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## The High Council of the Supreme Court Sessions Report

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



- ❖ In order to avoid disruption in regular sessions of the High Council and expedite the reviewing process of the agenda items, the amendment to article     of the Law on Organization and Jurisdiction of the Judiciary regarding the quorum of the sessions was approved. Furthermore, the amendment to article     of the Criminal Procedure Code was also approved so as to ensure justice and compute the prescriptive period of crimes which are criminalized after the Criminal Procedure Code's enforcement in different categories such as habitual crimes, continuous crimes, successive

crimes, embezzlement and forgery. The High Council Secretariat was instructed to refer the amendments to the Ministry of Justice for further legislative process.

- ❖ In pursuance of regulating the issues related to the judicial staff's rights and privileges, paving the way for their professional development, increasing their knowledge level, improving their writing and research skills, and supporting the judicial and legal system, in compliance with articles and of the Law on Organization and Jurisdiction of the Judiciary, the draft Regulation on Rights and Privileges of Judicial Cadre was reviewed. The discussion on the draft regulation was extended to the next session for further deliberation.
  - ❖ In the presence of Deputy Minister of Justice, the Government Cases Prosecutors, defense attorneys and other case parties, four applications for revision on public rights and land usurpation cases of the Government Cases Directorate were reviewed in accordance with article of the Civil Procedure, for which necessary decisions were taken.
  - ❖ Based on the normal and occasional inspections' results, disciplinary procedures were initiated against seven judges of the Kabul, Takhar and Herat Appellate Courts, due to their judicial misconduct such as not abiding by the rules and regulations in deeds and refusal to hear cases.
  - ❖ In accordance with the applicable laws, necessary instructions were provided regarding the instruction-demands of the Kabul Appellate Court concerning the
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conflict between the Law on the Acquisition of Rights and the Law on Court Fees about the application fees in civil and commercial cases, refund of previous court fees where the losing party has been the winning party in a similar court, determining the competent court in hearing the cases of compensation for detention period and determining the commercial court fees, the instruction-demand of the Panjshir Appellate Court about modifying the deeds issued in previous years, the Balkh Appellate Court's instruction-demand on obstacles to implementation of a judgment in a civil case, and the instruction-demand of the Farah Appellate Court pertaining to inclusion of Electronic ID Card details in deeds.

- ❖ In these sessions, some motions for change of venue in criminal cases, conflict of jurisdiction, and promotion of judges were reviewed. In addition, at the request of the Attorney General's Office, the authority to hear cases was delegated to the Kabul, Kandahar, Balkh, Faryab, Sar-e-pol, Helmand, Paktia, Kunduz, Zabul, Uruzgan, Paktika, Farah, Khost, Badakhshan, Ghor, Jowzjan and Ghazni Appellate Courts.
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## The Acting General Administrative Director of the Judiciary Meets the IDLO's Director of Programs

Justice Jawed Rashidi, the Acting General Administrative Director of the Judiciary met with Ms. Mangala, the IDLO's Director of Programs, on February 14, 2018. In this meeting, at first, Ms. Mangala spoke on finalizing the survey pertaining to the impact of insecurity on Afghanistan's Legal System. She added that a comprehensive survey has been carried out in cooperation with the Supreme Court and other central and provincial courts, a part of which the IDLO intends to publish.



Then, the Acting General Administrative Director of the Judiciary expressed his gratitude to the international community for their support and asked the IDLO's Director of Programs to share the draft report with the judiciary beforehand to be reviewed for any discrepancies, after which appropriate steps be taken upon the Supreme Court's permission.

## **The Capacity Building Training Programs Are Held for the Administrative Staff of the Judiciary**

As part of the training programs of the Capacity Building and Performance Evaluation Directorate, the training program on administrative correspondence, budget, accounting, procurement and revenue collection was held in the conference room of the Safi Landmark Hotel on January - , , with the financial support of the Adalat Project (Checchi), in which finance and revenue collection officers of the Kandahar, Zabul, Helmand and Uruzgan Appellate Courts attended.

The training program focused on budget, accounting, supervision of revenue collection, procurement, administrative correspondence, observing the rules of punctuation in writing letters, proposals, inquiries and other forms, and stock accounting.

The judicial statistics database system training program was also held under the direction of the General Administrative Directorate of the Judiciary, according to the needs of the Policy Planning Directorate, on January - , , which was financially supported by the Adalat Project (Checchi) in Kabul, in which correspondence and administrative staff members of eleven courts attended.

The program focused on access to the judicial statistics system, sections' description, dashboard, recording civil and criminal cases reports on a quarterly basis, recording deeds reports on a quarterly basis, recording or rejecting cases, general reporting, and data entry. The system is established in order to facilitate and simplify the processes and manage

the issues electronically, which provides extremely valuable facilities for the users of the system and the judicial statistics department of the Policy Planning Directorate.

