of authority in accordance with article 402 of the Penal Code and in compliance with article 213 and 215 of the Code. In addition, they were also sentenced to return the cellphone to its owner in accordance with article 14 of the Penal Code. Due to the prosecutor's objection, the case was brought to the Anti-Corruption Appellate Court. In the court hearing dated November 10, 2020, in the presence of both parties, according to article 54 of the Law on Organization and Jurisdiction of the Judiciary, the Anti-Corruption Primary Court's verdict was unanimously overturned and both officers of the 4th District Kabul Police were sentenced to one year and one month's imprisonment from the beginning of the detention period, dismissal from duty and removal from office, on charges of

abuse of authority, in accordance with article 403 of the Penal Code and in compliance with articles 213 and 214 of the Code. In addition, they were also ordered to return the cellphone to its owner pursuant to article 14 of the Code.

Verdict Dated November 1, 2020

The Conviction of the Port of Entry Officer of Abu Nasr Farahi Border Control Department on Charges of Forgery

The Organized Crimes Detection Department of the Anti-Corruption Directorate of the Ministry of Interior Affairs found out about an inquiry letter regarding the graduation of a colonel from the twelfth grade of Abu Nasr Farahi High School which was issued by the Identification Department of Kabul Police to the Secondary Education Directorate of the Ministry of Education in which the colonel's graduation from the twelfth grade was certified by the Secondary Education Department. An LLB certificate from Aryana Private University was also provided. It was reported that a colonel from the Border Control Department had forged the documents for 1200000 AFS. The Anti-Corruption Directorate of the Ministry of Interior Affairs contacted the Identification Directorate of the Ministry of Interior Affairs, Aryana Private University, the Private Universities and Institutes of Higher Education Directorate of the Ministry of Higher Education, and the Secondary Education Directorate of the Ministry of Education and found out that the documents were forged. Thus, the case was submitted to the Anti-Corruption Primary Court. In the court hearing dated July 27, 2020, in the presence of both parties, the Port of Entry Officer of Abu Nasr Farahi Border Control Department was sentenced to a fine of 30000 AFS on charges of using forged documents in accordance with article 443 paragraph 1 of the Penal Code and considering articles 213 and 215 of the Code. However, due to the Deputy Attorney General in Corruption Crimes' objection, the case was brought to the Anti-Corruption Appellate Court. In the court

hearing dated November 1, 2020, in the presence of both parties, according to article 54 of the Law on Organization and Jurisdiction of the Judiciary, the Anti-Corruption Primary Court's verdict was unanimously approved.

**- Summary Verdict Samples Issued by the Appellate
Court of Anti-Corruption Criminal Justice Center
Verdict Dated September 29, 2020**

**The Conviction of the Former Commander of Afghan
National Civil Order Police (ANCOP) on Charges of Abuse
of Authority**

The son of former Commander of Afghan National Civil Order Police (ANCOP) was appointed as the acting commander of the aggregation garrison. The son of the former commander took the route to Istalif District using a Landcruiser car and a Ford Police car together with five officers from the ANCOP as bodyguards. The Ford car struck a roadside mine which resulted in the injury of two ANCOP officers. Upon receiving the report of this incident, the General Commander of ANCOP contrary to applicable laws and regulations, directed the Deputy Commander of the Aggregation Garrison to go to the crime scene and take the son of the former commander of ANCOP home. According to the instruction of the General Commander of ANCOP, the Deputy Commander of Aggregation Garrison prepared some of the Police Rangers and four armed soldiers, and went to the crime scene. They moved the wounded officers to the Saray Khwaja Hospital and then the son of the commander returns to his home located in Kartae Se, Kabul. In the meantime, he confronted the car of one of his enemies and suspected him of planting the landmine, therefore he followed him together with three police ranger cars. When they arrived in the Khair Khana Highway in the 11th District, the acting commander (son of the former commander) hit the car of the person by his own car who had enmity with him, which caused the car to crash to the electricity pylon. In this moment, the son of the former

