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## Meetings and Sessions

### The Chief Justice of Afghanistan Meets with the Ambassador of the Netherlands in Kabul

H.E. Sayed Yousuf Halim, the Chief Justice of the Supreme Court, met with Ms. Caecilia Wijgers, the Ambassador of the Netherlands to Afghanistan, on December 2, 2020.



In this meeting, the Netherlands' Ambassador spoke on the law, rule of law, ensuring human rights, and the relationship between formal and informal justice systems. On behalf of her country, she also promised to cooperate in the above-mentioned areas and hoped to know more about the situation and structure of Afghanistan's judicial system.

Later, the Chief Justice congratulated Ms. Caecilia Wijgers on her appointment as the ambassador of the Netherlands to Afghanistan and discussed the structure of Afghanistan's judicial system and the judiciary's commitment to the application of law, rule of law, justice and judicial independence which ensures stability and security. H.E. added that ensuring the rule of law and judicial fairness is the judiciary's obligation and the Supreme Court is committed to bring about judicial and administrative

reforms, fight corruption, ensure the rule of law and provide better judicial services to the public by implementing the Judiciary's Action Plan and the government's commitments in the Geneva Summit. The support and cooperation of the International Community, especially the Netherlands, as the coordinator of Justice and Judicial Sector under the framework of LOTFA, was highly appreciated.

Both parties exchanged views on the challenges facing the implementation of the Judiciary's Action Plan, coordination between justice and judicial institutions and other issues of mutual interest.

## **The Chief Justice of the Supreme Court Chairs a Session Aimed at Creating a Collective Vision on Organizing and Providing Legal and Judicial Awareness Programs**

A session was held in order to create a collective vision on organizing and providing legal awareness programs to the public on December 13, 2020, presided over by H.E. the Chief Justice of the Supreme Court and with the participation of Attorney General Mohammad Farid Hamidi and Minister of Justice Fazel Ahmad Manawi.



In this session, pursuant to the approval of the fifth session of the High Council for Rule of Law and Governance, in which promoting public awareness is considered one of the fundamental rights of the public according to the Constitution, the mechanisms for providing legal and judicial programs in order to promote public awareness by various means including the justice and judicial institutions social media pages, legal and judicial publications, and cultural and judicial education programs, were discussed. In addition, the parties also talked about launching a

joint TV channel or an alternative to it in order to accomplish the above-mentioned goals and reflect the justice and judicial institutions' achievements and it was decided that a technical committee must be established in order to study and evaluate the plan with the participation of the technical representatives of the Supreme Court, Attorney General's Office, Ministry of Justice and Ministry of Interior Affairs Police and Law Enforcement Department. The committee has to present its results to the next session which will be reported to the High Council for Rule of Law and Governance for further instructions.

## The High Council of the Supreme Court Sessions Report

The High Council of the Supreme Court held its regular sessions on December 1, 15 and 22, 2020, 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:



- ❖ The Procedure on Access to Information in the Judiciary and the Attorney General's Office was approved which was drafted by a joint committee consisting the Supreme Court, Attorney General's Office, Access to Information Commission and the civil society institutions in accordance with the commitment to open governance stated in the Action Plan and the Law on Access to Information. The procedure facilitates the application of the Law on Access to Information, duties and responsibilities of the relevant agencies with regard to providing information, public access to information, ensuring transparency and accountability and classifying information in the judiciary and the Attorney General's

Office.

- ❖ The Procedure on Using Information Technology was approved in order to comply with the Information Technology Directorate's policy and to make good use of internet services. In addition, the Procedure on Regulating Drivers' Work Ethics in the Judiciary was also approved for the purpose of making good use of vehicles, abiding by the traffic laws and complying with Islamic and social customs and ethics.
- ❖ The second quarter report of the courts' activities was heard. During the second quarter (Q2), 22187 cases in the primary courts, 7523 cases in the appellate courts and 3994 cases in the Supreme Court's divisions were under review totaling 33104 criminal, civil and commercial cases, from which 23460 cases were dealt with. The court revenue in the second quarter of the year totaled 226000000 AFS from the judgments, writs and deeds' fees.
- ❖ Concerning the judicial misconduct of judges, based on the General Directorate of Judicial Inspection's report, disciplinary procedures were initiated against seven judges of the Daikundi Appellate Court in accordance with the Judicial Misconduct Regulation.
- ❖ Regarding the instruction-demand of the Kabul Appellate Court about restoring the properties which are under dispute to their original state in accordance with the writ issued by the relevant division of the Supreme Court, while they are already sold to a third party and the instruction-demand about evacuating and handing over the collateral to the lending bank, while the collateral is the property of one of the Kabul Bank's partners and is frozen, necessary instructions were provided in

compliance with applicable laws and the High Council of the Supreme Court approvals.

- ❖ In response to the instruction-demand of the Kabul Appellate Court regarding the application of articles 11 and 499 of the Civil Procedure Code in commercial cases while one of the heirs is the plaintiff or defendant by having the proof of inheritance without being the other heirs' proxy, it was instructed that the Head of the Commercial Division of the Supreme Court's opinion must be sought in this regard.
- ❖ In the presence of Deputy Minister of Justice, Deputy Attorney General, relevant prosecutors and case parties, six applications for revision in land usurpation cases were reviewed in accordance with article 482 of the Civil Procedure Code and article 282 of the Criminal Procedure Code, and necessary decisions were taken accordingly.
- ❖ The suggestions of the Judicial Ranks' Promotion Commission were also approved and at the request of the Attorney General's Office, the authority to try 188 criminal cases was delegated to the Appellate Courts Kabul, Panjshir, Kunar, Kapisa, Laghman, Khost, Takhar, Badakhshan, Balkh, Sar-e-Pul, Baghlan, Paktia, Helmand, Nimroz, Zabul, Uruzgan, Kunduz, Ghazni, Faryab, Ghor and Herat.

## **The First Session to Support the Promotion of Alternatives to Imprisonment Is Held in the Conference Hall of the Supreme Court**

With the inaugural speech of Justice Jawed Rashidi, the Acting General Administrative Director of the Judiciary, the first session to support the promotion of alternatives to imprisonment was held in the conference hall of the Supreme Court.



First, the Acting General Administrative Director of the Judiciary delivered his speech and stated, “It is much clear for all of us that the Penal Code has discussed alternatives to imprisonment, determining alternatives to imprisonment, types of alternatives to imprisonment, applicability of alternatives to imprisonment, commission of crime during enforcement of alternatives to imprisonment, non-applicability of alternatives to imprisonment In case of mitigation, specifying the entity to monitor the alternatives to imprisonment, notice on consequences of not abiding by the court’s decision and obstacles to implementation of alternatives to imprisonment in section three, articles 148-157, and has stated that other issues related to the implementation method and form of alternatives to imprisonment and the conditions for observation and monitoring the convict shall be regulated by a separate legislation. Under this provision, the annex no. 2 to the Criminal Procedure Code has covered all

aspects of the subject which has paved the way to hold this session.”