## **Training Program Is Held for the Correspondence and Administrative Staff of Provincial Courts**

As part of the training programs of the Capacity Building and Performance Evaluation Directorate, the training program on deeds and instruments registration, the procedure on court administration, organizational planning and administrative correspondence was held in Mazar-e-Sharif on January - , , with the financial support of Adalat Project (Checchi), in which correspondence and administrative staff of the Sar-e-Pol, Jowzjan, Baghlan, Samangan and Balkh Appellate Courts attended.

The program focused on the legal basis of deeds and instruments registration, subject matter jurisdiction, territorial jurisdiction, assessing the capacity of parties to a deed, entering ID card details in deeds, signing and adding fingerprints in deeds, types of legal entities, the deed's tariff column, subject column, explanation column, paying the deeds' revenue, deeds of sale, deed of ownership and deed of will. The procedure on court administration concerned criminal and civil cases' folders, record book of court proceedings, distribution book, submission book of judges, and quarterly reporting form of civil and criminal proceedings. The training was provided by the Capacity Building and Performance Evaluation Directorate's Instructor and the Deeds Registry Subdirector of the Balkh Appellate Court in the first two days.

The second part of the program which concerned the main activities of courts with regard to management, focused on organizational planning, necessity of planning, importance



of planning, history of planning, benefits and limitations of planning, principles of planning, types of planning, difference between strategic and operational planning, stages of planning, monitoring and evaluation indicators, situation analysis, analysis models: SWOT, PEST, Fishbone, McKinsey S, the four quadrants of the Eisenhower matrix and administrative correspondence. The training was provided by Hamed Baha Ayar, the Capacity Building and Performance Evaluation Director. The program received positive and constructive feedback from the participants and it concluded with the distribution of certificates.

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## News and Events

- On December 15, 2011, Justice Hayatullah Hayat, the Head of the Civil and Public Rights Division of the Samangan Appellate Court gave an interview within the framework of the Judicial Awareness Program.  
In this interview, he discussed the civil cases and civil procedure in courts which was broadcast by the national television of the province.
  - On December 16, 2011, Justice Mohammad Sharif Fani, the Head of the Herat Appellate Court met in his office with Ahmad Rafi Naderi, the Regional Director of the Independent Bar Association in Herat. In this meeting, at the request of Mr. Naderi, the Head of the Court agreed that the Independent Bar Association's representative could participate in the provincial coordination meetings of justice and judicial institutions, in order to present their plans and proposals for further implementation of laws and gaining people's trust.
  - On January 10, 2012, Justice Wajehuddin Azizi, the Head of the Nimroz Appellate Court, met in his office with Sakhi Ahmadi, the National Radio and Television's Regional Subdirector of the province.  
In this meeting, the agreement between the Directorate-General for National Radio and Television and the Supreme Court was discussed. At first, the Head of the Court welcomed the
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Subdirector and spoke on the importance of reflecting court activities by the media and the role of the judiciary in tackling challenges. Then, the Subdirector promised to cooperate in covering the Appellate Court open trials and Judicial Awareness Program.

- On December , , Justice Mohammad Shoaib Ibrahimi, the Head of the Balkh Appellate Court met in his office with Sher Mohammad Noori, the GIZ representative. In this meeting, several issues of mutual interest including virtual court hearings were discussed. At first, Mr. Noori spoke on the GIZ's preparations for providing the virtual court hearing facilities, adding that the virtual court hearing system is going to be implemented in Balkh and Badakhshan provinces first. Then, the Head of the Court considered this initiative quite important in expediting the judicial process.
- On December , , Justice Mohammad Ajmal Arabzai, the Head of the Badghis Appellate Court met in his office with Abdul Halim Shaikh ul-Islami, the Hajj and Religious Affairs Director, Sayed Hamed Siddiqi, the Preacher of the Qala-e-Naw Grand Mosque and members of the Islamic Scholars Council.

In this meeting, the Head of the Court welcomed the scholars and appreciated their role in preserving the unity of Muslims and raising awareness. He also spoke on the long-term and short-term policies of the Supreme Court in regard to judicial reform and

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adopting appropriate approaches in the judiciary.

- On January , , Justice Samargul Omari, the Head of the Kandahar Appellate Court, accompanied by the Criminal Division Head of the Appellate Court and the Head of the Primary Court, met with Rohullah Khanzada, the newly appointed Governor of the province. In this meeting, the Head of the Court congratulated the Governor on his appointment and other issues of mutual interest were also discussed.

Mr. Omari and the Governor emphasized the importance of good relations between the courts and the Governor's Office. They also stressed the significance of not interfering in each other's affairs and cooperating with each other in compliance with applicable laws. The newly appointed Governor promised to foster good working relations with courts by not allowing anyone to interfere in court cases.