commander shot the other man with his Krinkov which resulted in his death. After the suspects are arrested and investigation is carried out, the case is submitted to the Anti-Corruption Primary Court. In the court hearing dated December 3, 2020, the ANCOF Commander was unanimously sentenced in absentia to 8 years and six months' imprisonment on charges of abuse of authority in accordance with article 42 paragraph 2 of the Uniform Code of Military Justice in compliance with article 209 of the Criminal Procedure Code. However, he was acquitted of the charges of complicity in murder due to lack of evidence in accordance with article 4 of the Penal Code (1976) and article 5 of the Criminal Procedure Code. Another one was sentenced to one year and two months' imprisonment on charges of concealing the crime and not informing the authorities in accordance with article 381 of the Penal Code (1976) and article considering article 57 of the Criminal Procedure Code, and on charges of illegal acquisition of firearms he was sentenced to 4 years' imprisonment in accordance with article 37 of the Uniform Code of Military Justice, and on charges of forging an inquiry letter, he was sentenced to one year and one month's imprisonment in accordance with article 310 paragraph 2 of the Penal Code (1976) and on charges of smuggling a car, he was sentenced to one year and six months imprisonment and the confiscation of the car in accordance with article 192 of the Customs Law, and on charges of having license plate on a car which lacks legal documents he was sentenced to a fine of 6000 AFS in accordance with article 61 paragraph 2 of the Law on Road Traffic, however, as forging the documents and having license number are related to each other, the one year and one month's imprisonment is applicable according to article 156 of the Penal Code (1976). Pursuant to article 6 paragraph 2 of the Penal Code (1976), he was also sentenced to return the price of the firearms which equals \$1263 and the abovementioned punishments which equals seven years and nine months' imprisonment will be imposed and applied on him one by one from the beginning of the detention

period (October 18, 2016) in accordance with article 158 of the Penal Code (1976). In addition, five soldiers were also sentenced to 8 years' imprisonment each on charges of abuse of authority in accordance with article 42 paragraph 2 of the Uniform Code of Military Justice, and they were acquitted of the charges of complicity in murder, due to lack of evidence, in accordance with article 4 of the Penal Code (1976) and article 5 of the Criminal Procedure Code. Another one was sentenced to one year and one and a half months' imprisonment from the beginning of the detention period, on charges of concealing the crime and not informing the authorities in accordance with article 381 of the Penal Code (1976). After that, the verdict was approved by the Anti-Corruption Appellate Court's verdict no. 21 dated March 31, 2017 and then, it was approved and finalized by the writ no. 2002 dated March 12, 2018 of the Public Security Division of the Supreme Court concerning all the accused except for the ANCP Commander, as he was missing and therefore the Anti-Corruption Primary Court's verdict wasn't implemented and the case was postponed. According to the information of the Anti-Corruption Primary Prosecution Office, the accused is arrested by the National Security Directorate's officials and is currently under detention. However, due to the objection of the accused to the Anti-Corruption Primary Court's verdict, the case was brought to the Anti-Corruption Appellate Court. In the court hearing dated September 29, 2020, according to article 54 of the Law on Organization and Jurisdiction of the Judiciary, the verdict no. 16 dated December 3, 2017, of the Anti-Corruption Primary Court was overturned in accordance with the High Council of the Supreme Court's approval of the year 2004 and pursuant to annex no. 1 to the Penal Code dated September 5, 2018 and according to article 403 paragraph 1 of the Penal Code and in compliance with article 17 of the Code, the accused was sentenced to three years' imprisonment including the detention period.

Fight Against Drugs (Narcotics and Intoxicants)

Judicial Performance Report of the Primary Court of Counter-Narcotics Justice Center

1. Report

The Primary Court of Counter-Narcotics Justice Center heard a total of 91 cases related to the drugs from October 22, 2020 to November 20, 2020. A total of 132 people were arrested on charges of smuggling and carrying drugs from which 12 of them were acquitted due to lack of evidence and 120 of them were tried and sentenced as below:



- Three months to one year's imprisonment: 1 person;
- One year to five years' imprisonment: 41 persons;
- Five years to 15 years' imprisonment: 39 persons;
- 15 years to 20 years' imprisonment: 26 persons;
- 20 years to 30 years' imprisonment: 13 persons.

In connection to the abovementioned trials, it has been ordered to eliminate (4242.786) kilograms and (5) liters of drugs of different types.

Chart number (1) shows the judicial performance of Primary Court of Counter Narcotics Justice Center from October 22, 2020, to November 20, 2020

Sl number	Type of case	Number of cases	Amount of items	Judicial Decision							
				Number of accused	Acquittal	Number of convicted	Three months to one years' imprisonment	Number of enforced prisoners			
								1-5 years' imprisonment	5-15 years' imprisonment	15-20 years imprisonment	20-30 years imprisonment
1	Methamphetamine	49	520,035	68	5	63		30	20	9	4
2	Heroin	13	130,218	22	1	21		6	6	2	7
3	Morphine	11	121,365	15	2	13		2	6	4	1
4	Hashish	2	108,117	3		3		1	2		
5	Opium	8	360,03	12	4	8		1		6	1
6	Poppy	1	920,5	1		1		1			
7	Tablet K	3	51,921	5		5			4	1	
8	Human Trafficking	1		3		3				3	
9	Alcoholic Drinks	1	5 liters	1		1	1				
10	Chemicals	2	2030,6	2		2			1	1	
Total		91	4242,786	132	12	120	1	41	39	26	13