Later, Mr. Pitts, the UNODC Program Coordinator, said that the UNODC has been cooperating with the UN member states for many years in areas such as prison reform, situation of prisons, and alternatives to imprisonment. Prison overcrowding increases social problems not only in Afghanistan but around the world. Imprisonment or detention of citizens significantly affects the society much more than the prisoner themselves. When a person is imprisoned, his entire family gets under pressure, his family’s economic situation may get worse and the children and vulnerable family members’ welfare may be at risk, while alternatives to imprisonment are specified by law and in the meantime, their benefits for the society cannot be denied. He requested that these opportunities must be taken advantage of.

He added that the prison system is costly, but if we reduce the number of inmates, it will save money for the prison administration. In addition, monitoring those who are released on bail incurs further costs, therefore, the Ministry of Labor and Social Affairs must be provided with more budget for their social workers. He stated that the UNODC hopes to have the cooperation of the judiciary in reaching an agreement with the government to address these financial issues.

In this session, the project related to the support and promotion of alternatives to imprisonment which was based on sustainable development goals of the national strategy was introduced by the UNODC and discussed by the session participants. It was hoped that the alternatives to imprisonment could be applied under the consideration of the relevant authorities and with the cooperation of international community.

It must be mentioned that Mr. Reginald Pitts, the UNODC Program Coordinator, Ms. Caitlyn Vincent-Dunbar, the Bureau of International Narcotics and Law Enforcement Affairs’ member, Deputy Minister of Justice, Deputy Attorney General, representatives of Ministry of Interior Affairs, Ministry of Labor

and Social Affairs, General Directorate of Prisons and Detention Centers, National Statistics and Information Authority, Independent Human Rights Commission, Independent Bar Association, and the Supreme Court's Judicial Training and Foreign Relations Directors together with some other participants attended the session.

## The Supreme Court Celebrates November 25 – the International Day for the Elimination of Violence Against Women

On December 3, 2020, the international day for the elimination of violence against women was celebrated in the conference hall of the Supreme Court. Justice Mohammad Zaman “Sangari”, the High Council of the Supreme Court member and the Acting Head of the Elimination of Violence Against Women Division, Ms. Spozhmai Wardak, the Policy and Professional Deputy Minister of Women’s Affairs, judicial advisors, and central directors of the Supreme Court attended the ceremony. After the recitation of the verses of the Holy Quran, Ms. Liza Temori, the Gender Subdirector of the Supreme Court, welcomed the guests.



Later, Member of the High Council of the Supreme Court Justice Mohammad Zaman “Sangari”, who is the Head of General Criminal Division and Acting Head of Elimination of Violence Against Women Division of the Supreme Court, spoke about the high status of women in Islam, applicable laws and International Declaration of Human Rights, and added that women (mothers) are the foundation of society and by having an independent personality, their rights are recognized by Islam, the Government and International Declaration of Human Rights.

After that, Dr. Abdullah Ataei spoke about the status of women in Islam and the causes of violence against women. Then, Ms. Spozhmai Wardak, the Policy and Professional Deputy Minister of Women's Affairs pointed out that the Ministry of Women's Affairs has conducted public awareness programs on forced marriages and domestic violence in 34 provinces and 229 districts.

Furthermore, according to the Policy Planning Directorate report which was presented by Justice Nisar Ahmad "Malikzai", the General Director of Research and Studies, from the establishment of the ERAW Courts to the first half of 1399 AHS (2019-2020 AD), 4894 cases were dealt with and 109 cases are pending in the Primary Court, 3103 cases were dealt with and 66 cases are pending in the Appellate Court, and 2367 cases were dealt with and 77 cases are pending in the Supreme Court, totaling 10364 settled cases.

Ms. Zarghona Mohammadi, the Head of the ERAW Primary Court, also presented the activities of the court in eliminating violence against women stating that in the first nine months of 1399 AHS (March 2019 – December 2020), a total of 187 cases were filed in the court including 63 cases of beating, 5 cases of battery, 46 cases of murder, 37 cases of rape, 11 cases of suicide, 5 cases of insult, 3 cases of self-immolation, 14 cases of harassment, one case of forced prostitution, and one case of burning, from which 25 cases were dismissed, 71 cases were decided by issuing writs, the proceedings were suspended in 10 cases pursuant to article 39 paragraph 2 of the Law on Elimination of Violence Against Women (ERAW), 93 cases were decided by issuing judgments and 7 cases are pending. The punishments imposed are death penalty, short-term imprisonment, medium-term imprisonment, long-term imprisonment, continued-term imprisonment and fines.

The ceremony concluded with the ending remarks of Justice Mohammad Zaman Sangari, the High Council of the Supreme Court member and the Head of General Criminal Division.

## **The Training Program on the Courts’ Rules of Procedure and Drafting of Deeds Is Held**

The training program on drafting of deeds and the courts’ rules of procedure for court clerks of Herat and Badghis provinces was held on December 7-10, 2020, in the western zone with the participation of the Human Resources General Director, the Head of the Herat Appellate Court and the Capacity Building and Performance Evaluation Director. First, Hamed Baha Ayar, the Capacity Building and Performance Evaluation Director explained the program to the participants and laid emphasis on effective, efficient, impartial, timely, transparent and planned performance of duties. Then, Mohammad Sharif “Fani”, the Head of the Herat Appellate Court expressed his gratitude for conducting the training program and stressed on the importance of the program to the court clerks and deeds officers. He encouraged the participants to conform with the standards of professional conduct and provide deeds in a timely manner to the public and added that their conduct with the public represents the immense prestige of the judiciary and that of the relevant departments. Later, Shah Faisal Sadat, the Human Resources General Director spoke about the commitments, virtue and cooperation of civil servants with the public and the first day’s training program was presented by him.

## **The Awareness Program on the Establishment of Elimination of Violence Against Women (EVAW) Courts Is Held in the Herat Appellate Court**

On Thursday, October 29, 2020, the Policy Planning Directorate of the Supreme Court in cooperation with the UNDP, held the awareness program on the establishment of EVAW courts in the conference hall of the Herat Appellate Court with the participation of the Heads of the Appellate Courts of Herat and Ghor.

First, Justice Mohammad Sharif Fani, the Head of the Herat Appellate Court welcomed the participants and spoke on the status of women in Islam and applicable laws, adding that the violence against women cases must be dealt with in a timely manner. Then, Justice Abdul Latif Mateen, the Criminal Division Head of the Herat Primary City Court spoke on the establishment of EVAW courts and Justice Mohammad Azam Alemi, the Acting Head of the EVAW Division of the Appellate Court spoke on the importance and role of the awareness programs on the establishment of EVAW courts. Later, Hamed Omar, the Plan and Reports Unification Subdirector of the Policy Planning Directorate gave a presentation concerning the future plans of the Supreme Court. After that, the representative of the Hajj and Religious Affairs Directorate of Ghor Province, Civil Society Activists, and the CEO of the Voice of Women Organization expressed their opinions on how to reduce crimes of violence against women and asked for the relevant authorities' cooperation in this regard. At the end, Justice Ghulam Rasool Mansoor, the Head of the Ghor Appellate Court concluded the session and applauded the establishment of EVAW courts, asking from the relevant authorities to conduct awareness programs in order to reduce crimes of violence.