- In compliance with the High Council of the Supreme Court's approval no. dated November , , the Anti-Harassment Committee's session was held in the Correspondence Subdirectorates of the Sar-e-Pol Appellate Court. In this session, the implementation of the approval in the workplace was discussed. Due to the judicial and administrative staff's abidance by the applicable laws and rules of professional conduct and the observance of gender, no harassment reports were filed with the committee.
  - On January , , the Quran Recitation
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Ceremony was held for two martyred judges in the Takhar Appellate Court with the participation of Justice Zabiullah Ibrahimi, the Head of the Appellate Court, and other judicial and administrative officials of the province, who prayed for the late justices and expressed their condolences to their families by asking paradise for the martyrs and great patience for their bereaved families.

- On January , , Justice Habibullah Munib, the Head of the Paktia Appellate Court, visited the Primary Courts of Shwak, Garda Sere and Wazi Zadran Districts, in which he controlled the attendance sheet of district judges and instructed them to treat clients with respect and courtesy, keep the environment clean and perform their duties in a timely manner.
- On January , , Justice Zabiullah Ibrahimi, the Head of the Takhar Appellate Court, met with Abdul Bari Rashed, the Hajj and Religious Affairs Director and a large number of scholars and preachers of the mosques of that province.

In this meeting, the Head of the Court welcomed the scholars and stated that scholars are the beacon of religion and their role in preserving the unity of Muslims and raising awareness is crucial for preventing crimes. He also spoke on the public's access to justice and other issued of mutual interest. Then, the scholars expressed their gratitude and satisfaction for hearing the cases in a timely manner, adding that they will cooperate with the courts in

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ensuring justice.

- The Anti-Harassment Committee of the Samangan Appellate Court was held on December , , presided over by Faizullah Mohammadi, the Correspondence Subdirector, with the participation of the members of the committee.

After the recitation of the verses of the Holy Quran, the secretary of the session stated that no harassment reports were filed with the committee.

- On January , , Justice Sibghatullah Mushfiq, the Head of the Jowzjan Appellate Court, accompanied by Sayed Jafar Misbah, the Justice Director, Mohammad Akram Morawar, the Regional Director of the Independent Bar Association and some other defense attorneys, met with Sayed Azizullah Ulfati, the Member of Parliament, and discussed issues of mutual interest.

- On December , , Justice Mohammad Shoaib Ibrahimi, the Head of the Balkh Appellate Court, met with Mahmood Esmati, the UNAMA Officer in Mazar-e-Sharif. In this meeting, the air transport of judges to insecure provinces was discussed and the UNAMA representative promised to cooperate fully in this regard.

- On Monday, January , Justice Mohammad Ajmal Arabzai, the Head of the Badghis Appellate Court, met in his office with Fida Mohammad Pirzada, the Badghis Police Chief.

At first, the Head of the Court welcomed the guests in his office and appreciated the Police Chief's

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efforts and endeavors to ensure people's safety and in regard to physical security, he spoke on the transportation of the judicial and administrative staff to insecure provinces. Then, the Police Chief expressed his gratitude to the Head of the Court for ensuring justice and hearing cases in a timely manner, adding that he will try his best to have good working relations and cooperate fully with courts.

- On February , , the quarterly session of the Anti-Harassment Committee of the Ghor Appellate Court was chaired by Saifuddin Mostamand, the Correspondence Subdirector. At first, the Correspondence Subdirector spoke on the importance of the issue in accordance with the Anti-Harassment Procedure. Then, the secretary of the session presented the agenda. In the second quarter of the year, no complaints regarding the harassment against women and children were filed with the committee, as the third quarter in which no harassment complaints have been filed. It was instructed that the committee must hold session in case it receives any harassment complaints and necessary decisions must be taken in accordance with the Procedure.
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# The Fight Against Corruption

## Judicial Performance Report of the Anti-Corruption Primary Court

### . Report

The Anti-Corruption Primary Court heard a total of criminal cases related to corruption from January to February , . A total of persons were arrested on charges of abuse of authority, bribery, embezzlement, forgery, mediation in bribery, and extortion, from which of them were acquitted due to lack of evidence and of them were convicted and sentenced as follows:



- Three months to one year's imprisonment:



[SPECIAL BULLETIN OF THE SUPREME COURT]

persons;

- One year to five years' imprisonment: persons;
- Fine penalty: persons.

The total amount of fine is \$ .

**Chart Number ( ) Shows the Number of Offenders Convicted by the Anti-Corruption Primary Court from January to February ,**

No	Type of case	Number of cases	Judicial decision (Judgment)							
			No of the accused	Acquitted	No of convicts	Prison Sentences			Convicted of fine penalty	Fine penalty
						Three months to one year's imprisonment	- years' imprisonment	- years' imprisonment		
	Abuse of Authority									\$
	Bribery									\$
	Mediation in Bribery									\$
	Embezzlement									\$
	Forgery									
	Extortion									
	Total									\$

Furthermore, the court has issued writs on cases and has sent them to the relevant authorities in order to fill the investigation gaps.