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

Verdict dated November 16, 2020

Twenty-Nine Years' Imprisonment on Charges of Abusing 20 Kilograms of Heroin

The officers of Doorbaba District Police of Nangarhar Province had previously seized 7,800 kilograms of heroin, from which 20 kilograms of it were abused by the arresting officers, local police and the Doorbaba District Police Chief, based on the Investigation and Inquiry Unit's report to the Counter-Narcotics Department of Nangarhar Province. The Department arrested four officers of Doorbaba District Local Police on charges of drug abuse on September 5, 2020. The case was submitted to the Primary Court of Counter-Narcotics Justice Center. In an open trial dated November 16, 2020, in the presence of both parties, three of the defendants were sentenced to twenty-nine years' imprisonment each, from the beginning of the detention period, on charges of heroin abuse in accordance with article 302 paragraph 1 subparagraph 5 of the Penal Code and in compliance with articles 218 and 219 of the Code. One of the defendants was acquitted due to lack of evidence in accordance with article 25 of the Constitution and article 5 of the Penal Code. In addition, the cell phones of the accused were confiscated pursuant to article 32 of the Counter-Narcotics Law.

Verdict Dated October 28, 2020

Thirty Years' Imprisonment on Charges of Trafficking 14 Kilograms of Heroin and Morphine

The IIU (Investigation and Inquiry Unit) reported to the Achin District Police Chief of Nangarhar Province that one of the local forces' commander arrested a drug trafficker with a vehicle containing 23 pockets of heroin but wanted to abuse the drug. Based on the report, the District Police officers went to the local forces' stronghold and asked for information regarding the issue. The local forces reported that they have seized 14 pockets of heroin and the suspect and vehicle are still here. While submitting the drugs to the district police officers, it became obvious that the drugs were replaced from its place. In the meantime, the IIU reported that the commander and one of the soldiers are also included in the case and must be arrested,

therefore they arrest three suspects in total on charges of abusing 23 kilograms of heroin. The case is submitted to the Primary Court of Counter-Narcotics Justice Center. In the court hearing dated October 28, 2020, in the presence of both parties, on the charge of smuggling 23 kilograms of heroin and morphine, the accused is sentenced to 30 years' imprisonment in accordance with article 302 paragraph 1(5) of the Penal Code, on the charge of driving a vehicle without license number, a fine of 20000 AFS is imposed on him in accordance with article 560 paragraph 1 of the Penal Code, and on the charge of trafficking permitted stuff, he is sentenced to six months' imprisonment in accordance with article 780 paragraph 2 of the Penal Code. The applicable punishment is 30 years' imprisonment and a fine of 20000 AFS pursuant to article 75 of the Penal Code. The local forces' commander is sentenced to 30 years' imprisonment on the charge of the possession of 14 kilograms of heroin and morphine in accordance with article 302 paragraph 1(5) of the Penal Code in compliance with articles 218 and 219 of the Code, on the charge of promising to bribe, he was sentenced to 15 years' imprisonment in accordance with article 371 paragraph 1(6) of the Penal Code and a fine of the equivalent amount of the bribe which was 5000000 Pakistani Rupees equivalent to 2285000 AFS and dismissal from duty in accordance with article 377 of the Penal Code. The applicable punishment is 30 years' imprisonment from the beginning of the detention period, a fine of 2285000 AFS and dismissal from duty in accordance with article 75 of the Penal Code. The local forces' soldier is acquitted due to lack of evidence in accordance with article 5 of the Penal Code and article 235 of the Criminal Procedure Code. Pursuant to article 308 of the Penal Code, the vehicle used in the crime is confiscated and in accordance with article 32 of the Counter-Narcotics Law, a cellphone is also confiscated and pursuant to article 19 of the mentioned law, the drugs are ordered to be eliminated.

B. Judicial Performance Report of the Appellate Court of Counter Narcotics Justice Center

1. Report

The Appellate Court of Counter-Narcotics Justice Center heard a total of 82 cases related to the drugs from October 22, 2020 to November 20, 2020. A total of 127 people were arrested on the charges of smuggling and carrying drugs from which 6 of them were acquitted due to lack of evidence and 121 of them were tried and sentenced as below:

- One year to five years' imprisonment: 54 persons;
- Five years to 15 years' imprisonment: 32 persons;
- 15 years to 20 years' imprisonment: 20 persons;
- 20 years to 30 years' imprisonment: 15 persons.