## **The Management and Monitoring Training Program Is Held for the Administrative Staff of the Appellate Courts of Daikundi, Badghis and Bamiyan Provinces**

As part of the training programs of the Capacity Building and Performance Evaluation Directorate, the management and monitoring training program was held at the Bamiyan Appellate Court on November 15-17, 2020, with the financial support of the JSSP, in which the administrative staff of the Appellate Courts of Daikundi, Badghis, and Bamiyan provinces had participated.

The program was focused on fundamental principles of management, management methods, management levels and types, management practices, basic tasks of managers, conceptual skills of managers, personality traits of managers, managerial responsibilities, main tasks of managers, definition of monitoring, difference between monitoring and evaluation, draft monitoring and how to monitor and evaluate.

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

## **Training Activities of the Judicial Training Directorate of the Supreme Court**

According to the annual plan regarding the in-service training for judges, the Judicial Training Directorate of the Supreme Court held 11 training programs on commercial law, civil law, criminal law and constitutional law in Kabul, Herat, Balkh, Bamiyan and Daikundi provinces. The programs were conducted under the titles of Constitutional Law, Penal Code, and Civil and Commercial Issues, in which 209 judges had participated.

## **A Session Is Held on the Case Management System Regulation at the Badakhshan Appellate Court**

On November 18, 2020, a one-day session entitled “The Case Management System Regulation” was held at the Appellate Court of Badakhshan province with the participation of the relevant institutions’ directors and officials.

First, the meeting was opened by the recitation of verses from the Holy Quran, then Justice Sayed Abdul Qayum Kamali, the Head of the Appellate Court spoke on the importance and convenience of the Case Management System and expressed his gratitude to the JSSP for its cooperation in this regard.

After that, Mujtaba Alemi, the JSSP Senior Advisor on Case Management System and Mohammad Fekrat, the JSSP Technical Advisor on Case Management System talked on the achievements of the CMS, the second version of CMS and the latest changes in the current version it. The meeting participants presented their suggestions and questions on the problems and challenges they faced and the ways to solve the problems were discussed.

At the end, Justice Abdul Wakil Abedi gave his closing remarks and the meeting concluded with prayer and benediction.

## **The Training Program on Performance Evaluation Is Held for the Administrative Staff of the Supreme Court's Central Directorates**

As part of the training programs of the Capacity Building and Performance Evaluation Directorate, the training program on performance evaluation was held on November 9-10, 2020 with the financial support of the Adalat Project (Checchi), in which 20 administrative staff members of the central directorates of the Supreme Court attended.

The program was focused on the evaluation cycle, planning, monitoring and evaluation of annual performance, which was facilitated by the instructor of the Capacity Building and Performance Evaluation Directorate.

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

## News and Events

- Justice Jawed Rashidi, the Acting General Administrative Director of the Judiciary met with the UNDP officials online on December 6, 2020. The UNDP officials provided information on the programs prepared within the framework of the LOTFA and its Justice and Judicial Sector Program headed by the Supreme Court. The Acting General Administrative Director of the Judiciary asked them to officially send the detailed information in this regard in order to find out in what type of assistance is intended in this program to be provided to the judiciary. He hoped to get more details about the program at the December 10 meeting.

- Justice Jawed Rashidi, the Acting General Administrative Director of the Judiciary chaired the Online Session of LOTFA's Justice and Judicial Sector Committee which was co-chaired by the Ambassador of the Netherlands and conducted by the UNDP in order to discuss with the donors. As the relevant issues could not be discussed in detail, it was decided to hold an in-person session with the UNDP next time. The Publications and Foreign Relations Directors also attended the session.

- On November 19, 2020, Justice Sayed Abdul Qayum Kamali, the Head of the Badakhshan Appellate Court met with Mujtaba Alemi, the JSSP Senior Advisor on CMS and Mohammad Fekrat Alemi, the JSSP Technical Advisor on CMS in his office.

In this meeting, the changes that are to be made by the implementation of the CMS regulation were discussed and the Head of the Court considered the second version of the CMS as useful and constructive for justice and judicial institutions.

- The sessions of the Anti-Harassment Committee of the Balkh Appellate Court were held on July 5 and September 21, 2020, in the Correspondence Directorate to discuss the Anti-Harassment Procedure and its implementation in the workplace. No cases of harassment against women or children have been submitted to the committee due to the observance of ethical principles and sound management of the Court.

- Justice Mohammad Ajmal Arabzai, the Head of the Badghis Appellate Court met with Halima Rahpaima, the Provincial Treasurer on October 4, 2020.

In this meeting, first the Provincial Treasurer congratulated the Head of the Court on his appointment and emphasized on the coordination between the courts and the Treasurer's Office. Then the Head of the Court stated that providing high-quality and legitimate services is the inalienable right of the public. The authorities are obliged to address public problems in a timely manner, without negligence, and this is only possible when they are in harmony and cooperate with each other.

- On October 31, 2020, Justice Mohammad Shoaib Ibrahimi, the Head of the Balkh Appellate Court met with Sayed Merajuddin Sadat, the Police Chief of the province.

In this meeting, the working relationship between the courts and the police in different areas were discussed. The Head of the Court emphasized on the fight against corruption and asked for the unwavering support of the police in this regard and the Police Chief promised to cooperate.

- On October 31, 2020, as part of the judicial education programs of the Uruzgan Appellate Court, Justice Attaullah Ismail Khel, the member of the Civil and Public Rights Division of the City Court, gave an interview to the National Television of the province.

In this interview, he provided legal information about the preparation of real estate deeds, deeds of guarantee,

propertylessness deed, rights and elements of right.

- On December 1, 2020, the Panjwai and Zhari District Chiefs session was held presided over by the Head of the Kandahar Appellate Court, Justice Samargul Omari. The District Chiefs discussed some problems and consequently instructions were provided and the problems were solved together.

- On October 31, 2020, Justice Mohammad Hassan Siddiqi, the Head of the Baghlan Appellate Court, in company with the division heads and administrative staff members, met with Zabiullah Ehsas, the Deputy Governor and Acting Governor of the province.

First, the Head of the Court congratulated the Acting Governor on his appointment and wished him success in his duties. After that, he spoke on the importance of cooperation in order to serve the citizens while maintaining the independence of the judiciary and promised to cooperate. Then, the Acting Governor expressed his gratitude for the cooperation of the courts with the Governor's Office and promised to cooperate with the courts so that laws are implemented and citizens are served.

- On November 15, 2020, Justice Mohammad Sharif Fani, the Head of the Herat Appellate Court met with some of the law faculty professors and students of private universities in his office.

