

In the name of Allah the Merciful and Kind
The Islamic Emirates of Afghanistan
Supreme Court
The office of the Chief of Staff
Correspondence Section
Circular's Subsection

Circular No. 13

Date: 01 – Oct -2023

To: The associated personnel of the high courts, Divisions of the courts, Appeal courts, and primary courts of the Islamic Emirates of Afghanistan.

Assalamu Alaikum Wa Rahmatullah Wa Barakatu,

And: On 28-Aug-2023 under the chairmanship of the leadership of the Islamic Emirates of Afghanistan, The respected honorable Supreme Leader may Allah protect him, the head of the supreme court and chief justice, judicial deputy head of the supreme court, head of southwest high court and deputy of supreme court, the chief of staff of the supreme court, the head of Kandahar city court and public security court division, MOI deputy minister for counter narcotics, governor of Nangarhar, governor of Badakhshan, governor of Kandahar, governor of Helmand and the governor of Farah a meeting was convened. In this meeting the penal code for the cultivation, trafficking, trading, transportation and consumption of hashish, opium poppy and other substances was determined. The decisions of the mentioned meeting has been consolidated and through correspondent no. 54/29 dated 5 Sep 2023 was presented to the office of the respected and honorable supreme leader. The supreme leader through verdict no. 1397 dated 30 Sep 2023 issued the below guidance:

Reviewed:

Walikumusalam wa rahmatullah wa barakatu,

And: the penal code for narcotics that have been prepared in 11 topics and 32 clauses is approved. Therefore, based on the verbal instruction of the supreme court, attached to this circular the approved penal code for narcotics in six pages is presented to the high courts, Divisions of the courts, Appeal courts, and primary courts. This shall enable all the courts to make consistent decisions in relation to issues related to narcotics.

With respect

Mufti Abdul Rasheed Sayed

Chief of Staff of the Supreme Court

(Stamp of the Chief of Staff office of the supreme court) (Dated: 01 Oct 23)

**The Islamic Emirates of Afghanistan
Supreme Court
The office of the Chief of Staff
Correspondence Section**

Date: 28 Aug 23

**In the name of Allah the Merciful and Kind
Penal Code for Issues Related to Narcotics**

(The text in red is translated from Arabic)

Quote from the Quran: O ye who believe! Intoxicants and gambling, (dedication of) stones, and (divination by) arrows, are an abomination,- of Satan's handwork: eschew such (abomination), that ye may prosper.

Quote from Prophet Mohammad (PBUH): On the authority of Jabir, that a man came from Two armies, and two armies from Yemen, so he asked the Prophet, may God bless him and grant him peace, about a drink they drink in their land made from corn, it is called: Al-Mizr. Then the Prophet, may God bless him and grant him peace, said: "Is it intoxicating?" He said: Yes, the Messenger of God, may God bless him and grant him peace, said: "Every intoxicant is forbidden. Indeed, God Almighty has made a covenant with whoever drinks intoxicants to make him drink from the clay of Khabal. They said: O Messenger of God, what is the clay of Khabal? He said: "The sweat of the people of Hell" or "the juice of the people of Hell." (Quote 1587 – Book 3 of Sahih Muslim).

The Sunnis have agreed that intoxicants are forbidden, a small amount of them and a large amount of them. (The book of Masboot Al-Surkhi 3/24)

And jurisprudence agreed to the penalty for drugs without an excuse, as in the case of punishment to be toughen, beating, imprisonment and other punishments and what the judge or the judges see is a deterrent from the perpetration of the parties and the denominations (Islamic jurisprudence and its sincere 5519 / 7)

On 28-Aug-2023 under the chairmanship of the leadership of the Islamic Emirates of Afghanistan, The respected honorable Supreme Leader may Allah protect him, the head of the supreme court and chief justice, judicial deputy head of the supreme court, head of southwest high court and deputy of supreme court, the chief of staff of the supreme court, the head of Kandahar city court and public security court division, MOI deputy minister for counter narcotics, governor of Nangarhar, governor of Badakhshan, governor of Kandahar, governor of Helmand and the governor of Farah a meeting was convened. In this meeting the penal code for the cultivation, trafficking, trading, transportation and consumption of hashish, opium poppy and other substances was determined. The decisions of the mentioned meeting has been consolidated and through correspondent no. 54/29 dated 5 Sep 2023 was presented to the office of the respected and honorable supreme leader. The supreme leader through verdict no. 1397 dated 30 Sep 2023 issued the below guidance:

Topic One

Punishments for cultivation of hashish and opium poppy

Clause 01: If someone cultivate opium poppy or hashish in less than half a Jirb of land he will be imprisoned for six months.

Clause 02: if someone cultivate opium poppy or hashish in half a jrib of land he will be imprisoned for nine months.

Clause 03: if someone cultivate opium poppy or hashish in one or more jirib of land he will be imprisoned for one year.

The cultivator, the land owner, the partner all of them are equally liable to receive punishment and the above punishment shall be applicable to all of them.

Topic Two

Punishments for trafficking of opium and hashish from abroad

Clause 04: If someone transports opium or hashish to Afghanistan and the amount of the substance is one kilo or less than one kilo the transporter will be imprisoned for one year.

Clause 05: if the amount of the hashish or opium is more than one kilo and less than five kilos the transporter shall be imprisoned for two years.

Clause 06: If the amount of the hashish or opium is more than five and less than thirty kilos the transporter shall be imprisoned for three years

Clause 07: if the amount of hashish or opium is more than thirty kilos for each additional ten kilo one additional year of prison is prescribed, the maximum number of years are seven.