In connection to the abovementioned trials the verdict has been issued to eliminate (7553,224) kilograms and (294) liters of drugs of different types.

The total amount of fine is \$7193.

**Chart number (2) shows judicial performance of the
Appellate court of Counter Narcotics Justice Center from
October 22, 2020, to November 20, 2020**

Sl number	Type of case	Number of cases	Amount of items	Judicial Decision							
				Number of accused	Number of Acquitted	Fine Penalty	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	47	73,844	63	6	3441	57	30	15	11	1
2	Heroin	20	553,14	33		1766	33	9	4	6	14
3	Morphine	2	9,4	3			3	1	2		
4	Opium	4	321,5	5		38	5	1	1	3	
5	Hashish	6	771,34	16		1558	16	6	10		
6	Herbaine	2	5824	6			6	6			
7	Alcoholic Drinks	1	94 Liters	1		390	1	1			
Total		82	7553,224	127	6	7193	121	54	32	20	15

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

Verdict dated November 15, 2020

**Sixteen Years' Imprisonment on Charges of Trafficking 165
Kilograms of Methamphetamine**

The personnel of the 5th Border Battalion of Nimroz Province were conducting a mobile patrol when they came across a suspicious vehicle in the Pulchak-e-Abdul Razaq area of Zaranj city, and they ordered them to stop the vehicle. Two of its passengers stepped out of the vehicle and tried to escape with their firearm. As a result of the warning shots fired by the authorities, they were arrested and their vehicle was searched in which 165 packages of narcotics were found. Thus, the vehicle,

packages of narcotics and the AK-103 (Kalashnikov) with 4 magazines and 104 bullets were seized and sent to the Police headquarters together with the arrested suspects. The type of the drug was methamphetamine (165 kilograms) and the case was submitted to the Primary Court of Counter Narcotics Justice Center. In the court hearing dated October 19, 2020, in the presence of both parties, both of the defendants were sentenced to sixteen years' imprisonment each on charges of trafficking 165 kilograms of methamphetamine in accordance with article 303, paragraph 2 subparagraph 5 of the Penal Code, and on charges of possessing firearms, they were sentenced to three years' imprisonment each according to article 312 paragraph 2 of the Penal Code. Pursuant to article 75 of the Penal Code, the applicable punishment in this situation is the most severe one which is sixteen years' imprisonment. In addition, the accused in the case of driving a vehicle without a license number was sentenced to a fine of 20000 AFS in accordance with article 560 of the Penal Code and in compliance with article 75 of the Code. Furthermore, pursuant to article 32 of the Counter Narcotics Law, two cellphones with their SIM cards were also confiscated and according to article 19 of the mentioned law, the drugs were ordered to be eliminated. However, due to the objection of both parties, the case was brought to the Appellate Court of Counter Narcotics Justice Center. In the court hearing dated November 15, 2020, in the presence of both parties, pursuant to article 267 of the Criminal Procedure Code and article 17 paragraph 2 of the Counter Narcotics Law, the Primary Court of Counter Narcotics Justice Center verdict dated October 19, 2020, was approved.

Verdict Dated November 11, 2020

Fifteen Years' Imprisonment on Charges of Trafficking 115,84 Kilograms of Hashish, 3,2 Grams of Methamphetamine and 5 Grams of Hashish

A group of drugs traffickers in Nangarhar was under surveillance by the IIU. During the IIU surveillance, it was reported that one