The Head of the Court welcomed the students and provided information on the court's activities in different areas and civil and criminal proceedings, in compliance with the applicable laws and judicial system of the country. He promised them that the court will fully cooperate with the students and asked them to attend the public trials to learn more about court proceedings. Then the professors expressed their gratitude for the cooperation of the court and some of the students asked their legal and professional questions, which were answered by the Head of the Court.

- On October 26, 2020, two suspects were arrested on charges of forging deeds and governmental stamps by the Judicial Surveillance Directorate officials in Balkh province.

One of the suspects was the owner of a print shop and for many years was committing forgery of stamps, deeds and other instruments, who was arrested along with his accomplice carrying two forged deeds and 15 forged stamps and the case was submitted to the relevant court.

- On October 21, 2020, the Head of the Nangarhar Appellate Court met with the Justice Director in order to discuss the implementation of final and absolute judgments of the courts.

In this meeting, Justice Director Masto Khan Hilal provided information to the Head of the Appellate Court on the implemented and unimplemented final and absolute judgments. He added that most of the absolute and final judgments have been implemented but some of them are not due to some problems, stating that work is under way to implement them.

The Head of the Nangarhar Appellate Court said that the court monitors the implementation of its judgments. He emphasized that the judgments should be implemented in a timely manner and the people's problems should be addressed expeditiously. He also added that special attention should be paid to the government property.

# The Fight Against Corruption

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

### 1. Report

The Anti-Corruption Primary Court heard a total of 17 criminal cases related to corruption from November 21 to December 20, 2020. A total of 34 persons were arrested on charges of abuse of authority, bribery, embezzlement, forgery and treachery, from which 3 of them were acquitted due to lack of evidence and 31 of them were tried and sentenced as follows:



- Three months to one year's imprisonment: 6 persons;
- One year to five years' imprisonment: 4 persons;
- Five years to sixteen years' imprisonment: 2 persons;
- Fine penalty: 19 persons.

The total amount of fine is \$52895.

**Chart Number (1) Shows the Number of Offenders  
Convicted by the Anti-Corruption Primary Court from  
November 21 to December 20, 2020**

No	Type of case	Number of cases	Judicial decision (Judgment)							
			No of the accused	Acquitted	No of convicts	Prison Sentences				
						months to one year's imprisonment	1-5 years' imprisonment	5 - 16 years' imprisonment	Convicted of fine	Fine penalty
1	Abuse of Authority	6	9	2	7	1			6	\$5324
2	Bribery	7	12	1	11	6	2	2	1	\$41402
3	Embezzlement	1	1		1				1	\$520
4	Forgery	2	3		3	1			2	\$974
5	Treachery	1	9		9				9	\$4675
Total		17	34	3	31	6	4	2	19	\$52895

Furthermore, the court has issued writs on 15 cases and has sent them to the relevant authorities in order to rectify the defects in investigation.

**Chart Number (2) Shows the Writs Issued by the Anti-Corruption Primary Court from November 21 to December 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	5	16	5	Prosecutor's Office
2	Embezzlement	3	6	3	Prosecutor's Office
3	Forgery	3	5	3	Prosecutor's Office
4	Bribery	2	2	2	Prosecutor's Office
5	Treachery	1	4	1	Prosecutor's Office
6	Unlawful acquisition of firearms	1	1	1	Prosecutor's Office
Total		15	34	15	

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

**Judgment Issued on December 12, 2020**

**Conviction of a Defense Attorney and His Accomplice on Charges of Mediation in Bribery and Forgery**

Based on a report to the National Security Directorate, a resident of the 6<sup>th</sup> District of Kabul colluded with a defense attorney and asked \$40000 from the family of an offender who was convicted to one year's imprisonment for engraving a weapon number by the Kabul Primary Court, in exchange for acquitting him. The family of the convict consented to the offer and the suspects forged a power of attorney for the convict. The suspect who had demanded the money was arrested in the 18<sup>th</sup> district of Kabul Police while receiving the advance payment of \$20000 in the presence of the relevant authorities and stated that the main

perpetrator of the crime is the defense attorney (his friend). The case was submitted to the Anti-Corruption Primary Court. In the court hearing dated December 12, 2020, in the presence of both parties, the defense attorney was sentenced to five years and one month's imprisonment, a fine of the equivalent amount of the bribe and dismissal from duty on charges of bribery in accordance with article 372 paragraph 1(6), and article 385 paragraph 1 of the Penal Code, in compliance with article 212 of the Criminal Procedure Code, and on charges of forgery, he was sentenced to one year and six months' imprisonment in compliance with article 473 of the Penal Code. However, pursuant to article 73 of the Penal Code, only the severe punishment is applicable in this case, which is five years and one month's imprisonment. The defense attorney's accomplice was sentenced to five years and one month's imprisonment and a fine of the equivalent amount of the bribe in accordance with article 372 paragraph 1(6), and article 385 paragraph 1 of the Penal Code, in compliance with article 212 of the Criminal Procedure Code, and on charges of forgery, he was sentenced to one year and six months' imprisonment, according to article 473 of the Penal Code. Pursuant to article 73 of the Penal Code, the applicable punishment is five years and one month's imprisonment.

**Judgment Issued on December 7, 2020**  
**Conviction of Two Customs Officers of Kabul Province**  
**on Charges of Bribery**

According to the instructions of the First Vice President in order to fight corruption and tackle the challenges facing merchants and industries, a plan was drawn up and after the Ministry of Interior Affairs' approval, the crime detection personnel were assigned to identify those who commit extortion and arrest them. As a result of the officers' detective work, two employees of the Mobile Surveillance Unit of Kabul Customs Department along with eight military officers of the Customs Protection Unit were

arrested while receiving 25000 AFN for releasing 5 seized vehicles, in the presence of the relevant prosecutors. The military officers' case was submitted to the relevant authority in accordance with article 155 of the Criminal Procedure Code and the customs officers' case was submitted to the Anti-Corruption Primary Court. In the court hearing dated December 7, 2020, in the presence of both parties, the customs officers were sentenced to one year and one month's imprisonment, a fine of the equivalent amount of the bribe and dismissal from duty on charges of bribery in accordance with article 371 paragraph 1(3), article 375 paragraph 2, and article 385 paragraph 1 of the Penal Code and in compliance with articles 213 and 214 of the Penal Code and article 237 of the Criminal Procedure Code.

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

#### **1. Report**

The Anti-Corruption Appellate Court heard a total of 17 criminal cases related to corruption from November 21 to December 20, 2020. A total of 24 persons have been arrested on the charges of abuse of authority, bribery, forgery, embezzlement, and treachery from which 6 of them were acquitted due to lack of evidence and 18 of them were tried and sentenced as below:

- Three months to one year's imprisonment: 3 persons;
- One year to five years' imprisonment: 4 persons;
- Five years to sixteen years' imprisonment: 2 persons;
- Fine penalty: 9 persons.

