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In the name of Allah, the most Merciful, the most Compassionate.

**Islamic Emirate of Afghanistan
The Supreme Court
The Secretariat
Correspondences Department
Circulars Section**

Circular no. 41

Date: 21 March 2024 (11/09/1445 AH – 2/01/1403 SH)

To: Respected officials of the Cassations, Divisions, Appellate, and Primary Courts of the Islamic Emirate of Afghanistan.

May peace, mercy, and blessings of Allah Almighty be upon you!

Pursuant to Circular No. 13, dated 1 October 2023 (16/03/1445 AH – 9/07/1402 SH), issued by the Secretariat of the Supreme Court, we wish to respectfully write that:

The Drugs Penal Procedures were initially developed based on directives from the Office of the Supreme Leader of the Islamic Emirate of Afghanistan. Following approval by the Supreme Leader's Office, these procedures were distributed to all courts via the aforementioned circular.

Since the mentioned Procedures lacked certain aspects, an Appendix to the Drugs Penal Procedures was subsequently formulated under the guidance of the Chief Justice of the Supreme Court. This Appendix was presented to the Office of the Supreme Leader through Letter No. 223, dated 26 February 2024 (16/08/1445 AH). The Supreme Leader's Office ratified this Appendix, comprising 26 articles, with several modifications, through Order No. 4412, dated 10 March 2024 (28/08/1445 AH – 20/12/1402 SH).

Thus, the Appendix to the Drugs Penal Procedures, endorsed by the Office of the Supreme Leader, has been transmitted in four pages as an attachment to this Circular to the Supreme Court's related directorates, including Cassation, Division, Appellate, and Primary Courts. This distribution ensures that all courts are equipped to handle matters related to drugs in accordance with the stipulated Appendix.

Respectfully

Mufti Abdul Rasheed "Saeed"
Head of the Secretariat
The Supreme Court

This document was translated by the International Development Law Organization (IDLO) for the Afghanistan Rule of Law Observatory (ARLO) initiative. To find out more about ARLO, please visit our website at www.arlo.online.

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In the name of Allah, the most Merciful, the most Compassionate.

Islamic Emirate of Afghanistan
The Supreme Court
The Secretariat
Correspondences Department

Date: 02 February 2024 (24/07/1445 AH – 16/11/1402 SH)

Appendix to Drugs Penal Procedures

First Topic

Penalties for In-Country Transportation of Poppy and Hashish

Article 1: Where an individual is transporting poppy and hashish from one place to another inside the country, the transporter, if arrested, shall be sentenced to (1) year of imprisonment provided the weight of the seized hashish and poppy is (1) Kg or less than (1) Kg.

Article 2: If the weight of the seized hashish and poppy exceeds (1) Kg and up to (5) Kg, the transporter shall be sentenced to (2) years of imprisonment.

Article 3: If the weight of the seized hashish and poppy is exceeding (5) Kg and up to (30) Kg, the transporter shall be sentenced to (3) years of imprisonment.

Article 4: If the weight of the seized hashish and poppy exceeds 30 Kg, one year of imprisonment shall be added with the increase of every 20 Kg. However, its maximum penalty shall be seven years.

Article 5: Transporter of poppy and hashish, whether he is the owner of and/or a partner in the said substances and/or has been hired for transporting the substances, all of them are equal in receiving penalties, and the perpetrator shall be sentenced to imprisonment according to the aforesaid order. The vehicle carrying the said substances shall be detained for three months.

Note: A thorough investigation is required to determine liability. If it is proven that the driver was unaware of the cargo's nature, neither the vehicle nor the driver shall be held accountable.

Article 6: If the drugs, with respect to which penalties have been determined, are caught with officials of the Islamic Emirate, they shall be punished by the relevant court according to the aforementioned articles. Weapons and equipment shall be taken from him and submitted to the General Commission, which, in turn, shall hand them over to the relevant superior organization rather than to the detachment wherein the accused is serving. If caught in the act for a second time, he shall be expelled from the ranks.

Second Topic

Changes after the Hashish and Poppy is seized

Article 7: If hashish and poppy are seized during transportation by an agency and their weight is lessened post-seizure (either reduced or changed by an individual), the accused of the said matter shall be referred to the relevant court.