**Chart Number ( ) Shows the Writs Issued by the Anti-Corruption Primary Court from January to February ,**

No.	Type of case	Number of cases	Number of the accused	Reason for ruling	Relevant Authority
				Legal gaps and Defects	
	Abuse of authority				Prosecutor's Office
	Forgery				Prosecutor's Office
	Non-Compliance with Law				Prosecutor's Office
	Bribery				Prosecutor's Office
Total					

**. The Anti-Corruption Primary Court Sample Case Briefs**

**Judgment Issued on February ,**

Conviction of the Department of the Ministry of Interior Affairs' Anti-Corruption Directorate Team Leader and Team Member on Charges of Forgery

The team leader and team member of the department of the Anti-Corruption Directorate of the Ministry of Interior Affairs prepared an inquiry and sent it to the Kabul Municipality, asking for the identity of their Administrative Manager and Stock Keeper. In response to the inquiry, the requested information was provided by the Kabul Municipality. After the information was provided, a person who introduced himself as the Anti-Corruption Police Officer, called the Administrative Manager of the Municipality and asked to meet with him outside his office. However, the Administrative Manager informed the Anti-Corruption Director of the Ministry of Interior Affairs about

the issue and sent him a copy of the inquiry. After reviewing the inquiry by the Anti-Corruption Directorate, they found out that the Deputy Minister of Interior Affairs' signature was forged. Thus, the team leader and team member of the Department of the Ministry of Interior Affairs' Anti-Corruption Directorate were arrested and the case was submitted to the Anti-Corruption Primary Court. In the court hearing dated February , , in the presence of both parties, the defendants were sentenced to two years' imprisonment including the detention period, on charges of forgery and complicity in forgery, in accordance with articles and of the Penal Code and in compliance with articles and of the Code.

**Judgment Issued on February ,**

**Conviction of the New Kabul Bank's Employee on Charges of Embezzlement**

Preliminary inspection of the Cards General Management of the New Kabul Bank's Operations Department showed a huge balance difference in the Cards General Management operations. According to the inspection of the accounts of the CSC Bank, Lebanon, and the suspect, it was revealed that \$ was used illegally through MasterCard and the suspect, by using his authority, used to manipulate the documents and files which were being received from the CSC Bank, Lebanon, by changing or removing his account balance details. The suspect was using the bank ledgers for his own benefit and used to increase the limit of his credit card by sending fake documents to the CSC Bank, Lebanon. After being informed, the National Security Directorate's Officers arrested the customer service employee of the New

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Kabul Bank and the case was submitted to the Anti-Corruption Primary Court. In the court hearing dated February , , in the presence of both parties, the defendant was sentenced to four years' imprisonment, restitution of the embezzled amount of money, and dismissal from duty, on charges of embezzlement, in accordance with article paragraph and article paragraphs and of the Penal Code and in compliance with articles and of the Code.

## **Judicial Performance Report of the Anti-Corruption Appellate Court**

### **. Report**

The Anti-Corruption Appellate Court heard a total of criminal cases related to corruption from January to February , . A total of persons have been arrested on charges of abuse of authority, bribery, extortion, treachery and forgery from which of them were acquitted due to lack of evidence and of them were convicted and sentenced as below:

- Three months to one year's imprisonment: persons;
- One year to five years' imprisonment: person;
- Fine penalty: persons.

The total amount of fine is \$ .

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**Chart Number ( ) Shows the Anti-Corruption Appellate Court Performance from January to February ,**

No	Type of case	Number of cases	Judicial decision (Judgment)							
			No of the accused	Acquitted	No of convicts	Prison Sentences			Convicted of fine penalty	Fine penalty
						Three months to one year's imprisonment	- years' imprisonment	- years' imprisonment		
	Abuse of Authority									\$
	Bribery									\$
	Treachery									
	Forgery									
	Extortion									
	Total									\$

Furthermore, the court has issued writs on cases and has sent them to the relevant authorities in order to fill the investigation gaps.