The total amount of fine is \$64839.

**Chart Number (3) Shows the Anti-Corruption Appellate Court Performance from November 21 to December 20, 2020**

No	Type of case	Number of cases	Judicial decision (Judgment)							Fine penalty
			No of the accused	Acquitted	No of convicts	Prison Sentences				
						in prison	1-3 years	3-5 years	5-10 years	
1	Abuse of authority	6	10	4	6	1			5	\$6883
2	Embezzlement	3	4		4	2	1	1		\$26619
3	Bribery	6	8	1	7		3	1	3	\$28740
4	Treachery	1	1	1						
5	Forgery	1	1		1				1	\$2597
Total		17	24	6	18	3	4	2	9	\$64839

Furthermore, the court has issued writs on 6 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 November 21, 2020, to December 20, 2020**

No	Type of case	Number of cases	Number of the accused	Cause of the Writ	Relevant Authority
				Legal gaps and Defects	
1	Abuse of authority	3	4	3	Prosecution Office
2	Embezzlement	1	5	1	Prosecution Office
3	Forgery	1	3	1	Prosecution Office
4	Treachery	1	8	1	Prosecution Office
Total		6	20	6	

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

**Judgment Issued on December 7, 2020**

### **Conviction of Maidan Wardak Rural Development Director on Charges of Bribery**

A construction company filed a complaint with the Anti-Corruption Directorate that after winning one of the tender contracts for Maidan Wardak Police Maintenance valued 27 million AFN, the contract was closed by the Administrative Office of the President and later, according to the president's order, based on the opinions of Maidan Wardak rural development board, the contract was approved but the Rural Development officials asked 1.5 million AFN in order to approve 27 million AFN for the contract, otherwise they would reduce it to 8 million AFN. After the complaint, the Anti-Corruption Directorate of the Ministry of Interior Affairs took measures to arrest the Rural Development Director of Maidan Wardak in the crime scene, which eventually took place inside a car in front of a hotel located in Karte Mamoorin. During the frisking, the marked bills of one million AFN was found and the suspect was arrested, thus the case was submitted to the Anti-Corruption Primary Court. In the court hearing dated October 5, 2020, in the presence of both parties, the Rural Development Director of Maidan Wardak was unanimously sentenced to ten years and one month's imprisonment including the detention period, a fine of the equivalent amount of the bribe, and dismissal from duty on charges of bribery pursuant to article 371, paragraph 1(6), article 375, paragraph 1, article 385, paragraph 1 and considering articles 211 and 214 of the Penal Code. The Rural Development Director of Maidan Wardak was also charged with the unlawful possession of firearms for which he was sentenced to a fine of 35,000 AFN and confiscation of the firearm in accordance with articles 536 and 545 of the Penal Code. As there is no single purpose to tie both crimes together, based on article 75 of the

Penal Code, both punishments were applicable on the convict. Due to the objection of the prosecutor, the case was brought to the Anti-Corruption Appellate Court. In the court hearing dated December 7, 2020, in the presence of both parties, the Anti-Corruption Primary Court's judgment dated October 5, 2020 was affirmed pursuant to article 54 of the Law on Organization and Jurisdiction of the Judiciary.

**Judgment Issued on December 7, 2020**

**Conviction of the 11<sup>th</sup> Police District Crimes Detection Commissioner on Charges of Insubordination**

The house of a member of the security forces was robbed and his pistol along with 50000 AFN and a cellphone was taken by the robber. The officer petitioned the 11<sup>th</sup> Police District, and the Acting Head of the District directed the Crimes Detection Commissioner to investigate the crime, but the Commissioner did not take any action regarding the petition. Thus, the petitioner filed a complaint with the Ministry of Interior Affairs alleging that his petition was disregarded by the above-mentioned Police District. The General Manager of the Minister's Office directed the General Directorate of Criminal Offenses to investigate the claim, after which it was proved that the Crimes Detection Commissioner of the 11<sup>th</sup> Police District didn't comply with his superior's order, therefore, the case was submitted to the Anti-Corruption Primary Court. In the court hearing dated September 23, 2020, in the presence of both parties, the accused was unanimously sentenced to pay a fine of 30000 AFN on charges of insubordination in accordance with article 407 paragraph 1 and in compliance with articles 213 and 214 of the Penal Code. However, due to the objection of the prosecutor, the case was brought to the Anti-Corruption Appellate Court. In the court hearing dated December 7, 2020, the judgment of the Anti-Corruption Primary Court was affirmed in accordance with article 54 of the Law on Organization and Jurisdiction of the Judiciary and article 267 of the Criminal Procedure Code.

## Judicial Performance Report of the Public Security Division of the Herat Primary Court

### 1. Report

The Public Security Division of the Herat Primary Court heard a total of 4 criminal cases related to corruption from October 22 to November 20, 2020. A total of 6 persons were arrested on charges of abuse of authority, bribery and forgery, from which 1 of them was acquitted due to lack of evidence and 5 of them were tried and sentenced as follows:

- One year to five years' imprisonment: 3 persons;
- Fine penalty: 2 persons.

The total amount of fine is \$1384.

### Chart Number (5) Shows the Number of Offenders Convicted by the Public Security Division of the Herat Primary Court from October 22 to November 20, 2020

No	Type of case	Number of cases	Judicial decision (Judgment)							
			No of the accused	Acquitted	No of convicts	Prison Sentences				
						imprisonment	1-5 years' imprisonment	5 - 16 years' penalty	Convicted of fine	Fine penalty
1	Abuse of Authority	2	4	1	3		1		2	\$584
2	Bribery	1	1		1		1			\$800
3	Forgery	1	1		1		1			
Total		4	6	1	5		3		2	\$1384

### 2. The Public Security Division of the Herat Primary Court Sample Case Briefs

#### Judgment Issued on November 11, 2020

#### Conviction of the Mar Abad High School's Principal of Herat Province on Charges of Forgery

Two employees of the Mar Abad High School petitioned the

Provincial Education Directorate alleging that there is a widespread corruption in the school and the teachers are the employees of foreign institutions, attending the school only once a month. Furthermore, according to the petition, there are some students who were enrolled without education records, which was proved by the Provincial Education Directorate's General Management of Internal Inspection for which the principal was accused of forgery and the case was submitted to the Public Security Division of the Herat Primary Court. In the court hearing dated November 11, 2020, the School Principal was sentenced to one year and six months' imprisonment on charges of forgery, in accordance with article 438 paragraph 1 and in compliance with article 214 paragraph 4 of the Penal Code.

### **Judgment Issued on October 28, 2020**

#### **Conviction of the Crimes Detection Commissioner of the Herat Police Department on Charges of Bribery**

One of the residents of the 6<sup>th</sup> District of Herat Municipality filed a complaint with the National Security Directorate of Herat Province stating that his house was robbed six months ago and the Crimes Detection Commissioner of the Herat Police Department asked him to pay \$800 in order to investigate the incident and arrest the offender. The suspect was arrested along with \$800 bills which were previously marked and the case was submitted to the Public Security Division of the Herat Primary Court. In the court hearing dated October 28, 2020, the accused was sentenced to five years' imprisonment, dismissal from duty and a fine of \$800 which is the equivalent amount of the bribe on charges of bribery in accordance with article 371, paragraph 1(4) and in compliance with article 375 paragraph 2 and article 385 paragraph 1 of the Penal Code.