Topic Three

Punishment for the traders of opium, hashish and other substances

Clause 08: If the trader (Drug dealer) possesses less than five grams of any type of substances such as (all kind of heroin, opium, hashish, table K, Alcohols, Tramadol 250mg, Ziyakip, meth and others...) he will be imprisoned for one year.

Clause 09: If the trader (Drug dealer) possesses more than five grams and less than thirty grams of any type of substances such as (all kind of heroin, opium, hashish, table K, Alcohols, Tramadol 250mg, Ziyakip, meth and others...) he will be imprisoned for two years.

Clause 10: If the trader (Drug dealer) possesses more than thirty grams and less than one hundred grams of any type of substances such as (all kind of heroin, opium, hashish, table K, Alcohols, Tramadol 250mg, Ziyakip, meth and others...) he will be imprisoned for two and half years.

Clause 11: If the trader (Drug dealer) possesses more than one hundred grams of any type of substances such as (all kind of heroin, opium, hashish, table K, Alcohols, Tramadol 250mg, Ziyakip, meth and others...) he will be imprisoned for any additional one hundred grams an additional six months and the maximum punishment is for seven year.

Topic Four
Punishment for the consumer of narcotics

Clause 12: the consumer (Addict) will be examined and based on the verdict of the judge from one month to six month of imprisonment shall be prescribed.

Topic Five
Punishment for collector, transporter, trader, lab owner of Oman

Clause 13: The collector of Oman shall be imprisoned for ten days and his oman shall be burnt

Clause 14: the transporter of oman shall be imprisoned with his vehicle for three months

Clause 15: the lab owner and the lab workers shall be imprisoned for six months. The lab shall be demolished, and if the lab is located in a home the Imam of the mosque with Mojahideen shall go there and destroy the lab.

Topic Six
Punishments for Eeff (F)

Clause 16: The transporter, trader and buyer of F for the possession of ten or less than ten kilos will be imprisoned for six months.

Clause 17: The transporter, trader and buyer of F for the possession of more than ten kilo and less than fifty kilos shall be imprisoned for one year.

Clause 18: The transporter, trader and buyer of F for the possession of more than fifty kilos, for each additional fifty kilos he will receive an additional six months of imprisonment. The maximum number of years are seven.

Topic Seven
Punishment for the component and ingredients of meth

Clause 19: The owner and workers of the meth lab shall be imprisoned for one year and the lab shall be destroyed.

Clause 20: the transporter, trader and buyer of meth who possesses one kilo or less amount of meth shall be imprisoned for one year.

Clause 21: The transporter, trader and buyer of meth who possesses more than one kilo and less than five kilos of meth shall be imprisoned for one and half years.

Clause 22: The transporter, trader and buyer of meth who possesses more than five kilo and less than 10 kilos of meth shall be imprisoned for two year.

Clause 23: The transporter, trader and buyer of meth who possesses more than ten kilos shall be impressed an additional six month for the addition of each kilo of meth. The maximum number of years are seven.

Topic Eight
Punishment to issues relating to Alcohols

Clause 24: the producer, trader, transporter, and consumer of alcohols within the limit shall be imprisoned for two years and will receive 39 whipped. The alcohols shall be destroyed and the vehicle in which alcohol has been transported shall be taken into custody based on the verdict of the judge.

Topic Nine
Punishment for narcotics transported from abroad

Clause 25: the substances such as tramadol, ziykap, which are imported into the country without legal permit and Tablet K which is not allowed have the same punishment. Anyone carrying one up to ten tablets shall be imprisoned for six months.

Clause 26: the substances such as tramadol, ziykap, which are imported into the country without legal permit and Tablet K which is not allowed have the same punishment. Anyone carrying more than ten tablets will receive an additional six month of imprisonment for additional of each ten tablets. The maximum number of years of imprisonment is seven.

Topic Ten
Punishment of the import of Acid without permit

Clause 27: Anyone possessing one liter up to ten liters of any type of acid without legal permit which are used for the production of narcotics shall be imprisoned for three months.

Clause 28: Anyone possessing ten liters up to fifty liters of any type of acid without legal permit which are used for the production of narcotics shall be imprisoned for six months.

Clause 29: Anyone possessing more than fifty liters of any type of acid without legal permit which are used for the production of narcotics shall be imprisoned for three months additional months for each additional ten liters. The maximum number of years of imprisonment is three.

Topic Eleven
Punishment for chemicals used in opium

Clause 30: The transporter, trader, and buyer who possesses less than ten kilos of the chemicals which are used for opium shall be imprisoned for three months

Clause 31: The transporter, trader, and buyer who possesses more than ten kilos and less than fifty kilos of the chemicals which are used for opium shall be imprisoned for six months

Clause 32: The transporter, trader, and buyer who possesses more than fifty kilos of the chemicals which are used for opium shall be imprisoned for additional three months for additional ten kilos. The maximum sentence shall not exceed three years.

Note: Any type of narcotics which is punishable by law shall be destroyed in the presence of the designated officials.

Any additional substances which are included in the attached list shall be punished by the verdict of the judge.

If the above mentioned substances are found in the possession of a member of the Islamic Emirates the same sentencing will apply to him and his weapons and equipment should be taken from him and shall be handed over to higher authorities. His case shall not be handled by the same department that he used to work with.

End

The second page of the meeting notes of the respected honorable supreme leader:

Reviewed:

Walikumusalam wa rahmatullah wa barakatu,

And: the penal code for narcotics that have been prepared in 11 topics and 32 clauses is approved.

(Stamp: Seal of Supreme Leader)

(Stamp: Seal of Office of Administration)

(Stamp: Seal of Chief of Staff of Supreme Leader)

Verdict No: 1397

Dated 1 Oct 2023

To: the head of Supreme Court