**Chart Number ( ) Shows the Writs Issued by the Anti-Corruption Appellate Court from January to February ,**

No	Type of case	Number of cases	Number of the accused	Cause of the Writ	Relevant Authority
				Legal gaps and Defects	
	Abuse of authority				Prosecution Office
	Bribery				Prosecution Office
	Embezzlement				Prosecution Office
	Total				

## **. The Anti-Corruption Appellate Court Sample Case Briefs**

### **Judgment Issued on February ,**

Conviction of the Pharmaceutical Inspection Specialist of the National Medicine and Healthcare Products Regulatory Authority on Charges of Extortion

A medical commission worker, who was a resident of Parwan Hotel, bought cartons of medicine from Kandahar and transported them to Kabul. However, his vehicle was stopped by a police officer and an employee of the National Medicine and Healthcare Products Regulatory Authority (NMHRA) in the area of Bagh-e-Bala, who demanded AFN from him. The commission worker didn't have the requested amount of money at that moment; therefore, they took his cell phone and one of them went with him to the Parwan Hotel in order to get the money. Since the Medicine Services Association had already informed the National Security Directorate about the issue, the defendant was arrested by the National Security Directorate Officials and the case was submitted to the Anti-Corruption Primary Court. In the court hearing dated November , , the Pharmaceutical Inspection Specialist was sentenced to four months' imprisonment on charges of extortion, in accordance with article of the Penal Code. However, due to the defendant's objection, the case was brought to the Anti-Corruption Appellate Court. In the court hearing dated February , , in the presence of both parties, pursuant to article of the Law on Organization and Jurisdiction of the Judiciary, the Primary Court's judgment was affirmed.

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## **Judicial Performance Report of the Public Security Divisions of the Provincial Courts in Regard to the Corruption Cases**

### **. Report**

The Public Security Divisions of the Primary and Appellate Courts of the provinces heard a total of      criminal cases related to corruption from January      to February      ,      . A total of      persons have been arrested on charges of abuse of authority, bribery, extortion, forgery, embezzlement and non-observance from which      of them were acquitted due to lack of evidence and      of them were convicted and sentenced as below:

- Three months to one year's imprisonment:      persons;
- One year to five years' imprisonment:      persons;
- Five year to sixteen years' imprisonment:      persons;
- Fine penalty:      persons.

The total amount of fine is \$      .

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[SPECIAL BULLETIN OF THE SUPREME COURT]

No	Relevant Court	Type of case	Number of cases	No of the accused	Acquitted	No of convicts	Judicial decision (Judgment)				
							Prison Sentences			Convicted to fine penalty	Fine penalty
							imprisonment to one year's	years' imprisonment	years' penalty		
		Embezzlement									
	The Nangarhar Appellate Court's Public Security Division (Jan to Feb , )	Abuse of Authority									\$
		Discrimination in the Workplace									\$
	The Baghlan Primary Court's Public Security Division (Dec , to Feb , )	Abuse of Authority and Embezzlement									\$
		Non-observance									\$
		Extortion									\$
	The Baghlan Appellate Court's Public Security Division (Dec , to Feb , )	Non-observance									\$
		Embezzlement									
		Destruction of Official Documents									\$
		Bribery									\$
Total											\$

**Sample Case Briefs of the Provincial Courts:**

**Judgment Issued on January ,**

Conviction of Two Subdirectors of the Labor and Social Affairs Directorate and the Treasurer's Office Manager of Faryab Province on Charges of Attempted Embezzlement

According to a report to the National Security Directorate of Faryab province alleging that in AHS, eight million AFN which was allocated to the Labor and Social Affairs Directorate for the disabled and heirs of the martyrs, had been sent through the Treasurer's Office to be distributed until November , . However, the officials of the directorate stopped the payment of checks, stating that there

is no money, while fifteen million AFN was in the bank and checks were also available in the Payment Department of the Treasurer's Office. The money wasn't distributed to the disabled and heirs of martyrs, instead, fifteen million AFN was transferred to the bank account of the Disabled and Martyrs Subdirector and checks were also issued by the suspects. Thus, the case was submitted to the Faryab Primary Court. In the court hearing dated April , , the defendants were acquitted, however, due to the prosecutor's objection; the case was brought to the Public Security Division of the Faryab Appellate Court. In the court hearing dated May , , the Primary Court's judgment was affirmed regarding the acquittal of two of the defendants, but regarding the subdirectors of the Labor and Social Affairs Directorate and the Disabled and Martyrs Department, the Primary Court's judgment was overturned and they were sentenced to a fine of AFN each on charges of abuse of authority, in accordance with article of the Penal Code (enacted in AHS). Due to the prosecutor's objection, the case was brought to the Public Security Division of the Supreme Court, which overturned the Appellate Court's judgment by issuing a writ and returned the case back to the Faryab Appellate Court, however, the court acquitted two of the defendants again and sentenced the two other defendants to a fine of AFN each. Once again, the case was brought to the Supreme Court's Division and this time, by overturning the judgment, the Supreme Courts' Division referred the case to the Balkh Appellate Court's Public Security Division. In the court hearing dated January , , pursuant to articles and of the Criminal Procedure Code, the Labor and Social Affairs Subdirector, the Disabled and Martyrs

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Subdirector, and the Payment Department's Manager of the Treasurer's Office were sentenced to ten months' imprisonment in absentia, on charges of attempted embezzlement, in accordance with article of the Penal Code (enacted in AHS) and in compliance with articles and of the mentioned Code.