## Judicial Performance Report of the Public Security Division of the Balkh Primary Court

### 1. Report

The Public Security Division of the Balkh Primary Court heard a total of 5 criminal cases related to corruption from November 21 to December 12, 2020. A total of 7 persons were arrested on charges of abuse of authority and bribery, from which 2 of them were acquitted due to lack of evidence and 5 of them were tried and sentenced as follows:

- Three months to one year’s imprisonment: 2 persons;
- One year to five years’ imprisonment: 1 person;
- Fine penalty: 2 persons.

The total amount of fine is \$4934.

### Chart Number (6) Shows the Number of Offenders Convicted by the Public Security Division of the Balkh Primary Court from November 21 to December 12, 2020

No	Type of case	Number of cases	Judicial decision (Judgment)								
			No of the accused	Acquitted	No of convicts	Prison Sentences					Fine penalty
						No of imprisonment one year's	months to one year's	imprisonment 1-5 years'	imprisonment 5 years' or above	Convicted of fine	
1	Abuse of Authority	4	6	2	4	2				2	\$3634
2	Bribery	1	1		1		1				\$1298
Total		5	7	2	5	2	1			2	\$4934

### 2. The Public Security Division of the Balkh Primary Court Sample Case Briefs

#### Judgment Issued on December 5, 2020

#### Conviction of the Balkh Hospital’s Security Officer on Charges of Bribery

According to a petition alleging that the Balkh Hospital's security officer asked for 10000 AFN in order to let a street vendor sell mobile phones on the sidewalk of the Balkh Civilian Hospital Street, the Internal Security Officers of the Balkh Police Department arrested the suspect while receiving the bribe in the presence of the relevant prosecutor and the case was submitted to the Public Security Division of the Balkh Primary Court. In the court hearing dated December 5, 2020, in the presence of both parties, the accused was sentenced to eight months' imprisonment, in accordance with article 445 of the Penal Code.

## **Judicial Performance Report of the Public Security Division of the Balkh Appellate Court**

### **1. Report**

The Public Security Division of the Balkh Appellate Court heard a total of 5 criminal cases related to corruption from October 22 to December 12, 2020. A total of 10 persons were arrested on charges of abuse of authority and forgery, from which 6 of them were acquitted due to lack of evidence and 4 of them were tried and sentenced as follows:

- Three months to one year's imprisonment: 1 person;
- One year to five years' imprisonment: 1 person;
- Fine penalty: 2 persons.

The total amount of fine is \$843.

**Chart Number (7) Shows the Number of Offenders Convicted by the Public Security Division of the Balkh Appellate Court from October 22 to December 12, 2020**

No	Type of case	Number of cases	Judicial decision (Judgment)						
			No of the accused	Acquitted	No of convicts	Prison Sentences			
						months to one year's imprisonment	1-5 years' imprisonment	5 - 16 years' imprisonment	Fine penalty
1	Abuse of Authority	3	7	5	2	1		1	\$194
2	Forgery	2	3	1	2	1		1	\$649
Total		5	10	6	4	1	1	2	\$843

**2. The Public Security Division of the Balkh Appellate Court Sample Case Briefs**

**Judgment Issued on November 16, 2020**

**Conviction of the Balkh Province's Afghan Telecom Employee and His Accomplices on Charges of Forgery**

In 2006, one of the Afghan Telecom employees stamped eight loan application forms without authority for himself and seven others who needed money, without asking anything in return. The case was submitted to the Public Security Division of the Balkh Primary Court. In the court hearing dated September 6, 2020, in the presence of both parties, the Afghan Telecom employee was sentenced to six months' imprisonment on charges of using the stamp without authority, in accordance with article 440 paragraph 1 and in compliance with articles 213 and 215 of the Penal Code. Seven other defendants were sentenced to pay a fine of 35000 AFN each on charges of using forged documents in accordance with article 443 paragraph 1 of the Penal Code. However, due to the objection of the prosecutor, the case was brought to the Public Security Division of the Balkh Appellate Court. In the court hearing dated November 16, 2020, pursuant to article 54 of the Law on Organization and Jurisdiction of the

Judiciary and in accordance with article 267 paragraph 1 of the Criminal Procedure Code, the judgment issued by the Balkh Primary Court's Public Security Division was affirmed.

**Judgment Issued on November 30, 2020**

**Conviction of the Balkh Education Directorate's Procurement Manager and His Accomplice on Charges of Abuse of Authority**

The Balkh Education Directorate submitted a proposal to the Governor's Office regarding the procurement of 14 subsistence items for the Teacher's Training Directorate and Assadia Islamic Institution. According to the Governor's instruction, a number of logistics companies participated in the bidding process and offered their prices, from which Qafela Logistics Company offered the lowest price, thus, a three-member evaluation board was assigned under the Governor's direction to check the documents financially and technically. However, the board approved the prices irresponsibly, without proper consideration. Therefore, the case was submitted to the Public Security Division of the Balkh Primary Court. In the court hearing dated September 23, 2020, three defendants were acquitted of the abuse of authority charges due to lack of evidence pursuant to article 5 of the Penal Code and the other defendant was sentenced to a pay a fine of 15000 AFN on charges of attempting to commit abuse of authority in accordance with article 403 and in compliance with articles 47 and 53 of the Penal Code. Due to the prosecutor's objection, the case was brought to the Public Security Division of the Balkh Appellate Court. In the court hearing dated November 30, 2020, pursuant to article 54 of the Law on Organization and Jurisdiction of the Judiciary and in accordance with article 267 paragraph 1 of the Criminal Procedure Code, the judgment of the Primary Court's Public Security Division was affirmed.

**Sample Case Briefs of the Primary and Appellate Courts' Public Security Divisions of Nangarhar, Helmand and Kunduz Provinces**

**Judgment Issued on October 27, 2020**

**Conviction of the Shirzad District Police Department's Trustee on Charges of Bribery**

One of the members of the local police, after his dismissal, was recruited to the Shirzad District Police Department. However, the cashier of the Department asked 5000 AFN in order to proceed with the administrative process and got arrested with the previously marked bills by the officers of the National Security Division of the Nangarhar Police Department. The case was submitted to the Public Security Division of the First District Primary Court of Nangarhar Province. In the court hearing dated July 26, 2020, in the presence of both parties, the defendant was acquitted of the bribery charges due to lack of evidence, in accordance with article 5 of the Penal Code. Due to the objection of the prosecutor, the case was brought to the Public Security Division of the Nangarhar Appellate Court. In the court hearing dated October 27, 2020, pursuant to article 54 of the Law on Organization and Jurisdiction of the Judiciary, the judgment of the First District Primary Court was overturned due to erroneous application of law, thus the defendant was sentenced to three months and fifteen days' imprisonment and a fine of the equivalent amount of the bribe on charges of bribery, in accordance with article 371 paragraph 1 and article 385 of the Penal Code.