Article 8: If an individual has reduced or changed (1) Kg or less than (1) Kg from the seized hashish and poppy, the perpetrator shall be sentenced to (1) year of imprisonment.

Article 9: If an individual has reduced or changed in excess of (1) Kg and up to (5) Kg from the seized hashish and poppy, the perpetrator shall be sentenced to (2) years of imprisonment.

Article 10: If an individual has reduced or changed in excess of (5) Kg and up to (30) Kg from the seized hashish and poppy, the perpetrator shall be sentenced to (3) years of imprisonment.

Article 11: If an individual has reduced or changed more than (30) Kgs from the seized hashish and poppy, (1) year of imprisonment shall be added with the increase of every (10) Kg. However, its maximum term of imprisonment shall be (10) years.

Article 12: A perpetrator reoffending as described in the Drugs Penal Procedures and this appendix shall receive an additional six months of imprisonment for each subsequent offense and shall also be subjected to lashes. The maximum term of imprisonment shall be ten years.

Third Topic

Penalties for the transporter of *Beast*¹ Substances Derived from Poppy Within the Country

Article 13: If an individual is transporting *Beast* substances within the country and is caught, the transporter shall be sentenced to two years of imprisonment, provided the seized weight is one kilogram or less.

Article 14: If the weight of the seized substances exceeds one kilogram and is up to five kilograms, the transporter shall be sentenced to three years of imprisonment and must provide a strong guarantee upon release.

Article 15: If the weight exceeds five kilograms and is up to ten kilograms, the transporter shall be sentenced to four years of imprisonment.

Article 16: If the weight exceeds ten kilograms, one year of imprisonment shall be added for every additional two kilograms, with a maximum term of ten years.

¹ **Translator's Comment:** "Beast" refers to morphine base, a derivative of raw opium used primarily in the illicit production of heroin. It is a brownish substance processed from opium through extraction, precipitation, and filtration to facilitate easier transport and smuggling.

Topic Four

Changes in Beast Substances After Seizure

Article 17: If *Beast* substances are seized during transportation by an agency and their weight is lessened post-seizure (either reduced or changed by an individual), the accused of the said matter shall be referred to the relevant court.

Article 18: If an individual has reduced or changed (1) Kg or less than (1) Kg from the seized *Beast* substances, the perpetrator shall be sentenced to (2) years of imprisonment.

Article 19: If an individual has reduced or changed in excess of (1) Kg and up to (5) Kg from the seized *Beast* substances, the perpetrator shall be sentenced to (3) years of imprisonment. However, a strong guarantee shall be obtained from him at the time of release.

Article 20: If an individual has reduced or changed in excess of (5) Kg and up to (10) Kg from the seized *Beast* substances, the perpetrator shall be sentenced to (3) years of imprisonment. However, a strong guarantee shall be obtained from him at the time of release.

Article 21: If an individual has reduced or changed more than (10) Kg from the seized *Beast* substances, (1) year of imprisonment shall be added with the increase of every (2) Kg. However, its maximum term of imprisonment shall be ten years.

Fourth Topic

Miscellaneous Provisions

Article 22: For any type of drug outlined in the Drugs Penal Procedures, when being transported, the relevant court shall impose punishments according to this Appendix.

Article 23: If drugs other than those specified, which are imported in small quantities and listed in this Procedure, are found with an individual, the punishment shall be administered by the central court if the individual is caught in the center and by the district judge if caught in the district.

Note: Drugs that are mentioned above, or others not listed but possessing legal permits, shall be exempt from the penalties outlined herein.

Article 24: The Islamic Emirate of Afghanistan, recognizing its religious and legal responsibilities, commits to stringent measures to prevent drug trafficking at the regional level. It prohibits the transportation of drugs from within Afghanistan to foreign countries and vice versa. Consequently, any transportation of drugs within Afghanistan, from abroad into Afghanistan, or from Afghanistan abroad, shall be subject to the same penalties. Individuals who transport drugs from foreign countries into Afghanistan will be punished in accordance with the Drugs Penal Procedures.

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Article 25: If an individual tampers with or alters drugs, for which transportation penalties are established in the Drugs Penal Procedures and/or this Appendix after their seizure, they shall be subject to the penalties applicable to the transportation of those drugs.

Article 26: Decisions of the Primary Courts regarding the aforementioned substances are final; however, this finality is provisional and shall last for one year.

Respectfully