**Judgment Issued on December ,**

**Conviction of the Hazrat Sultan District Subdirector of Samangan Province on Charges of Embezzlement**

The Hazrat Sultan District Subdirector took kg of dry milk out of the District Depot and sold it to a shop in Aebak city. The Internal Security Officers of the Samangan Police Department arrested the suspect in Aebak city and the case was submitted to the Public Security Division of the Samangan Primary City Court. In the court hearing dated October , , the defendant was sentenced to one year and one month's imprisonment including the detention period and restitution of kilograms of dry milk, on charges of embezzlement, in accordance with article paragraph and article paragraph of the Penal Code. However, due to the prosecutor's objection, the case was brought to the Samangan Appellate Court. In the court hearing dated December , , pursuant to article of the Law on Organization and Jurisdiction of the Judiciary and article paragraph of the Criminal Procedure Code, the Primary Court's judgment was affirmed.

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**Judgment Issued on January ,**

**Conviction of the Expropriation Manager of the Baghlan Municipality and His Accomplice on Charges of Fraud and Bribery**

The Expropriation Manager of the Pol-e-Khumri Municipality was arrested while taking AFN from a martyr's son in return for a plot of land and during the investigation, his accomplice was also arrested on charges of fraud for taking AFN from the martyr's son. Thus, the case was submitted to the Baghlan Primary Court. In the court hearing dated November , , the Expropriation Manager of the Municipality was sentenced to one year and one month's imprisonment and a fine of the equivalent amount of the bribe, on charges of bribery, in accordance with article paragraph ( ) and article paragraph of the Penal Code and in compliance with article paragraph of the Code. His accomplice was also sentenced to six month's imprisonment on charges of fraud, in accordance with article paragraph of the Penal Code and in compliance with articles and of the Code. However, due to the prosecutor's objection, the case was brought to the Public Security Division of the Baghlan Appellate Court. In the court hearing dated January , , in the presence of both parties, pursuant to article of the Law on Organization and Jurisdiction of the Judiciary and article of the Criminal Procedure Code, the Primary Court's judgment regarding the Expropriation Manager was affirmed but the judgment pertaining to his accomplice was overturned, hence, on charges of mediation in bribery, he was sentenced to a fine of AFN in accordance with article paragraph ( ) of the Penal Code and in

compliance with article        of the Code and article        of the Criminal Procedure Code. He was also sentenced to a fine of the equivalent amount of the bribe in accordance with article        of the Penal Code.

## **Judicial Performance Report of the Appellate Court of the Anti-Corruption Justice Center**

### **. Report**

The Appellate Court of the Anti-Corruption Justice Center heard a total of        criminal cases related to corruption from March        ,        to February        ,        . A total of        persons have been arrested on charges of abuse of authority, bribery, embezzlement, forgery and non-observance, from which        of them were acquitted due to lack of evidence and        of them were convicted and sentenced as below:

- Three months to one year's imprisonment:        persons;
- One year to five years' imprisonment:        persons;
- Five years to sixteen years' imprisonment:        persons;
- Fine penalty:        person.

The total amount of fine is \$        .

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**Chart Number ( ) Shows the Appellate Court of the Anti-Corruption Justice Center Performance from March , to February ,**

No	Type of case	Number of cases	Judicial decision (Judgment)							
			No of the accused	Acquitted	No of convicts	Prison Sentences			Convicted of fine penalty	Fine penalty
						Three months to one year's imprisonment	1 - 2 years' imprisonment	2 - 3 years' imprisonment		
	Abuse of Authority									\$
	Embezzlement									\$
	Bribery									\$
	Failure to Discharge Duties									
	Non-observance									
	Forgery									
	Total									\$

Furthermore, the court has issued writs on cases and has sent them to the relevant authorities in order to fill the investigation gaps.

**Chart Number ( ) Shows the Writs Issued by the Appellate Court of the Anti-Corruption Justice Center from March , to February ,**

No	Type of case	Number of cases	Number of the accused	Cause of the Writ	Relevant Authority
				Legal gaps and Defects	
	Abuse of Authority				Prosecution Office
	Embezzlement				Prosecution Office
	Money Laundering				Prosecution Office
	Bribery				Prosecution Office
	Illegal Transfer of Money				Prosecution Office
	Total				