**Judgment Issued on November 10, 2020**

**Conviction of the Acting Deputy Police Chief of Nangarhar Province on Charges of Abuse of Authority**

A person was abducted and killed by his own car and after a while, the car was found in the Bland Ghar area of Bihsud District and it was transferred to the police headquarters of the

district. The vehicle was registered by the Nangarhar Police Department and a police license plate was also provided for the vehicle, the title of which was transferred to the Bihsud District Police Department trustee. The victim's brother claimed that the Acting Deputy Police Chief had sold the vehicle. The case was submitted to the Public Division of the First District Primary Court of Nangarhar Province. In the court hearing dated September 2, 2020, the accused was sentenced to pay a fine of 40000 AFN on charges of insubordination (abuse of authority), in accordance with article 407 paragraph 1 of the Penal Code. however, due to the prosecutor's objection, the case was brought to the Public Division of the Nangarhar Appellate Court. In the court hearing dated November 10, 2020, in the presence of both parties, pursuant to article 54 of the Law on Organization and Jurisdiction of the Judiciary and in accordance with article 267 paragraph 1 of the criminal Procedure Code, the First District Primary Court was affirmed.

### **Judgment Issued on October 31, 2020**

### **Conviction of the Helmand Municipal Education Subdirectorates' Treasurer on Charges of Abuse of Authority**

The treasurer of the Lashkar Gah Municipal Education Subdirectorates withdrew 1001750 AFN from the Afghanistan Bank branch in Helmand, however, before transferring the money to the Education Directorate and securing it, he engaged in his personal affairs and the money was robbed by armed robbers. The case was submitted to the Public Security Division of the Helmand Primary Court. In the court hearing dated July 5, 2020, in the presence of both parties, the accused was sentenced to pay a fine of 30000 AFN on charges of insubordination (abuse of authority), in accordance with article 407 paragraph 1 of the Penal Code. However, due to the prosecutor's objection, the case was brought to the Public Security Division of the Helmand Appellate Court. In the court hearing dated October 31, 2020, the

Appellate Court overturned the Primary Court's judgment and the accused was sentenced to one year and one day's imprisonment, in accordance with article 407 paragraph 1 and in compliance with article 396 of the Penal Code. In addition, the security institutions were instructed to find armed robbers and introduce them to the justice and judicial institutions.

### **Judgment Issued on November 4, 2020**

#### **Conviction of the Pamir Corps Trustee on Charges of Embezzlement**

The Pamir Corps Trustee stole 60 pistols and two grenade launchers from the ammunition depot of the department with the help of his partners, causing substantial damage to the public interest. The case was submitted to the Public Security Division of the Kunduz Primary Court. In the court hearing dated November 4, 2020, the accused was sentenced to fifteen years' imprisonment, dismissal from duty and a fine equivalent to the price of the embezzled items which is equal to 1913909 AFN on charges of embezzlement, in accordance with article 391 paragraph 1 of the Penal Code and in compliance with articles 393 and 398 paragraphs 1 and 2 of the Code.

### **Judgment Issued on December 2, 2020**

#### **Conviction of a Statistics Officer of the Kunduz Civil Registration Authority on Charges of Bribery and Forgery**

The officers of the Kunduz National Security Directorate arrested the statistics officer of Gul Tepa District of Kunduz province who asked for 40000 AFN in order to forge five Identity Cards. As the suspect was arrested while receiving previously marked bills, his case was submitted to the Public Security Division of the Kunduz Primary Court. In the court hearing dated December 2, 2020, the Gul Tepa Statistics Officer of the Kunduz Civil Registration Authority was sentenced to four years' imprisonment, dismissal from duty and a fine of the equivalent

amount of the bribe on charges of bribery, in accordance with article 371 paragraph 1 subparagraph 3 of the Penal Code and in compliance with articles 375(2) and 385(1) of the Penal Code and article 209(2) of the Criminal Procedure Code. Furthermore, on charges of forgery, he was sentenced to seven years' imprisonment in accordance with article 438 paragraph 1 of the Penal Code and in compliance with article 209 paragraph 2 of the Criminal Procedure Code. Pursuant to article 73 of the Penal Code, the applicable punishment on him is seven years' imprisonment which was imposed by the court.

# The Fight Against Drugs (Narcotics and Intoxicants)

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

### 1. Report

The Primary Court of the Counter-Narcotics Justice Center heard a total of 100 cases related to the drugs from November 21 to December 20, 2020. A total of 152 people were arrested on



charges of drug trafficking and smuggling from which 5 of them were acquitted due to lack of evidence and 147 of them were tried and sentenced as below:

- One year to five years' imprisonment: 47 persons;
- Five years to 16 years' imprisonment: 73 persons;
- 16 years to 20 years' imprisonment: 17 persons;
- 20 years to 30 years' imprisonment: 10 persons.

In connection to the abovementioned cases, it has been ordered to eliminate (1374.3) kilograms and (5675.7) liters of drugs of different types.

**Chart number (1) shows the judicial performance of Primary Court of Counter Narcotics Justice Center from November 21 to December 20, 2020**

Sl number	Type of case	Number of cases	Amount of items	Judicial Decision						
				Number of accused	Acquittal	Number of convicted	Prison Sentences			
							1-5 years' imprisonment	5-16 years' imprisonment	16-20 years imprisonment	20-30 years imprisonment
1	Methamphetamine	64	233,101	92	3	89	28	49	8	4
2	Heroin	19	88,4	24	1	23	14	5	2	2
3	Morphine	5	79,12	11		11			7	4
4	Hashish	4	431,179	9		9	1	8		
5	Opium	3	62,5	7		7	1	6		
6	Henbane	1	480	1		1	1			
7	Alcoholic Drinks	1	5116,2 Liters	2	1	1		1		
8	Chemicals	3	559,5	6		6	2	4		
<b>Total</b>		<b>100</b>	<b>1374,3 kg and 5675,7 Liters</b>	<b>152</b>	<b>5</b>	<b>147</b>	<b>47</b>	<b>73</b>	<b>17</b>	<b>10</b>