of the drug traffickers and sellers of K Tablet, narcotics, hashish and chemicals buys drugs in wholesale prices and then sells them to the addicted people in Jalalabad by his employees. Some of the public servants of Nangarhar province were also included in the crime and by abusing their authority, they paved the way to sell K Tablet and hashish. Therefore, the seller's cellphone calls were listened to in accordance with the provisions of law which resulted in the arrest of two people together with the drugs trafficker and the seizure of their car in Pol-e-Charkhi, Kabul. Then, based on the reports, the seller's house and grocery store was searched and 115,84 kilograms of hashish, firearms, 1300000 Pakistani Rupees, 50000 AFS, 10 cellphones, and a motorcycle is found and seized. After that, three other suspects also get arrested and the case is submitted to the Primary Court of Counter-Narcotics Justice Center. In the court hearing dated October 7, 2020, in the presence of both parties, on the charge of trafficking 115,84 kilograms of hashish, the seller was sentenced to ten years' imprisonment from the beginning of the detention period in accordance with article 305 paragraph 1 subparagraph 7 of the Penal Code, on the charge of trafficking 2,3 grams of methamphetamine, he was sentenced to 9 months' imprisonment in accordance with article 303 paragraph 2(1), and on the charge of trafficking 5 grams of hashish, he was sentenced to a fine of 5000 AFS in accordance with article 305 paragraph 1(1) of the Penal Code and in compliance with article 75 of the Code. Pursuant to article 73 of the Penal Code, the most severe punishment is applicable on him in this regard. On the charge of recruiting persons to smuggle narcotics, he was sentenced to five years' imprisonment in accordance with article 310 of the Penal Code, on the charge of selling drugs to the addicted people, he was sentenced to three years' imprisonment in accordance with article 311 of the Code and on the charge of firearms possession, he was sentenced to a fine of 60000 AFS, however, pursuant to article 75 of the Penal Code, the punishments which total 18 years' imprisonment are imposed one after another including a

fine of 65000 AFS. With regard to the other accused, on the charge of the possession of 2,3 grams of methamphetamine, he was sentenced to nine months' imprisonment in accordance with article 303 paragraph 2(1) of the Penal Code, on the charge of possessing five grams of hashish, he was sentenced to a fine of 5000 AFS in accordance with article 305 paragraph 1(1) of the Penal Code and in compliance with article 75 of the Code, and on the charge of complicity in trafficking 115,84 kilograms of hashish, he was sentenced to seven years' imprisonment in accordance with article 305 paragraph 1(7) of the Penal Code, considering article 59 of the Code and in compliance with articles 218 and 219 of the Code. Pursuant to article 75 of the Penal Code, the applicable punishment is seven years and nine months' imprisonment and a fine of 5000 AFS. Three other defendants were sentenced to seven years' imprisonment each on charges of complicity in trafficking 115,84 kilograms of hashish in accordance with article 305 paragraph 1(7) of the Penal Code, considering article 59 of the Code and in compliance with articles 218 and 219 of the Code. Another defendant was sentenced to two years' imprisonment on charges of not informing the authorities in accordance with article 480 of the Penal Code. In addition, a Corolla type vehicle and a motorcycle was confiscated pursuant to article 308 of the Penal Code, 1300000 Pakistani Rupees, 86320 AFS, \$100 and 20 cellphones with their SIM cards were confiscated pursuant to article 32 of the Counter-Narcotics Law, and the firearms were also confiscated pursuant to article 454 of the Penal Code. Three guns of the public servants were also returned to their respective office. In accordance with article 19 of the Counter-Narcotics Law, the drugs were ordered to be eliminated. However, due to the defendants' objection, the case was brought to the Appellate Court of Counter-Narcotics Justice Center. In the open trial dated November 11, 2020, according to article 54 of the Law on Organization and Jurisdiction of the Judiciary and article 267 of the Criminal Procedure Code, the verdict of the Primary Court of

Counter-Narcotics Justice Center was approved except for the drugs selling charge in which the defendant was acquitted of the charge and 15 years' imprisonment was considered applicable on him. The verdict related to the three defendants were overturned and they were sentenced to two years' imprisonment each on charges of not informing the authorities in accordance with article 237 paragraph 1 of the Criminal Procedure Code and article 480 paragraph 2 of the Penal Code, in compliance with articles 218 and 219 of the Code. Furthermore, by approving the Primary Court of Counter-Narcotics Justice Center, on the charge of possessing 2,3 grams of Methamphetamine, one of the defendants was sentenced to nine months' imprisonment in accordance with article 303 paragraph 2(1) of the Penal Code, on the charge of possessing 5 grams of hashish, he was sentenced to a fine of 5000 AFS in accordance with article 305 paragraph 1(1) of the Penal Code, but he was acquitted of the complicity in trafficking charges. On the charge of not informing the authorities, he was sentenced to two years' imprisonment pursuant to article 480 of the Penal Code and article 237 paragraph 1 of the Criminal Procedure Code in compliance with articles 218 and 219 of the Penal Code. Pursuant to article 75 of the Penal Code, the applicable punishment is two years and nine months' imprisonment and a fine of 5000 AFS. The Primary Court's verdict sentencing another defendant to two years' imprisonment on charges of not informing the authorities in accordance with article 408 of the Penal Code and article 237 paragraph 1 of the Criminal Procedure Code was also approved. The Primary Court's verdict on the confiscation and return of the mentioned items was also approved.

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