**. The Appellate Court of the Anti-Corruption Justice Center Sample Case Briefs**

Judgment Issued on January ,

Conviction of a Construction Company's CEO on Charges of Forgery and Looting

The Islamic Bank of Afghanistan reported the theft of \$ to the Asmaei Zone of Kabul Police, alleging that someone opened a bank account in cooperation with the bank employees in the Islamic Bank of Afghanistan and then withdrew a huge amount of money from the bank using fake check. The suspects were referred to the justice institutions and the case was submitted to the Primary Court of the Anti-Corruption Justice Center. In the court hearing dated June , , the bank employee and the real estate broker were acquitted of fraud and complicity in embezzlement charges due to lack of evidence in accordance with article of the Constitution, article of the Penal Code and article of the Criminal Procedure Code; however, the real estate broker was sentenced to six months' imprisonment on charges of complicity in forgery in accordance with articles and of the Penal Code and the CEO of the Company was sentenced to six month's imprisonment on charges of attempted looting in accordance with article and in compliance with article of the Penal Code and on charges of forging the check, the CEO was sentenced to one year and six months' imprisonment in accordance with article of the Penal Code, and on charges of forging the ID Card, he was sentenced to one year and two months' imprisonment in accordance with article of the Penal Code. Pursuant to article of the

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**[SPECIAL BULLETIN OF THE SUPREME COURT]**

Penal Code, only the most severe punishment is applicable, which is one year and six months' imprisonment. However, due to the prosecutor's objection, the case was brought to the Appellate Court of the Anti-Corruption Justice Center. In the court hearing dated January , , the Primary Court's judgment was affirmed.

# The Fight Against Drugs (Narcotics and Intoxicants)

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



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The Primary Court of the Counter-Narcotics Justice Center heard a total of      cases related to the drugs from January to February      ,      . A total of      people were

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arrested on charges of drug trafficking and smuggling from which of them were acquitted due to lack of evidence and of them were convicted and sentenced as below:

- Three months to one year's imprisonment: person;
- One year to five years' imprisonment: persons;
- Five years to years' imprisonment: persons;
- years to years' imprisonment: persons;
- years to years' imprisonment: persons.

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

The total amount of fine is \$ .



**: The Primary Court of the Counter-Narcotics Justice Center Sample Case Briefs**

**Judgment Issued on February ,**

three Years' Imprisonment on Charges of Trafficking Grams of Hashish, Grams of Heroin, and Grams of Methamphetamine

The Anti-Narcotics Officers of Balkh Province were assigned in the area of Balkh gate in a plan to prevent the sale of narcotics. The officers arrested a drug seller, who was hiding among the addicted people, and found grams of methamphetamine, grams of hashish and grams of heroin from him. Thus, the case was submitted to the Primary Court of the Counter-Narcotics Justice Center. In the court hearing dated February , , in the presence of both parties, on charges of trafficking grams of methamphetamine, the defendant was sentenced to one year and six months' imprisonment in accordance with article paragraph ( ) of the Penal Code, on charges of trafficking grams of heroin, he was sentenced to one year's imprisonment in accordance with article paragraph and on charges of trafficking grams of hashish, he was sentenced to a fine of AFN in accordance with article paragraph ( ) of the Penal Code. In addition, on charges of selling drugs to the addicted people and others, he was sentenced to one year and six months' imprisonment in accordance with article of the Penal Code. Pursuant to article of the Penal Code, the applicable punishment is years' imprisonment

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and the fine penalty. Furthermore, pursuant to article      of the Counter-Narcotics Law, one cell phone was confiscated. In compliance with article      of the Counter-Narcotics Law, the drugs were ordered to be eliminated.

### **Judgment Issued on February      ,**

#### **Three Years' Imprisonment on Charges of Possessing Grams of Methamphetamine**

The Counter-Narcotics Officers of zone no.      arrested a suspect with      grams of methamphetamine, an American hand grenade launcher and a digital scale during an operation in Police District      of Kabul and the suspect confessed to his crime and introduced his accomplice to the police who was also arrested on charges of drug trafficking. The case was submitted to the Primary Court of the Counter-Narcotics Justice Center. In the court hearing dated February      ,      , in the presence of both parties, on charges of possessing      grams of methamphetamine, the suspect was sentenced to seven years and six months' imprisonment including the detention period, in accordance with article      paragraph ( ) and in compliance with article      of the Penal Code, and on charges of possessing a hand grenade launcher, he was sentenced to five years and one month's imprisonment in accordance with article      of the Penal Code. Pursuant to article      of the Penal Code, the applicable punishment is      years and eight months' imprisonment. The other suspect was sentenced to one year and six months' imprisonment on charges of trafficking      grams of methamphetamine in accordance with article      paragraph ( ) of the Penal Code and on charges of selling drugs to the addicted people, he was sentenced to one year

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and six months' imprisonment, in compliance with article of the Penal Code. Pursuant to article of the Penal Code, the applicable punishment is years' imprisonment. In compliance with article of the Counter-Narcotics Law, a cell phone with its SIM card was confiscated and according to article of the Counter-Narcotics Law, the drugs were ordered to be eliminated.

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

### **. Report**

The Appellate Court of the Counter-Narcotics Justice Center heard a total of drug-related criminal cases from January to February , . A total of persons were arrested on charges of drug trafficking and smuggling, from which of them were acquitted due to lack of evidence and of them were convicted and sentenced as below:

- One year to five years' imprisonment: persons;
- Five years to years' imprisonment: persons;
- years to years' imprisonment: persons;
- years to years' imprisonment: persons.