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

**Judgment Issued on December 16, 2020**

**Eleven Years' Imprisonment on Charges of Possessing 1,3 Kilograms of Heroin and 510 Grams of Methamphetamine**

The Municipal Police officers launched an operation in order to bring together the drug dealers under the pole-sokhta area. Based on a report, someone wanted to sell drugs to the addicted people of the area, thus, the officers blocked the area first and then introduced one of themselves as a buyer to the drug dealers. When the officer arrived at the crime scene and made sure that the report was true. He called the surveillance team and the suspect was arrested while selling drugs inside his tent. After searching him, 1,30 kilograms of heroin and 510 grams of methamphetamine were found and the case was submitted to the Primary Court of the Counter-Narcotics Justice Center. In the court hearing dated December 16, 2020, in the presence of both parties, the accused was sentenced to eleven years one month and fifteen days' imprisonment on charges of possessing 510 grams of methamphetamine in accordance with article 303 paragraph 2 subparagraph 5 of the Penal Code and in compliance with article 59 of the Counter-Narcotics Law. In addition, on charges of possessing 1,30 kilograms of heroin, he was sentenced to ten years' imprisonment in accordance with article 302 paragraph 1 subparagraph 5 of the Penal Code and in compliance with article 59 of the Counter-Narcotics Law. Pursuant to article 73 of the Penal Code, the applicable punishment is eleven years one month and fifteen days' imprisonment which was imposed by the court. However, he was acquitted of the charges of selling drugs to the addicted people due to lack of evidence in accordance with article 5 of the Penal Code. In accordance with article 32 of the Counter-Narcotics Law, a cell phone with its SIM card and two scales were confiscated, and pursuant to article 19 of the mentioned law, the drugs were ordered to be eliminated.

**Judgment Issued on December 19, 2020**

**Ten Years' Imprisonment on Charges of Trafficking 110 Grams of Methamphetamine**

One of the drug dealers in Qalat city of Zabul Province was caught red-handed by the Counter-Narcotics Unit of the

Province. After being arrested, the suspect confessed to trafficking 110 grams of methamphetamine and the drug was proved to be methamphetamine by the experts. The case was submitted to the Primary Court of the Counter-Narcotics Justice Center. In the court hearing dated December 19, 2020, in the presence of both parties, the accused was sentenced to ten years and ten days' imprisonment including the detention period, on charges of trafficking 110 grams of methamphetamine in accordance with article 303 paragraph 2 subparagraph 5 of the Penal Code and in compliance with article 59 of the Counter-Narcotics Law. In addition, pursuant to article 32 of the Counter-Narcotics Law, two cell phones with their SIM cards were confiscated and according to article 19 of the mentioned law, the drugs were ordered to be eliminated.

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

### **1. Report**

The Appellate Court of the Counter-Narcotics Justice Center heard a total of 94 drug-related criminal cases from November 21 to December 20, 2020. A total of 134 persons were arrested on charges of drug trafficking and smuggling, from which 16 of them were acquitted due to lack of evidence and 118 of them were tried and sentenced as below:

- Three months to one year's imprisonment: 1 person;
- One year to five years' imprisonment: 47 persons;
- Five years to 16 years' imprisonment: 48 persons;
- 16 years to 20 years' imprisonment: 10 persons;
- 20 years to 30 years' imprisonment: 12 persons.

In connection to the abovementioned trials the verdict has been issued to eliminate (3656,14) kilograms and (622,5) liters of drugs of different types.

The total amount of fine is \$35519.

**Chart number (2) shows judicial performance of the Appellate Court of the Counter-Narcotics Justice Center from November 21 to December 20, 2020**

Sl number	Type of case	Number of cases	Amount of items	Number of accused	Acquittal	Judicial Decision						
						Fine Penalty	Number of convicted	Prison Sentences				
								One years' imprisonment	years' imprisonment	years' imprisonment	years' imprisonment	
1	Methamphetamine	52	102,669	65	3	\$2987	62	30	29	1	2	
2	Heroin	21	251,251	39	8	\$31233	31	10	7	5	9	
3	Morphine	4	38	4	1		3		1	1	1	
4	Hashish	4	1400,48	6		\$260	6	2	4			
5	Opium	8	323,24	12	4		8	2	6			
6	Henbane and Poppy	2	1540,5	2			2	2				
7	Human Trafficking	1		3		\$390	3			3		
8	Alcoholic Drinks	2	582,5 Liters	2		\$649	2	1	1			
9	Chemicals	1	40 Liters	1			1		1			
Total		95	3656,14 kilograms and 622,5 Liters	134	16	\$35519	118	1	47	48	10	12

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

**Judgment Issued on December 14, 2020**

**Sixteen Years' Imprisonment on Charges of Trafficking 53 Kilograms of Opium**

According to the information of the Selab Corps of the Afghan National Army, the Corps personnel identified and arrested two drug traffickers with two bags of opium drugs which were loaded

in a vehicle in the area of Hashem Khel village, Khogyani District of Nangarhar province. The net weight of the drugs were 54 kilograms and the case was submitted to the Primary Court of the Counter-Narcotics Justice Center. In the court hearing dated November 18, 2020, in the presence of both parties, the defendants were sentenced to sixteen years' imprisonment each, including the detention period, on charges of trafficking 53 kilograms of opium, in accordance with article 304 paragraph 1(6). Moreover, on charges of cultivating drugs, they were sentenced to two years' imprisonment in accordance with article 301 paragraph 2(2). Pursuant to article 73 of the Penal Code, the applicable punishment is sixteen years' imprisonment. In compliance with article 32 of the Counter-Narcotics Law, two cell phones with their SIM cards were confiscated and according to article 308 of the Penal Code, the vehicle used in the trafficking is also confiscated. In addition, pursuant to 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 the Counter-Narcotics Justice Center. In the court hearing dated December 14, 2020, pursuant to article 267 of the Criminal Procedure Code and article 17 paragraph 2 of the Counter-Narcotics Law, the Primary Court's judgment dated November 18, 2020, was affirmed.

### **Judgment Issued on December 16, 2020**

#### **Five Years' Imprisonment on Charges of Trafficking 2,940 Kilograms of Methamphetamine**

The Counter-Narcotics Police Department of Kabul province received a report about a resident of Nimroz province who was trafficking drugs from Nimroz to Kabul on a regular basis, alleging that he had arrived in Kabul with some drugs. It was reported that he was residing in a hotel located in Kotae Sangi. The Counter-Narcotics Officers found out about the hotel and started searching the rooms in the presence of the hotel owner. Finally, they found a person with a bag and after searching the

bag, about 3 kilograms of methamphetamine was found from it. Therefore, the suspect was arrested and the net weight of the drugs was 2,940 kilograms. The case was submitted to the Primary Court of the Counter-Narcotics Justice Center. In the court hearing dated November 21, 2020, in the presence of both parties, the accused was sentenced to five years' imprisonment on charges of trafficking 2,940 kilograms of methamphetamine, in accordance with article 303 paragraph 2(5) of the Penal Code and in compliance with articles 213 and 214 of the Code. In addition, pursuant to article 32 of the Counter-Narcotics Law, one cell phone and its SIM card were 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 the Counter-Narcotics Justice Center. In the court hearing dated December 16, 2020, in the presence of both parties, pursuant to article 54 of the Law on Organization and Jurisdiction of the Judiciary and article 267 of the Criminal Procedure Code, the Primary Court's judgment was affirmed.

# Special Bulletin of the Supreme Court

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