In connection to the abovementioned trials the verdict has been issued to eliminate ( ) kilograms of drugs and ( ) Tablet K pills.

The total amount of fine is \$ .

**Chart number ( ) shows judicial performance of the Appellate Court of the Counter-Narcotics Justice Center from January to February ,**

No .	Type of case	Number of cases	Amount of items	Number of accused	Judicial Decision					
					Acquittal	Fine Penalty	Number of convicted	Prison Sentences		
								- years' imprisonment	- years' imprisonment	- years imprisonment
	Methamphetamine									
	Heroin									
	Opium									
	Hashish									
	Morphine									
	Tablet K		kg pills							
	Crystal		gr							
	Herbaine									
<b>Total</b>			<b>kilograms</b>							

**: The Appellate Court of the Counter-Narcotics Justice Center Sample Case Briefs**

**Judgment Issued on February ,**

Sixteen Years' Imprisonment on Charges of Trafficking Grams of Heroin and Grams of



## Methamphetamine

Based on the Information and Inquiry Unit's report to the Herat Counter-Narcotics Police Department, two suspects were arrested with drugs (heroin) and some gold in the fifth district of Herat province. In connection with the case, the main owner of the drugs was also arrested who was a drug dealer in Herat province and used to smuggle drugs abroad with various tactics and methods. The case was submitted to the Primary Court of the Counter-Narcotics Justice Center. In the court hearing dated January , , on charges of trafficking heroin, the suspect was sentenced to ten years' imprisonment in accordance with article paragraph subparagraphs and , and in compliance with article of the Penal Code, considering article of the Counter-Narcotics Law. On charges of trafficking grams of methamphetamine, he was sentenced to eleven years, two months and one day's imprisonment in accordance with article paragraph ( ) of the Penal Code and in compliance with article of the Penal Code and article of the Counter-Narcotics Law and on charges of trafficking kilograms of heroin, he was sentenced to ten years' imprisonment in accordance with article paragraph ( ) of the Penal Code. On charges of trafficking grams of heroin, he was sentenced to five years' imprisonment in accordance with article paragraph ( ) of the Penal code and in compliance with article of the Counter-Narcotics Law and article of the Penal Code. On charges of recruiting people for smuggling the drugs, he was sentenced to five years' imprisonment according to article paragraph of the Penal Code. Pursuant to article of the Penal Code, the applicable punishment is sixteen years, two months and one day's imprisonment. In compliance

with article      of the Counter-Narcotics Law, a cell phone with its SIM card was confiscated and pursuant to article      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 the Counter-Narcotics Justice Center. In the court hearing dated February      ,      , pursuant to article      of the Law on Organization and Jurisdiction of the Judiciary and article      of the Criminal Procedure Code, the Primary Court's judgment was affirmed.

**Judgment Issued on January      ,**

**Twenty-Four Years' Imprisonment on Charges of Trafficking      Kilograms of Opium and Kilograms of Heroin**

A group of drug traffickers were under covert surveillance of the Information and Inquiry Unit (IIU) and the investigation suggested that one of the drug traffickers in the Argo district of Badakhshan province, in cooperation with his companions and the laboratory owner, produced heroin in the Deh Magas village of Argo district in order to smuggle it. The main suspect was arrested and the case was submitted to the Primary Court of the Counter-Narcotics Justice Center. In the court hearing dated December      ,      , on charges of trafficking      kilograms of opium, the suspect was sentenced to sixteen years' imprisonment in accordance with article      paragraph ( ) of the Penal Code, on charges of trafficking      kilograms of heroin, he was sentenced to five years' imprisonment in accordance with article      paragraph ( ) of the Penal Code. In compliance with article      of the Penal Code, the court

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imposed years' imprisonment on the suspect and pursuant to article of the Counter-Narcotics Law, the seized items were ordered to be confiscated. However, due to the objection of both parties, the case was brought to the Appellate Court of the Counter-Narcotics Justice Center. In the court hearing dated January , , in the presence of both parties, pursuant to article of the Law on Organization and Jurisdiction of the Judiciary, article paragraph of the Counter-Narcotics Law and article paragraph of the Criminal Procedure Code, the Primary Court's judgment was overturned and on charges of trafficking kilograms of opium, the defendant was sentenced to twenty-four years' imprisonment including the detention period, in accordance with article paragraph ( ) and in compliance with articles , and of the Penal Code, on charges of trafficking kilograms of paracetamol, caffeine, narcotine and -MAM, he was sentenced to seven years and six months' imprisonment in accordance with article paragraph ( ) and in compliance with articles , , and of the Penal Code. Pursuant to article of the Penal Code, the applicable punishment is the most severe one which is twenty-four years' imprisonment.

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